California Regional Water Quality Control Board
Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

ORDER NO. R8-2007-0001
NPDES NO. CAG018001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (DAIRIES AND RELATED FACILITIES) WITHIN THE SANTA ANA REGION

A discharger, as described in the following table, who has complied with the requirements for coverage under this order, is authorized to discharge wastes, once permit coverage is effective, as described in this order.

Dischargers	Persons discharging, or proposing to discharge, dairy wastes or other similar kinds of wastes from an existing dairy or related facility in any manner that may affect water quality are hereinafter referred to as "discharger" and may obtain coverage under this order. Persons discharging, or proposing to discharge, wastes from other types of animal feeding operations must obtain coverage under a separate general permit or individual waste discharge requirements. Persons proposing to discharge wastes from a newly constructed dairy or related facility must obtain coverage under individual waste discharge requirements.

This order was adopted by the Regional Water Quality Control Board on:	September 7, 2007
This order shall become effective on:	September 7, 2007
This order shall expire on:	September 6, 2012

IT IS HEREBY ORDERED that this order shall supersede Order No. 99-11 except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted hereunder, and the provisions of the Federal Clean Water Act (CWA) and regulations and guidelines adopted hereunder, the discharger shall comply with the requirements in this order.

I, Gerard Thibeault, Executive Officer, do hereby certify that this order, with all attachments, is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 7, 2007.

Gerard Thibeault, Executive Officer

Table of Contents

I. Discharge Information 1
II. Notification Requirements 1
III. Findings 4
IV. Discharge Prohibitions 9
V. Effluent Limitations and Discharge Specifications 10
  A. Effluent Limitations 10
  B. Land Discharge Specifications 11
  C. Reclamation Specifications (Not Applicable) 11
VI. Receiving Water Limitations 11
  A. Surface Water Limitations (Not Applicable) 11
  B. Groundwater Limitations (Not Applicable) 11
VII. Provisions 11
  A. Standard Provisions 11
  B. Monitoring and Reporting Program Requirements 13
  C. Special Provisions 13
    1. Reopener Provisions 13
    2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable) 13
    3. Best Management Practices and Pollution Prevention Plan (PLAN) 13
    4. Compliance Schedules. 15
    5. Construction, Operation and Maintenance Specifications 20
    6. Special Provisions for Municipal Facilities (Not Applicable) 21
    7. Other Special Provisions (Not Applicable) 21
VIII. Compliance Determination (Not Applicable) 21
Attachment A – Standard Provisions A-1
Attachment B – Monitoring and Reporting Program B-1
Attachment C – Notice of Intent (NOI) C-1
Attachment D – Fact Sheet D-1

I. DISCHARGE INFORMATION

The Federal Clean Water Act (CWA) defines animal feeding operations (AFOs) as operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area during the normal growing season. There are approximately 168 dairy related AFOs in the Santa Ana Region. These AFOs include dairies, heifer ranches and calf nurseries, and contain about 251,000 animals [113,000 lactating (milking) cows, 21,000 dry (pregnant) cows, 48,000 heifers (12-18 month old cows), and 69,000 calves (less than 12 month old cows)]. One hundred and thirty-seven (137) of these facilities (with 185,000 animals) are located in the Santa Ana River Basin, while the remainder (with 65,000 animals) are located in the San Jacinto River Basin.

The CWA defines a concentrated animal feeding operation (CAFO) as any AFO that either meets a certain animal population threshold, or, regardless of population, is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority. All AFOs with a herd size of more than 20 cows or 50 heifers or calves within the Santa Ana Region are considered to be potential significant contributors of pollutants to waters of the United States and are, therefore, classified as CAFOs. The CWA states that all CAFOs are point sources, and thus are subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements.

II. NOTIFICATION REQUIREMENTS

A. General Permit Application. To obtain coverage under this order, a Notice of Intent (NOI), an Engineered Waste Management Plan (EWMP), and the first annual fee must be submitted to the California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board).

The NOI must include the name, address, and telephone number of the operator and the landowner. The NOI must also include the name and address of the facility, the animal population, and the size (acres) of existing ponds, corrals and wastewater disposal areas. The NOI form may be found within this order package (Attachment C).

The General Permit Application, including the NOI, EWMP, and fee, must be submitted to the following address:

California Regional Water Quality Control Board – Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501

B. Coverage.

1. Dischargers previously authorized to discharge wastes under Order No. 99-11 are automatically enrolled under this order, unless they file an application to be covered under an individual order.

2. Dischargers who have submitted a NOI to discharge wastes under Order No. 99-11, but have not received an authorization to discharge those wastes, will be covered under this order upon receipt of the authorization by the Executive Officer.

3. Dischargers not previously authorized to discharge wastes under Order No. 99-11 are required to submit the following within 30 days of adoption of this order for existing discharges and at least 30 days before the start of any new discharge:

   a. A completed NOI Form (see attachment "C" of this order) with the first annual fee;

   b. An EWMP for the facility, acceptable to the Executive Officer and prepared in accordance with the Guidelines for the Development of Engineered Waste Management Plans for Concentrated Animal Feeding Operations (Dairies and Related Facilities), February 2001, or any more recent version issued by the Executive Officer. If an acceptable EWMP has not been developed or an accepted EWMP is not consistent with the CAFO operation, the discharger must submit the name of the engineer, or other qualified individual, who will develop the EWMP within 14 days from the Executive Officer's authorization to discharge. A draft, or revised, EWMP must be submitted to the Regional Board within 90 days from the Executive Officer's authorization to discharge; and

   c. Any other information deemed necessary by the Executive Officer.

   If the proposed discharge meets the requirements of this order, the Executive Officer will provide the discharger with a written authorization to discharge wastes from the CAFO in accordance with these waste discharge requirements.

4. The following types of facilities are generally not required to obtain authorization under this order. Such facilities must not discharge wastes which may affect water quality, or cause a nuisance or pollution as defined in Section 13050 of the California Water Code (CWC).

   a. Dairies where the animal population is less than 20 (dry or milking cows).
   b. Heifer or calf ranches where the herd size is less than 50.

C. Exclusion of Coverage. For coverage under this order, a discharger must submit a completed NOI (see Attachment "C" of this order) together with other information as described in section B above (Coverage), and receive a discharge authorization from the Executive Officer. If the proposed discharge meets the requirements of this order, the Executive Officer will provide the discharger with a written authorization to initiate the discharge. If not, individual waste discharge requirements will be developed for consideration by the Regional Board. Persons proposing to discharge wastes from a newly constructed dairy or related facility must obtain coverage under individual waste discharge requirements.

The Executive Officer of the Regional Board or the Regional Administrator of the United States Environmental Protection Agency (USEPA) may require any person authorized to discharge wastes by this order to subsequently apply for and obtain individual waste discharge requirements. Any interested person may petition the Executive Officer or the Regional Administrator to take action in accordance with this finding. Cases where individual waste discharge requirements may be required include the following:

1. The discharger is not in compliance with the conditions of this order or the discharge authorization letter from the Executive Officer;

2. Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;

3. Changes to the Basin Plan containing requirements applicable to such point sources are approved;

4. The requirements of 40 CFR 122.28(a) are not met; or

5. The discharge may adversely affect the water quality objectives of the receiving water.

D. Eligibility Criteria. (Not Applicable)

E. Discharge to a Municipal Separate Storm Sewer System. (Not Applicable)

F. Termination of Discharges. Upon ceasing operation at the facility, the discharger shall ensure that the facility has been completely cleaned out and there will be no remaining potential for a discharge of manure, litter or process wastewater. The standard procedures may include, but are not limited to, scraping all the manure off the corral areas, and filling in the containment pond(s) with clean dirt. The discharger should then submit a written notice to the Regional Board. Once the Regional Board staff determines that the facility no longer poses a threat to water quality, the Executive Officer will issue a Notice of Termination (NOT) to the discharger.

G. Changes from Authorization Under General Permit to Individual Permit. (Not Applicable)

H. Transferring Ownership. 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 must notify the succeeding owner or operator of the existence of this order by letter, and a copy of which must be immediately forwarded to the Regional Board. The succeeding owner or operator must then submit a new NOI to the Regional Board.

III. FINDINGS

A. Background. Regional Board finds that:

1. On August 20, 1999, the Regional Board adopted Order No. 99-11, General Waste Discharge Requirements For Concentrated Animal Feeding Operations (Dairies and Related Facilities) Within The Santa Ana Region, NPDES No. CAG018001.

2. 40 CFR 122.28 allows the issuance of general permits to regulate discharges of wastes that meet certain criteria. Order No. 99-11 satisfied the following criteria cited in 40 CFR 122.28 and, as such, was adopted as a NPDES Permit:

   a. Waste discharges involving the same or substantially similar types of operations;
   b. Discharge the same types of wastes;
   c. Require the same or similar operating conditions;
   d. Require the same or similar monitoring; and
   e. Are more appropriately regulated under a general permit rather than individual permits.

3. Order No. 99-11 expedited the preparation of waste discharge requirements, and thus allowed the Regional Board to better utilize staff resources.

4. Order No. 99-11 expired on August 1, 2004 (Provision 3 of Order No. 99-11 states that Order No. 99-11 shall continue in full force until a new Order is issued). There are approximately 168 active CAFOs enrolled under Order No. 99-11. The CAFOs currently enrolled under Order No. 99-11, or in the process of enrolling

under Order No. 99-11, will want to continue to discharge wastes. Therefore, it is necessary to renew the waste discharge requirements contained in Order No. 99-11.

5. On February 12, 2003, USEPA published revisions to its CWA regulations for CAFOs. The references to 40 CFR 122, 123, and 412 below incorporate the revisions that are part of the final rule.

6. 40 CFR 122.23 defines an AFO as an operation where animals have been, are, or will be confined and fed for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area. An AFO is considered a CAFO based on either a facility's animal population or, regardless of population, if it is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority. In Order No. 99-11, the Regional Board (designated as an appropriate authority) determined that all dairies and related facilities (heifer ranches and calf nurseries) within the Region shall be designated CAFOs due to their potential to contribute pollutants to the Santa Ana River and San Jacinto River (both waters of the United States).

B. Discharge Description. The wastes generated by CAFOs within the Santa Ana Region include manure that the animals excrete in the corrals, process wastewater[1] (primarily wash water from the milk barn) and storm water runoff from manured areas. About 10% of the manure that a milking cow excretes each day is excreted while in the milk barn, and about 90% of the manure excreted from the animals is deposited in the corrals. CAFOs scrape and remove manure from the corrals about twice per year. The average moisture content of manure when it is removed from the corrals is 33% (all of the manure numbers used in this order refer to manure with a 33% moisture content). In 2006, CAFOs removed approximately 940,000 tons of manure from corrals in the Region. This is equivalent to about 2,180,000 cubic yards of manure. It is estimated that about 7.9 million gallons of wash water, which contain about 10 percent of the manure produced by milking cows, is discharged to the ground each day. Wastes produced at CAFOs contain high levels of bacteria, biochemical oxygen demand, ammonia, nitrate, phosphorus, and other salt compounds.

C. Legal Authorities. This order is issued pursuant to Section 402 of the CWA and implementing regulations adopted by the USEPA and Chapter 5.5, Division 7 of the CWC (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from CAFOs. This order also serves as Waste Discharge Requirements pursuant to Article 4, Chapter 4, Division 7 of the CWC (commencing with Section 13260). USEPA has promulgated Effluent Guidelines and Standards for CAFOs that are contained in 40 CFR Section 412.

---

[1] *Process wastewater means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any storm water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, or bedding.*

On June 8, 1989, pursuant to 40 CFR 122.28, the State Water Resources Control Board (SWRCB), applied to the USEPA for revisions of its NPDES program in accordance with 40 CFR 123.62 and 403.10. The application included a request to add general permit authority to its approved NPDES program. On September 22, 1989, USEPA, Region IX, approved the SWRCB's request and granted authorization for the State's issuance of general NPDES permits.

Regulations governing discharges from CAFOs, including dairies, are contained in Division 2, Title 27 of the Combined State Water Resources Control Board/California Integrated Waste Management Board AB 1220 Regulations, which became effective on July 18, 1997. Chapter 7, Subchapter 2 (Article 1) contains requirements for Confined Animal Facilities.

D. **Background and Rationale for Requirements.** The Fact Sheet (Attachment D), which contains background information and rationale for order requirements, is hereby incorporated into this order and constitutes part of the Findings for this order. Attachments A through C are also incorporated into this order.

E. **California Environmental Quality Act (CEQA).** In accordance with CWC Section 13389, the issuance of waste discharge requirements for these discharges is exempt from CEQA. (*County of Los Angeles v. California State Water Resources Control Board* (2007) 143 Cal.App.4th 985.)

F. **Technology-based Effluent Limitations (TBELs).** 40 CFR 122.44(a) requires that permits include applicable TBELs and standards. 40 CFR Section 412.31 contains effluent limitations for Dairy Cows and Cattle Other Than Veal Calves representing the application of Best Practicable Control Technology (BPT). These requirements have been included in this order.

G. **Water Quality-based Effluent Limitations (WQBELs).** 40 CFR 122.44(d) requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality criteria have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. 40 CFR 122.44(k)(3) allows the use of BMPs to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. As supported in detail in the Fact Sheet, the Regional Board has determined that it is infeasible to include numeric WQBELs in this order. Therefore, this order requires CAFOs to implement BMPs, such as performing focused monitoring and developing pollution reduction plans in accordance with time schedules specified in TMDLs adopted for the affected receiving waters.

H. Water Quality Control Plans. The Regional Board adopted a revised Water Quality Control Plan for the Santa Ana Region (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Santa Ana Region addressed through the plan. More recently, the Basin Plan was amended significantly to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters.

This Basin Plan Amendment was adopted by the Regional Board on January 22, 2004. The SWRCB and Office of Administrative Law (OAL) approved the Amendment on September 30, 2004 and December 23, 2004, respectively. The USEPA approved the surface water standards and related provisions of the Amendment on June 20, 2007. This order implements relevant provisions of the approved N/TDS Basin Plan Amendment.

The existing and potential beneficial uses of the various surface waters that could be impacted by the discharge of dairy wastes in the Santa Ana Region include one or more of the following:

1. Municipal and Domestic Supply,
2. Agricultural Supply,
3. Industrial Service Supply,
4. Industrial Process Supply,
5. Groundwater Recharge,
6. Hydropower Generation,
7. Water Contact Recreation,
8. Non-contact Water Recreation,
9. Warm Freshwater Habitat,
10. Limited Warm Freshwater Habitat,
11. Cold Freshwater Habitat,
12. Preservation of Biological Habitats of Special Significance,
13. Wildlife Habitat,
14. Marine Habitat,
15. Shellfish Harvesting,
16. Estuarine Habitat,
17. Rare, Threatened or Endangered Species, and
18. Spawning, Reproduction, and Development.

The existing and potential beneficial uses of groundwater that could be impacted by the discharge of dairy wastes within the Santa Ana Region include one or more of the following:

1. Municipal and Domestic Supply,
2. Agricultural Supply,
3. Industrial Service Supply, and
4. Industrial Process Supply

I. National Toxics Rule (NTR) and California Toxics Rule (CTR). (Not Applicable)

J. State Implementation Policy. (Not Applicable)

K. Compliance Schedules and Interim Requirements. The Basin Plan contains schedules for achieving compliance with wasteload allocations for bacteria indicator (Middle Santa Ana River) and nutrients (Lake Elsinore and Canyon Lake watershed). It is appropriate to require CAFOs within those wastersheds to comply with those time schedules.

The Basin Plan also specifies that when the Regional Board determines that it is infeasible to achieve compliance with an effluent limitation specified to implement a new water quality objective, the Regional Board may establish a schedule for compliance in waste discharge requirements. At this time, it is infeasible for some of the CAFOs to comply with effluent limitations based on the new TDS and nitrogen groundwater quality objectives. Consequently, this order contains schedules for those CAFOs to achieve compliance with those objectives.

L. Antidegradation Policy. 40 CFR 131.12 requires that State water quality standards include an antidegradation policy consistent with the federal policy. The SWRCB established California's antidegradation policy in SWRCB Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (see sections IV and V), the permitted discharges are consistent with the antidegradation provision of 40 CFR 131.12 and SWRCB Resolution No. 68-16.

M. Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations of 40 CFR 122.44(*l*) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this order are at least as stringent as the effluent limitations in the previous order.

N. **Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment B.

O. **Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment A. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Board has also included in this order special provisions applicable to the discharger. A rationale for the special provisions contained in this order is provided in the attached Fact Sheet (Attachment D).

P. **Notification of Interested Parties.** The Regional Board has notified the dischargers and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this order.

Q. **Consideration of Public Comment.** The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this order.

R. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for CWA purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised standards submitted to USEPA after May 30, 2000 before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

S. **Stringency of Requirements for Individual Pollutants. (Not Applicable)**

IV. DISCHARGE PROHIBITIONS

A. Discharge of process wastewater and/or storm water runoff from manured areas to property not owned or controlled by the discharger, except as authorized by this order, is prohibited.

B. Disposal of manure to land is prohibited. The application of manure, process wastewater, and/or storm water runoff from manured areas, on cropland outside of

the Chino Basin (Chino-North, Chino-East, and Chino-South Groundwater Management Zones) that overlie groundwater management zones lacking assimilative capacity for TDS and/or nitrate nitrogen is also prohibited unless a plan, acceptable to the Executive Officer, is implemented that offsets the effects of that application on the underlying groundwater management zone.

Manure applied to non-CAFO related croplands[2] in any area that may affect a groundwater management zone that has TDS and nitrate nitrogen assimilative capacity shall not exceed agronomic rates. In addition, the manure shall be incorporated into the soil immediately after application, unless appropriate containment controls (based upon the specific crop grown) are provided. For any application of manure to these croplands in excess of 12 dry tons per acre per year (or 17.5 tons per acre per year @ 33% moisture), an explanation of the type of crop and the number of times it is harvested per year shall also be included in an annual report.

C. Manure originating from outside of the Chino Basin is prohibited from being applied to land within the Chino Basin.

D. All animals within a CAFO facility shall be prohibited from having direct contact with waters of the United States.

E. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

F. The disposal of any mortality in any process wastewater system is prohibited. Mortalities shall be handled in such a way as to prevent the discharge of pollutants to waters of the state.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Technology-based Effluent Limitations (TBELs)

Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged from the facility, provided all provisions of an Engineered Waste Management Plan (EWMP), accepted by the Executive Officer, are fully implemented, and:

[2] *For CAFO facilities that land apply manure, litter, or process wastewater to their croplands, see section VII.C.3(d) below for more details.*

a. The production area[3] is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event; and

b. The production area is operated in accordance with the additional measures and records required by 40 CFR Section 412.37(a) and (b).

2. Water Quality-based Effluent Limitations (WQBELs)

a. All dischargers within the Middle Santa Ana River watershed shall comply with the Middle Santa Ana River Watershed Bacteria Indicator TMDL milestones as specified in the Basin Plan (see section VII.C.4(c) of this order for more details).

b. All dischargers within the Lake Elsinore and Canyon Lake watershed shall comply with the Lake Elsinore and Canyon Lake Watershed Nutrient TMDL milestones as specified in the Basin Plan (see section VII.C.4(d) of this order for more details).

B. Land Discharge Specifications

The discharge of waste containing TDS and/or Nitrogen concentrations in excess of the underlying groundwater management zone objectives for those constituents is prohibited, unless adequately offset to the satisfaction of the Executive Officer.

C. Reclamation Specifications (Not Applicable)

VI. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations (Not Applicable)

B. Groundwater Limitations (Not Applicable)

VII. PROVISIONS

A. Standard Provisions

1. The discharger shall comply with all Standard Provisions included in Attachment A of this order.

2. **Regional Board Standard Provisions.** The following provisions are also applicable to this order:

[3] *Production area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste confinement areas.*

a. This order shall serve as a general NPDES permit pursuant to Section 402 of the Federal CWA or amendments thereto, which shall become effective upon its adoption provided the Regional Administrator of the USEPA has no objection. If the Regional Administrator objects to its issuance, the order shall not serve as a general NPDES permit until such objection is withdrawn.

b. The Executive Officer shall determine whether the proposed discharge is eligible for coverage under this order, after which, the Executive Officer may;

   1) Authorize the proposed discharge by transmitting a discharge authorization letter to the discharge proponent (now an "authorized discharger") authorizing the discharge under the conditions of this order and any other conditions consistent with this order that are necessary to protect the beneficial uses of the receiving waters; or,

   2) Require the discharge proponent to obtain individual waste discharge requirements prior to any discharge to waters within the Santa Ana Region.

c. All discharges from the facility shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other courses under their jurisdiction.

d. The discharger shall comply with all Federal, State, County and local laws and regulations pertaining to the discharge of wastes from the facility.

e. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under Federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

f. An authorization to discharge wastes under this order is not transferable to any person without written authorization from the Executive Officer.

g. The discharger shall comply with all requirements of this order and, in addition, all terms, conditions, and limitations specified in the discharge authorization letter issued by the Executive Officer.

h. Compliance determination with the terms of this order shall be based on the following:

   1) Periodic inspections by Regional Board staff;

2) Evaluation of the Annual Report of Animal Waste Discharge and Annual Summary Report of CAFO Storm Water Management Structure Inspections submitted according to the Monitoring and Reporting Program (Attachment B); and

3) Any other information deemed necessary by the Executive Officer.

B. Monitoring and Reporting Program Requirements

The discharger shall comply with the Monitoring and Reporting Program requirements and future revisions thereto, in Attachment B of this order.

C. Special Provisions

1. Reopener Provisions.

a. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal CWA, or amendments thereto, the Regional Board will revise and modify this order in accordance with such standards.

b. This order may be reopened to address any changes in State or Federal plans, policies or regulations that would affect the quality requirements for the discharges.

2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention Plan (PLAN)

a. The discharger shall design, construct and maintain containment structures to retain all wastewater within the facility, including all process wastewater and all precipitation on, and drainage through, manured areas resulting from rainfall up to and including a 25-year, 24-hour rainfall event.

b. The discharger shall develop and fully implement an Engineered Waste Management Plan (EWMP) acceptable to the Executive Officer and prepared in accordance with the Guidelines for the Development of Engineered Waste Management Plans for Concentrated Animal Feeding Operations (Dairies and Related Facilities), February 2001, or any more recent version issued by the Executive Officer. All structures identified in the EMWP shall be designed by a registered professional engineer, or other qualified individual. The Executive Officer is hereby authorized to make necessary revisions to the guidelines for the preparation of an EWMP. Once the EWMP is approved by the Executive Officer, it will be made available for public review for 30 days. If there is no objection after the reviewing period, the Executive Officer will issue an

authorization letter to the discharger making the approved EWMP an enforceable part of the permit. The public review requirement applies only to the newly submitted EWMPs. EWMPs that have been approved by the Executive Officer prior to the effective date of this permit will not be subject to this requirement. Upon completion of construction of all structures identified in the EWMP, the discharger shall submit a certification from the engineer or other qualified individual who prepared the EWMP that all facilities have been constructed as specified in the EWMP.

c. A copy of the accepted Engineered Waste Management Plan (EWMP) for the facility shall be maintained on site and the person in charge of the dairy operation shall be familiar with its content. The EWMP shall be made available to Regional Board, SWRCB, USEPA staff and/or their authorized representatives (including an authorized contractor acting as their representative), upon request.

d. Dischargers who apply manure, litter, or process wastewater to croplands under their ownership or operational control shall develop and fully implement an approved site specifc Nutrient Management Plan (NMP) in addition to the EWMP. The NMP shall be prepared in accordance with 40 CFR 122.42(e)(1) and 40 CFR 412.4, and should follow the guidelines developed by Natural Resources Conservation Service (NRCS), Conservation Practices Standard 590. The discharger shall also comply with the recordkeeping requirements as described in 40 CFR 412.37(c). Upon approval by the Executive Officer, the NMP will be made available for public review for 30 days. If there is no objection after the reviewing period, the Executive Officer will issue an authorization letter to the discharger making the approved NMP an enforceable part of the order. The NMP shall be developed and submitted for the Executive Officer's review as soon as possible but no later than September 1, 2008. The NMP must be fully implemented by February 27, 2009. Dischargers who seek to obtain coverage under this order after February 27, 2009 shall have a NMP developed and implemented upon the date of permit coverage. A copy of the CAFO's site-specific nutrient management plan must be maintained on site and made available to Regional Board, SWRCB, USEPA staff and/or their authorized representatives (including an authorized contractor acting as their representative), upon request.

4. Compliance Schedules.

a. Compliance with the Effluent Limitations and Discharge Specifications V.B. of this order shall be achieved by dischargers within the San Jacinto River Basin, in accordance with the following time schedule:

Requirement	Compliance Date
• Submit a conceptual Work Plan to offset the impacts of the discharge of process wastewater and land application of manure within the San Jacinto River Basin	January 2, 2008
• Submit a final Work Plan and proposed time schedule for approval by the Executive Officer	Six months following the Executive Officer's written acceptance of the conceptual Work Plan
• Begin implementation of the final Work Plan in accordance with the time schedule approved by the Executive Officer	Three months following the Executive Officer's written acceptance of the final Work Plan and proposed time schedule
• Fully implement the final Work Plan or cease the discharge of process wastewater and land application of manure within the San Jacinto River Basin	September 6, 2012

b. Compliance with the Effluent Limitations and Discharge Specifications V.B. of this order for dischargers overlying the Prado Basin Management Zone (PBMZ) shall be achieved in accordance with the following time schedule:

Requirement	Compliance Date
• Demonstrate whether CAFO discharges are addressed by the Optimum Basin Management Program (OBMP)[4] facilities and programs	September 7, 2008
• Submit a conceptual Work Plan to offset the impacts if the Executive Officer determines that CAFO discharges are not adequately addressed by the OBMP facilities and programs	Three months following the Executive Officer's determination that CAFO discharges are not adequately addressed by the OBMP facilities and programs
• Submit a final Work Plan and proposed time schedule for approval by the Executive Officer	Six months following the Executive Officer's written acceptance of the conceptual Work Plan
• Begin implementation of the final Work Plan in accordance with the time schedule approved by the Executive Officer	Three months following the Executive Officer's written acceptance of the final Work Plan and proposed time schedule
• Fully implement the final Work Plan or cease the discharge of process wastewater and land application of manure within Prado Basin Management Zone	September 6, 2012

In the interim, manure may be applied to cultivated cropland, at agronomic rates, and process wastewater and stormwater runoff from manured areas may be

[4] *The Optimum Basin Management Program (OBMP) is developed by the Chino Basin Watermaster, the producers and other interested parties. The OBMP is a comprehensive, long-range water management plan for the Chino Basin as a whole, including the Chino-North and Cucamonga Groundwater Management Zones. The OBMP includes the use of recycled water for basin recharge, initially in the Chino-North Groundwater Management Zone. The OBMP also includes the capture of increased quantities of high quality storm water runoff, recharge of imported water when its TDS concentrations are low, improvement of water supply by desalting poor quality groundwater, and enhanced wastewater pollutant source control programs. The OBMP maps a strategy that will provide for enhanced yield for the Chino Basin and seeks to provide reliable water supplies for development expected to occur within the Basin. The OBMP also includes the implementation of management activities that would result in the hydraulic isolation of Chino Basin groundwater from the Orange County Management Zone, thus insuring the protection of downstream beneficial uses and water quality.*

discharged in the Prado Basin Management Zone and San Jacinto River Basin, provided that progress is being made toward implementation of an acceptable offset and that manure is applied in accordance with Discharge Prohibitions IV.B, above.

c. Compliance with the Effluent Limitations and Discharge Specifications V.A.2.a. of this order shall be achieved by dischargers tributary to the Middle Santa Ana River by developing the following plans in accordance with the time schedule below. Once the plans are approved by the Regional Board, the plans shall be implemented in accordance with the time schedules included within the approved plans.

Requirement	Compliance Date[5]
1. Develop a watershed-wide monitoring program that will provide data necessary to review and update the Middle Santa Ana River Bacterial Indicator TMDLs.	November 30, 2007[6]
2. Develop a Bacterial Source Agricultural Source Evaluation Plan (AGSEP) specific to CAFOs. This plan shall include steps needed to identify specific activities, operations, and processes in CAFO areas that contribute bacterial indicators to Middle Santa Ana River Watershed waterbodies with a schedule for completion of each of the steps identified.	November 30, 2007

[5] *These dates are consistent with the TMDL, which has been incorporated into the Basin Plan. Should the Basin Plan be amended by the Regional Board to extend any of the dates, the compliance dates contained in this order shall be considered to be extended, as well.*

[6] *The monitoring program has been completed and was approved by the Regional Board on June 29, 2007 (Resolution No. R8-2007-0046).*

d. Compliance with the Effluent Limitations and Discharge Specifications V.A.2. b. of this order shall be achieved by dischargers within the Lake Elsinore and Canyon Lake watershed by developing the following plans in accordance with the time schedule below. Once the plans are approved by the Regional Board, the plans shall be implemented in accordance with the time schedules included within the approved plans.

Requirement	Compliance Date[7]
1. Develop a watershed-wide, Canyon Lake in-lake and Lake Elsinore in-lake nutrient monitoring program that will provide data necessary to review and update the Nutrient TMDLs. Data to be collected and analyzed shall address, at a minimum, determination of compliance with the TMDLs and WLAs for nitrogen and phosphorus.	December 31, 2005[8]
2. Develop an Agricultural Nutrient Management Plan specific to CAFOs. The plan(s) shall include steps needed to identify nutrient sources and to develop nutrient reduction strategies, including time schedules for implementation.	September 30, 2007
3. Develop a proposed plan and schedule for in-lake sediment nutrient reduction for Lake Elsinore. The proposed plan shall include an evaluation of the applicability of various in-lake treatment technologies to prevent the release of nutrients from lake sediments to support development of a long-term strategy for control of nutrients from the sediment. The submittal shall also contain a proposed sediment nutrient monitoring program to evaluate the effectiveness of any strategies that are implemented.	April 30, 2007[9]

[7] *These dates are consistent with the TMDL, which has been incorporated into the Basin Plan. Should the Basin Plan be amended by the Regional Board to extend any of the dates, the compliance dates contained in this order shall be considered to be extended, as well.*

[8] *Completed and approved by Regional Board on March 3, 2006 (Resolution No. R8-2006-0031).*

[9] *Draft plan was submitted to the Regional Board on August 9, 2007.*

4. Develop a proposed plan for evaluating in-lake sediment nutrient treatment strategies for Canyon Lake. The proposed plan shall include an evaluation of the applicability of various in-lake treatment technologies to prevent the release of nutrients from lake sediments in order to develop a long-term strategy for control of nutrients from the sediment. The submittal shall also contain a proposed sediment nutrient monitoring program to evaluate the effectiveness of any strategies that are implemented.	May 31, 2007[10]
5. Develop a proposal and schedule for updating the existing Lake Elsinore/San Jacinto River Nutrient Watershed Model and the Canyon Lake and Lake Elsinore in-lake models. The plan and schedule must take into consideration additional data and information that are generated from the respective TMDL monitoring programs. In order to facilitate any needed update of the numeric targets and/or the TMDLs/WLAs, the proposed schedule shall take into consideration the Regional Board's triennial review schedule.	March 31, 2009
6. Develop a Pollutant Trading Plan. At a minimum, this plan shall contain a plan, schedule and funding strategy for project implementation, an approach for tracking pollutant credits and a schedule for reporting status of implementation of the Pollutant Trading Plan to the Regional Board.	March 31, 2009

[10] *This task has been completed through a Proposition 50 grant obtained by the San Jacinto River Watershed Council. The final report was submitted to the Regional Board on August 3, 2007 and now goes to the TMDL Task Force for consideration and identification of implementation steps.*

5. Construction, Operation and Maintenance Specifications

a. Following a storm event, the discharger shall restore the wastewater holding capacity of retention ponds in a timely manner.

b. Retention ponds and manured areas at CAFOs in operation on November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Facilities existing before November 27, 1984 that are protected against 100-year peak stream flows shall continue to provide such protection. New facilities (built after November 27, 1984) shall be protected from 100-year peak stream flows.

c. No containment structures shall be constructed of manure, and manure shall not be used to improve or raise existing containment structures.

d Manure, litter, and process wastewater shall not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface or ground waters.

e. Manure removed from the corrals shall be removed from the facility within 180 days. Any manure remaining at the facility after 180 days of being removed from the corrals is considered to be disposal of manure and is prohibited. A manifest of the manure hauled away shall be prepared and submitted with an annual report in accordance with Monitoring and Reporting Program (Attachment B).

f. Prior to transferring manure, litter or process wastewater to other persons, CAFOs that confine 700 or more mature dairy cows (milking or dry) shall provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR Section 412. The CAFO operators shall analyze their manure at least annually and shall retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person.

g. All surface drainage from outside of the facility (such as, but not limited to, from streets or neighboring property) shall be diverted away from any manured areas unless such drainage from the manured areas are fully contained on site.

h. Chemicals and other contaminants handled on-site shall not be disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.

6. Special Provisions for Municipal Facilities (Not Applicable)

7. Other Special Provisions (Not Applicable)

VIII. COMPLIANCE DETERMINATION (Not Applicable)

ATTACHMENT A – STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The discharger must comply with all of the conditions of this order. Any noncompliance constitutes a violation of the CWA and the CWC and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40 CFR §122.41(a)]

2. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this order has not been modified to incorporate the requirement [40 CFR §122.41(a)(1)].

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this order [40 CFR §122.41(c)].

C. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this order that has a reasonable likelihood of adversely affecting human health or the environment [40 CFR §122.41(d)].

D. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a discharger only when necessary to achieve compliance with the conditions of this order [40 CFR §122.41(e)].

E. Property Rights

1. This order does not convey any property rights of any sort or any exclusive privileges [40 CFR §122.41(g)].

2. The issuance of this order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations [40 CFR §122.5(c)]

F. Inspection and Entry

The discharger shall allow the Regional Board, SWRCB, USEPA and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [40 CFR §122.41(i)][CWC 133839c)]:

1. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this order [40 CFR §122.41(i)(1)];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this order [40 CFR §122.41(i)(2)];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this order [40 CFR §122.41(i)(3)]; and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §122.41(i)(4)].

G. Bypass

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR §122.41(m)(1)(i)].

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [40 CFR §122.41(m)(1)(ii)].

2. Bypass not exceeding limitations - The discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [40 CFR §122.41(m)(2)].

3. Prohibition of bypass. Bypass is prohibited, and the Regional Board may take enforcement action against a discharger for bypass, unless [40 CFR §122.41(m)(4)(i)]:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(i)(A)];

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [40 CFR §122.41(m)(4)(i)(B)]; and

   c. The discharger submitted notice to the Regional Board as required under Standard Provisions – Permit Compliance I.G.5 below. [40 CFR §122.41(m)(4)(i)(C)].

4. The Regional Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR §122.41(m)(4)(ii)].

5. Notice

   a. Anticipated bypass. If the discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR §122.41(m)(3)(i)].

   b. Unanticipated bypass. The discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice) [40 CFR §122.41(m)(3)(ii)].

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR §122.41(n)(1)].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [40 CFR §122.41(n)(2)].

2. Conditions necessary for a demonstration of upset. A discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR §122.41(n)(3)]:

   a. An upset occurred and that the discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];

   b. The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(ii)];

   c. The discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR §122.41(n)(3)(iii)); and

   d. The discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR §122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR §122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any order condition [40 CFR §122.41(f)].

B. Duty to Reapply

If the discharger wishes to continue an activity regulated by this order after the expiration date of this order, the discharger must apply for and obtain a new permit [40 CFR §122.41(b)].

C. Transfers

This order is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of the order to change the name of the discharger and incorporate such other requirements as may be necessary under the CWA and the CWC [40 CFR §122.41(l)(3)] [40 CFR §122.61].

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].

B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in 40 CFR section 503 unless other test procedures have been specified in this order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this order related to the discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this order, and records of all data used to complete the application for this order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board Executive Officer at any time [40 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];

2. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)]

3. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];

4. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];

5. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and

6. The results of such analyses [40 CFR §122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

1. The name and address of any permit applicant or discharger [40 CFR §122.7(b)(1)]; and

2. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The discharger shall furnish to the Regional Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Board, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this order or to determine compliance with this order. Upon request, the discharger shall also furnish to Regional Board, SWRCB, USEPA staff and/or their authorized representatives (including an authorized contractor acting as their representative) copies of records required to be kept by this order [40 CFR §122.41(h)] [CWC 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Board, SWRCB, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below [40 CFR §122.41(k)].

2. All permit applications shall be signed by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)].

3. All reports required by this order and other information requested by the Regional Board, SWRCB, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above [40 CFR §122.22(b)(1)];

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall

responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [40 CFR §122.22(b)(2)]; and

c. The written authorization is submitted to the Regional Board and SWRCB [40 CFR §122.22(b)(3)].

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Board and SWRCB prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations" [40 CFR §122.22(d)].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment B) in this order [40 CFR §122.22(l)(4)].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41(l)(4)(i)].

3. If the discharger monitors any pollutant more frequently than required by this order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Board [40 CFR §122.41(l)(4)(ii)].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this order [40 CFR §122.41(l)(4)(iii)].

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this order, shall be submitted no later than 14 days following each schedule date [40 CFR §122.41(l)(5)].

E. Twenty-Four Hour Reporting

1. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR §122.41(l)(6)(i)].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:

   a. Any unanticipated bypass that exceeds any effluent limitation in this order [40 CFR §122.41(l)(6)(ii)(A)].

   b. Any upset that exceeds any effluent limitation in this order [40 CFR §122.41(l)(6)(ii)(B)].

3. The Regional Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 CFR §122.41(l)(6)(iii)].

F. Planned Changes

The discharger shall give notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 CFR §122.41(l)(1)]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [40 CFR §122.41(l)(1)(i)]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this order [40 CFR §122.41(l)(1)(ii)]; or

3. The alteration or addition results in a significant change in the discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [40 CFR§122.41(l)(1)(iii)].

G. Anticipated Noncompliance

The discharger shall give advance notice to the Regional Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with general order requirements [40 CFR §122.41(l)(2)].

H. Other Noncompliance

The discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above [40 CFR §122.41(l)(7)].

I. Other Information

When the discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Board, SWRCB, or USEPA, the discharger shall promptly submit such facts or information [40 CFR §122.41(l)(8)].

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The Regional Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Board as soon as they know or have reason to believe [40 CFR §122.42(a)]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:

    a. 100 micrograms per liter (µg/L) [40 CFR §122.42(a)(1)(i)];

    b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];

    c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or

    d. The level established by the Regional Board in accordance with 40 CFR section 122.44(f) [40 CFR §122.42(a)(1)(iv)].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this order, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(2)]:

    a. 500 micrograms per liter (µg/L) [40 CFR §122.42(a)(2)(i)];

    b. 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(2)(ii)];

    c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(2)(iii)]; or

    d. The level established by the Regional Board in accordance with 40 CFR section 122.44(f) [40 CFR §122.42(a)(2)(iv)].

B. Publicly-Owned Treatment Works (POTWs) (Not Applicable)

ATTACHMENT B – MONITORING AND REPORTING PROGRAM

Table of Contents

Attachment B – Monitoring and Reporting Program B-2
I. General Monitoring Provisions B-2
II. Monitoring Locations (Not Applicable) B-3
III. Influent Monitoring Requirements (Not Applicable) B-3
IV. Effluent Monitoring Requirements (Not Applicable) B-3
V. Whole Effluent Toxicity Testing Requirements (Not Applicable) B-3
VI. Land Discharge Monitoring Requirements (Not Applicable) B-3
VII. Reclamation Monitoring Requirements (Not Applicable) B-3
VIII. Receiving Water Monitoring Requirements (Not Applicable) B-3
IX. Other Monitoring Requirements (Not Applicable) B-3
X. Reporting Requirements B-3
A. General Monitoring and Reporting Requirements B-3
B. Self Monitoring Reports (SMRs) B-4
C. Discharge Monitoring Reports (DMRs) (Not Applicable) B-4
D. Other Reports (Not Applicable) B-4
Attachment 1. CAFO Weekly Storm Water Management Structure Inspections Log Sheet B-5
Attachment 2. Annual Summary Report of CAFO Weekly Storm Water Management Structure Inspections B-12
Attachment 3. Annual Report of Animal Waste Discharge B-13
Attachment 4. Manure Tracking Manifest B-15

ATTACHMENT B – MONITORING AND REPORTING PROGRAM

Title 40 of the Code of Federal Regulations (CFR) section 122.48 requires that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Board) to require technical and monitoring reports. This Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. All monitoring data shall be maintained for at least five years and shall be made available to Regional Board, SWRCB, USEPA staff and/or their authorized representatives (including an authorized contractor acting as their representative), upon request.

B. All containment structures, including, but not limited to, ponds, berms, and wastewater distribution lines, shall be inspected at least once each week during the entire year and at least once each 24-hour period during a storm event in which rainfall exceeds 0.5 inches in 24 hours. The findings of these inspections shall be documented on the attached CAFO Weekly Storm Water Management Structure Inspections Log Sheet (Attachment 1). Information documented on this form shall include:

1. The depth of the process wastewater and storm water runoff in the containment ponds and impoundments. An estimate of the freeboard[1] for each pond or impoundment shall be recorded during each inspection. A marker shall be placed within each pond or impoundment to indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.

2. Any action taken to correct deficiencies noted as a result of facility inspections. Deficiencies not corrected within 30 days shall be accompanied by an explanation of the factors preventing immediate correction.

3. The approximate time of each storm-related discharge that results in an off-property discharge of storm water commingled with process wastewater or manure, along with its approximate duration.

If sufficient space is not available on the form provided, the discharger shall provide supplemental attachment sheets, as needed.

[1] *Freeboard of a pond or impoundment is the vertical separation between the liquid level and the lowest elevation of the containment or impoundment at which allows an overflow or outflow from the pond or impoundment.*

C. The discharger(s) shall record each manure-hauling event on the attached Manure Tracking Manifest Form (Attachment 4).

II. MONITORING LOCATIONS (Not Applicable)

III. INFLUENT MONITORING REQUIREMENTS (Not Applicable)

IV. EFFLUENT MONITORING REQUIREMENTS (Not Applicable)

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (Not Applicable)

VI. LAND DISCHARGE MONITORING REQUIREMENTS (Not Applicable)

VII. RECLAMATION MONITORING REQUIREMENTS (Not Applicable)

VIII. RECEIVING WATER MONITORING REQUIREMENTS (Not Applicable)

IX. OTHER MONITORING REQUIREMENTS (Not Applicable)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The discharger shall comply with all Standard Provisions (Attachment A) related to monitoring, reporting, and recordkeeping.

2. By January 15 of each year, the discharger shall submit an Annual Report of Animal Waste Discharge (Attachment 3), copies of Manure Tracking Manifest(s) (Attachment 4) for all manure hauling events that occurred, and an Annual Summary Report of CAFO Storm Water Management Structure Inspections (Attachment 2) for the previous calendar year. The Annual Report of Animal Waste Discharge, Manure Tracking Manifest, and Annual Summary Report of CAFO Storm Water Management Sturcture Insepctions may be revised, as necessary, by the Executive Officer.

3. The discharger shall notify the Regional Board by telephone within 24 hours of any unauthorized discharge of wastes. This notification shall be followed by a written report which shall be submitted to the Regional Board within two weeks of the discharge. The written report shall contain:

   a. The approximate date and time of the discharge;

   b. The estimated flow rate and duration of the discharge;

c. The specific type and source of the waste discharges (e.g., overflow from holding pond, rainfall runoff from manure storage areas, etc.); and

d. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of the discharge.

4. All reports shall be signed by a responsible officer or duly authorized representative of the discharger(s) and shall be submitted under penalty of perjury.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Board may notify the discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). Until such notification is given, the discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. The discharger shall submit annual monitoring results to the Regional Board by 15th day of January for the preceding calendar year. The discharger shall report in the SMR the results for all monitoring specified in this MRP.

3. The discharger shall submit SMRs in accordance with the following requirements:

   a. The discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

   b. SMRs must be submitted to the Regional Board, signed and certified as required by the Standard Provisions (Attachment A).

C. Discharge Monitoring Reports (DMRs) (Not Applicable)

D. Other Reports (Not Applicable)

ATTACHMENT 1. CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Information (Please make corrections directly on this form.)
Operator's Name:
Facility Name:
Facility Address:

Instructions: Use this form to keep track of weekly visual inspections of your process wastewater and storm water containment structures. Use this form to document the findings of daily storm event inspections. List the items that need to be inspected below (refer to your Engineered Waste Management Plan).

Keep track of your inspections in the following table by filling out one row each week when you inspect your process wastewater and storm water containment structures. Provide the following information: date of inspection, initials of the person performing the inspection, check "OK" box if no problems were found, use the "Notes" column to describe problems, if you find any, and how they were fixed, record the estimate of the wastewater containment pond(s) freeboard, fill in the "Date Corrected" column with the date when you corrected the problem.

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
1						
2						
3						
4						
5						
6						
7						
8						

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
9						
10						
11						
12						
13						
14						
15						
16						
17						

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
18						
19						
20						
21						
22						
23						
24						
25						
26						

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
27						
28						
29						
30						
31						
32						
33						
34						
35						

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
36						
37						
38						
39						
40						
41						
42						
43						
44						

CAFO Weekly Storm Water Management Structure Inspections Log Sheet

Reporting Period: _____

Facility Name: _____

Week	Date	Initials	OK	Notes (Note any problems found and how problems were remedied)	Waste Pond Freeboard	Date Corrected
45						
46						
47						
48						
49						
50						
51						
52						

Attachment 2. Annual Summary Report of CAFO Weekly Storm Water Management Structure Inspections

Reporting Period: January 1, 200__ to December 31, 200__

Facility Information (Please make corrections directly on this form.)
Operator's Name
Facility Name
Facility Address

Was the CAFO Weekly Storm Water Management Structure Inspections Log Sheet completed for the entire year? Yes ☐ No ☐

If **No**, please explain why the log sheet was not completed for the entire year.

_____

_____

_____

Were there any process wastewater discharge incidents during the year? Yes ☐ No ☐

If **Yes**, please provide: the date of the incident, how it was discovered (was it during a routine site inspection?), how long did the discharge last, and how it was stopped.

Date of incident	How was it discovered?	How long did it last?	How was it stopped?

Certification

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

Name of person making this report (please print):_____

Title:_____

Signature:_____

Date:_____

Attachment 3. Annual Report of Animal Waste Discharge

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348
(951) 782-4130

Reporting Period: January 1, 200__ to December 31, 200__
Report Due Date: **January 15, 200__**

Facility Information (Please make corrections directly on this form.)
Operator's Name
Facility Name
Facility Address
Mailing Address
Telephone Number

Does the information provided apply only to the facility address indicated above? Yes ☐ No ☐

If **No**, please provide the name and address of the other facilities in the Comments section of this report.

Note: Submit a separate report for each of your facilities including dry cow, heifer, and calf ranches.

Animal Population	Manure Information
No. Milking Cows _____ No. Dry Cows _____ No. Heifers _____ No. Calves _____ Others _____	Units used below: ☐ tons ☐ cubic yards Amount of manure spread on cropland at the facility: _____ Amount of manure hauled away from your facility: (Please provide copies of all Manure Tracking Manifests showing the hauler name and the destination of the manure.) _____ Amount of manure produced in 200X that is stockpiled on site as of 12/31/0X: _____

Were the production factors provided below used to estimate your manure information? Yes ☐ No ☐

1 Milking cow produces approximately 4.1 tons per year of manure.
1 Dry cow produces approximately 4.1 tons per year of manure.
1 Heifer produces approximately 1.5 tons per year of manure.
1 Calf produces approximately 0.6 tons per year of manure.
1 ton of corral manure equals 2.32 cubic yards.
1 cubic yard of corral manure equals 0.43 tons.

Crop Growing Activity

Write in the number of acres where manure has been applied to cropland at your facility. Cropland acreage is the number of acres, contiguous to the dairy, where manure was applied and a crop was harvested.

No. of cropland acres:_____

No. of plantings per year: ☐ one ☐ two ☐ three

Type of crop grown:

☐ Sudan grass ☐ Alfalfa ☐ Winter wheat

☐ Barley ☐ Bermuda grass ☐ Corn

☐ Oats ☐ Rye Grass ☐ Vegetables

☐ Other: _____

Number of Milkings per day (Dairies only): one ☐ two ☐ three ☐

Comments:

Certification

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

Name of person making this report **(please print)**:_____

Signature:_____

Date:_____

Title:_____

Attachment 4. Manure Tracking Manifest

Manure Tracking Manifest
Santa Ana Regional Water Quality Control Board

Instructions
1) Complete one manifest for each hauling event, for each destination. A hauling event may last for several days, as long as the manure is being hauled to the same destination.
2) If there are multiple destinations, complete a separate form for each destination.
3) The operator must obtain the signature of the hauler upon completion of each manure hauling event.
4) The operator shall submit manure tracking manifest(s) with the Annual Report of Animal Waste Discharge to the Santa Ana Regional Water Quality Control Board.

Operator Information

Name of the Operator:

Name of Facility:

Facility Address:

Mailing Address:

Phone Number:

Manure Hauler Information

Name of Hauling Company and Contact Person:	Phone Number:

Destination Information

Hauled To (please check one):	Dates Hauled:
☐ Composting Facility ☐ Regional Digester ☐ Croplands in Riverside County ☐ Croplands in San Bernardino County ☐ Other County: _____	Please give the name and location of the composting operation, or digester, or if the manure was hauled to cropland, the owner or tenant, the destination address or nearest cross streets, the approximate acreage, and crops grown.

Please enter the amount in the box below and circle the appropriate units:
Amount Removed from Facility:

☐ Tons or Cubic Yards

Has the most current nutrient analysis been provided to the recipient of the manure? Yes ☐ No ☐

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

Operator's Signature: _____ Date: _____

Hauler's Signature: _____ Date: _____

ATTACHMENT C – NOTICE OF INTENT (NOI)

California Regional Water Quality Control Board
Santa Ana Region

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT TO DISCHARGE WASTES ASSOCIATED WITH CONCENTRATED ANIMAL FEEDING OPERATIONS (DAIRIES AND RELATED FACILITIES)

FACILITY

NAME AND ADDRESS OF FACILITY _____ CONTACT PERSON _____

TELEPHONE NO. _____

NAME AND ADDRESS OF LEGAL OWNER OF FACILITY _____ CONTACT PERSON _____

TELEPHONE NO. _____

NAME OF BUSINESS OPERATING FACILITY _____

TELEPHONE NO. _____

ANIMAL POPULATION

1. DAIRY
   - _____ MILKING COWS
   - _____ DRY COWS
   - _____ HEIFERS
   - _____ CALVES
2. CALF/HEIFER RANCH
   - _____ CALVES
   - _____ HEIFERS
3. OTHER CAFO ANIMALS (IDENTIFY TYPE AND NUMBER OF ANIMALS)
   - TYPE _____ NO. _____
   - TYPE _____ NO. _____
   - TYPE _____ NO. _____

FACILITY INFORMATION

_____ TOTAL ACREAGE[1] _____ CROP LAND[1] (ACRES) _____ CORRALS[1] (ACRES)

_____ CONTAINMENT PONDS[1] (ACRES) _____ WASTEWATER DISPOSAL/PASTURE AREAS[1] (ACRES)

HAS AN ENGINEERED WASTE MANAGEMENT PLAN BEEN PREPARED? _____ YES _____ NO CERTIFIED? _____ YES _____ NO

CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

SIGNATURE OF OWNER OF FACILITY _____ SIGNATURE OF OPERATOR OF FACILITY _____

PRINT OR TYPE NAME _____ PRINT OR TYPE NAME _____

TITLE AND DATE _____ TITLE AND DATE _____

[1] *See Engineered Waste Management Plan*

ATTACHMENT D – FACT SHEET

TABLE OF CONTENTS

I. Permit Information D-3
II. Notification Requirements D-5
III. Discharge Description D-5
  A. Description of Wastewater and Biosolids Treatment or Controls (Not Applicable) .. D-5
  B. Discharge Points and Receiving Waters (Not Applicable) D-5
  C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data D-5
  D. Compliance Summary (Not Applicable) D-6
  E. Planned Changes (Not Applicable) D-6
IV. Applicable Plans, Policies, and Regulations D-6
  A. Legal Authorities D-6
  B. California Environmental Quality Act (CEQA) D-6
  C. State and Federal Regulations, Policies, and Plans D-6
  D. Impaired Water Bodies on CWA 303(d) List D-10
  E. Other Plans, Polices and Regulations (Not Applicable) D-15
V. Rationale For Effluent Limitations and Discharge Specifications D-15
  A. Discharge Prohibitions D-19
  B. Technology-Based Effluent Limitations (TBELs) D-20
    1. Scope and Authority D-20
    2. Applicable Technology-Based Effluent Limitations D-21
  C. Water Quality-Based Effluent Limitations (WQBELs) D-21
    1. Scope and Authority D-21
    2. Applicable Beneficial Uses and Water Quality Criteria and Objectives D-21
    3. Determining the Need for WQBELs D-21
    4. WQBEL Calculations (Not Applicable) D-22
    5. Whole Effluent Toxicity (WET) (Not Applicable) D-22
  D. Final Effluent Limitations (Not Applicable) D-22
  E. Interim Effluent Limitations (Not Applicable) D-23
  F. Land Discharge Specifications D-23
  G. Reclamation Specifications (Not Applicable) D-23
VI. Rationale for Receiving Water Limitations D-23
  A. Surface Water (Not Applicable) D-23
  B. Groundwater (Not Applicable) D-23
VII. Rationale for Monitoring and Reporting Requirements D-23
  A. Influent Monitoring (Not Applicable) D-23
  B. Effluent Monitoring (Not Applicable) D-23
  C. Whole Effluent Toxicity Testing Requirements (Not Applicable) D-23
  D. Receiving Water Monitoring D-23
  E. Other Monitoring Requirements (Not Applicable) D-23
VIII. Rationale for Provisions D-23
  A. Standard Provisions D-23
  B. Special Provisions D-24
    1. Reopener Provisions D-24

2. Special Studies and Additional Monitoring Requirements (Not Applicable) D-24
3. Best Management Practices and Pollution Prevention D-24
4. Compliance Schedules D-25
5. Construction, Operation, and Maintenance Specifications D-25
6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable) D-25
7. Other Special Provisions (Not Applicable) D-25
IX. Public Participation D-25
A. Notification of Interested Parties D-25
B. Written Comments D-26
C. Public Hearing D-26
D. Waste Discharge Requirements Petitions D-26
E. Information and Copying D-27
F. Register of Interested Persons D-27
G. Additional Information D-27

Attachment D – Fact Sheet

As described in section III of this order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this order.

This order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California. Only those sections or subsections of this order that are specifically identified as "not applicable" have been determined not to apply to the dischargers. Sections or subsections of this order not specifically identified as "not applicable" are fully applicable to the dischargers.

I. PERMIT INFORMATION

A. Background. The Federal Clean Water Act (CWA) defines animal feeding operations (AFOs) as operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area during the normal growing season. There are approximately 168 dairy related AFOs in the Santa Ana Region. These AFOs include dairies, heifer ranches and calf nurseries, and contain about 251,000 animals [113,000 lactating (milking) cows, 21,000 dry (pregnant) cows, 48,000 heifers (12-18 month old cows), and 69,000 calves (less than 12 month old cows)]. One hundred and thirty-seven (137) of these facilities (with 185,000 animals) are located in the Santa Ana River Basin, while the remainder (with 65,000 animals) are located in the San Jacinto River Basin. The dairy related AFOs in the Santa Ana Region have been designated as concentrated animal feeding operations (CAFOs) (see Section III - Discharge Description, below).

The wastes generated by CAFOs within the Santa Ana Region include manure that the animals excrete in the corrals, process wastewater[1] (primarily wash water from the milk barn) and storm water runoff from manured areas. About 10% of the manure that a milking cow excretes each day is excreted while in the milk barn, and about 90% of the manure excreted from the animals is deposited in the corrals. CAFOs scrape and remove manure from the corrals about twice per year. The average moisture content of manure when it is removed from the corrals is 33% (all of the manure numbers used in this order refer to manure with a 33% moisture content). In 2006, CAFOs removed approximately 940,000 tons of manure from corrals in the Region. This is equivalent to about 2,180,000 cubic yards of manure. It is estimated that about 7.9 million gallons of wash water, which contain about 10 percent of the manure produced by milking cows, is discharged to the ground each day. Wastes produced at CAFOs contain high levels of bacteria, biochemical oxygen demand, ammonia, nitrate, phosphorus, and other salt compounds.

[1] *Process wastewater means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any storm water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, or bedding.*

Proper management of wastes from CAFOs is essential to protect the surface and groundwater resources of the Region. If left unregulated, these discharges of wastes from CAFOs in the Chino Basin (Chino-North, Chino-East, and Chino-South Groundwater Management Zones) have a potential to affect Chino Creek, Mill Creek and Reach 3 of the Santa Ana River, which are 303(d) listed impacted water bodies.

The Chino Basin was once considered to have the highest concentration of dairy animals in the world, with about 350 dairies and over 300,000 animals. During the past 10 to 15 years, however, the dairies have been steadily leaving this area. According to our most recent data available, there are currently 137 facilities in the Chino Basin with a total of 185,000 animals. Although the waste loading from the dairies has decreased significantly, the application of manure and process wastewater to the ground in the Chino Basin has resulted in significant groundwater pollution, specifically total dissolved solids (TDS) and nitrate.

In addition to the CAFOs in the Chino Basin, there are 29 CAFO facilities in the San Jacinto River Basin. Wastes from CAFOs in the San Jacinto River Basin have a potential to affect the San Jacinto River, Canyon Lake and Lake Elsinore if they are unregulated. Canyon Lake and Lake Elsinore are 303(d) listed impacted water bodies. Phosphorus from various sources, including CAFOs, is considered to be the primary cause of algae blooms in Lake Elsinore, the largest natural freshwater lake in Southern California. These algae blooms deplete oxygen in the lake, creating fish kills and other conditions that affect the economic development and aesthetics of the area.

Beginning in 1972, and continuing through 1994, the Regional Board's regulatory approach was to issue individual waste discharge requirements to each dairy, heifer ranch and calf nursery. Changes in the location or size of the facility, number of animals, or operator of these facilities were frequent, necessitating frequent rescissions of existing waste discharge requirements and adoption of new requirements by the Regional Board. The time demands to draft individual waste discharge requirements for the large number of these facilities that were in the Region far exceeded the staff resources available to do so. Consequently, in 1994, the Regional Board adopted Order No. 94-7, the first general waste discharge requirements for these facilities. When Order No. 94-7 expired in 1999, the Regional Board adopted Order No. 99-11, General Waste Discharge Requirements For Concentrated Animal Feeding Operations, Including Dairies, Within The Santa Ana Region (NPDES NO. CAG018001). Order No. 99-11 expired on August 1, 2004, but stated that the order shall remain in force until a new order is issued. Adoption of Order No. R8-2007-0001 is necessary to continue regulatory oversight of the CAFOs within the Region.

Criteria cited in 40 CFR 122.28 state that general permits may be issued for facilities 1) involving the same or substantially similar types of operations; 2) discharging the same types of wastes; 3) having the same or similar operating conditions; 4) requiring the

same or similar monitoring; and 5) that are more appropriately regulated under a general permit rather than individual permits. The types of wastes and appropriate waste discharge requirements for dairies and related facilities are similar. Given this, the CAFOs in the Region can be adequately and appropriately regulated by coverage under the terms of a general waste discharge permit.

II. NOTIFICATION REQUIREMENTS

The purpose of this order is to facilitate regulation of discharges from CAFOs. To obtain coverage under this order, the discharger must submit a Notice of Intent (NOI), an Engineered Waste Management Plan (EWMP), and the first annual fee. Signing the certification on the NOI signifies that the discharger intends to comply with the provisions of this order. An NOI must be signed to be valid.

III. DISCHARGE DESCRIPTION

The CWA defines a CAFO as any AFO that either meets a certain animal population threshold, or, regardless of population, is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority. The CWA states that all CAFOs are point sources, and thus are subject to NPDES permitting requirements. When considering the designation of an AFO as a CAFO as a result of being a significant contributor of pollutants, the appropriate authority (the Regional Board is an appropriate authority) must consider certain factors. These factors include, in part, the location of the AFO relative to surface waters, the slope, rainfall and other factors that increase the likelihood or frequency of discharges, and the impact of the aggregate amount of waste discharged from multiple AFOs in the same geographic area. Regional Board staff has determined that all dairies, heifer ranches and calf nurseries in the Region meet one or more of these criteria, and, therefore, should be designated as CAFOs under the CWA. Order No. R8-2007-0001 designates all dairies, heifer ranches and calf nurseries in the Region as CAFOs, and makes them subject to National Pollutant Discharge Elimination System (NPDES) requirements. Therefore, the acronym "CAFO" will be used to describe all facilities addressed by Order No. R8-2007-0001.

A. Description of Wastewater and Biosolids Treatment or Controls (Not Applicable)

B. Discharge Points and Receiving Waters (Not Applicable)

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Order No. 99-11, which this order replaces, prohibited discharges to surface waters other than from facilities designed and maintained to contain process wastewater, including runoff and direct precipitation resulting from a 25-year, 24-hour storm event, or equivalent. In addition, Order No. 99-11 required the dischargers to

develop and implement an EWMP; and required dischargers to submit an annual self-monitoring report.

These requirements are continued in Order No. R8-2007-0001.

D. Compliance Summary (Not Applicable)

E. Planned Changes (Not Applicable)

IV. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed order are based on the requirements and authorities described in this section.

A. Legal Authorities

This order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the United States Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from CAFOs to surface waters. This order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

States may request authority to issue general NPDES permits pursuant to 40 CFR Section 122.28. On June 8, 1989, the State Water Resources Control Board (SWRCB) submitted an application to the USEPA requesting revisions to its NPDES program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add general permit authority to its approved NPDES program. On September 22, 1989, the USEPA, Region 9, approved the SWRCB's request and granted authorization for the State to issue general NPDES permits.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the CEQA (Public Resources Code section 21100, et seq.) in accordance with section 13389 of the CWC.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Quality Control Board (Regional Board) adopted a revised Water Quality Control Plan for the Santa Ana Region (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The water quality objectives were established in accordance with the State's

antidegradation policy (Resolution No. 68-16) and reflected baseline water quality for the period of 1972-1974.

On January 22, 2004, the Regional Board adopted Resolution No. R8-2004-0001, amending the existing Basin Plan for the Santa Ana River Basin. The amendment included revised groundwater subbasin boundaries (groundwater management zones), revised TDS and nitrate-nitrogen quality objectives for groundwater (again reflecting baseline water quality), revised TDS and nitrogen wasteload allocations (WLAs) and changes to specific surface waters including revised TDS and nitrogen objectives, revised reach designations and revised beneficial use designations. As part of the update of the TDS/Nitrogen Management plan in the Basin Plan, the Chino Basin Watermaster and the Inland Empire Utilities Agency (IEUA) proposed that alternative, less stringent TDS and/or nitrate-nitrogen water quality objectives be adopted for the Chino-North and Cucamonga Groundwater Management Zones. These proposals were based on additional consideration of the factors specified in Water Code Section 13241 and the requirements of the State's antidegradation policy (State Board Resolution No. 68-16). Since the less stringent objectives would allow a lowering of water quality, the aforementioned agencies were required to demonstrate that their proposed objectives would protect beneficial uses, and that water quality consistent with maximum benefit to the people of the state would be maintained.

Appropriate beneficial use protection/maximum benefit demonstrations were made by the Chino Basin Watermaster/IEUA to justify alternative "maximum benefit" objectives for the Chino-North and Cucamonga Groundwater Management Zones. These "maximum benefit" proposals entail commitments by the agencies to implement specific projects and programs. While these agencies' efforts to develop these proposals indicate their strong interest to proceed with these commitments, unforeseen circumstances may impede or preclude progress. To address this possibility, the 2004 Basin Plan Amendment includes both the "antidegradation" and "maximum benefit" objectives for the subject waters. Fulfillment of the commitments by the agencies equates to maximum benefit, and the "maximum benefit" objectives included in the Basin Plan Amendment for these waters apply for regulatory purposes. Failure to fulfill the commitments, as determined by the Regional Board in its discretion, means that the prerequisite "maximum benefit" has not been provided and that accordingly the "antidegradation" objectives for these waters will apply. To date, these agencies have been implementing the commitments necessary to demonstrate maximum benefit, so the maximum benefit water quality objectives will continue to apply for regulatory purposes.

The application of the "maximum benefit" objectives relies on the implementation by the Chino Basin Watermaster and the IEUA of a specific program of projects and requirements, which are an integral part of the Chino Basin Optimum Basin Management Program (OBMP). The OBMP was developed by the Watermaster

under the supervision of the San Bernardino County Superior Court. The OBMP is a comprehensive, long-range water management plan for the Chino Basin as a whole, including the Chino-North and Cucamonga Groundwater Management Zones. The OBMP includes the use of recycled water for basin recharge, initially in the Chino-North Groundwater Management Zone. The OBMP also includes the capture of increased quantities of high quality storm water runoff, recharge of imported water when its TDS concentrations are low, improvement of water supply by desalting poor quality groundwater, and enhanced wastewater pollutant source control programs. The OBMP maps a strategy that will provide for enhanced yield for the Chino Basin and seeks to provide reliable water supplies for development expected to occur within the Basin. The OBMP also includes the implementation of management activities that would result in the hydraulic isolation of Chino Basin groundwater from the Orange County Management Zone, thus insuring the protection of downstream beneficial uses and water quality. Waste discharges from CAFOs in the Chino Basin have been factored into the OBMP.

The existing and potential beneficial uses of the various surface waters that could be impacted by the discharge of dairy wastes in the Santa Ana Region include one or more of the following:

1. Municipal and Domestic Supply,
2. Agricultural Supply,
3. Industrial Service Supply,
4. Industrial Process Supply,
5. Groundwater Recharge,
6. Hydropower Generation,
7. Water Contact Recreation,
8. Non-contact Water Recreation,
9. Warm Freshwater Habitat,
10. Limited Warm Freshwater Habitat,
11. Cold Freshwater Habitat,
12. Preservation of Biological Habitats of Special Significance,
13. Wildlife Habitat,
14. Marine Habitat,
15. Shellfish Harvesting,
16. Estuarine Habitat,
17. Rare, Threatened or Endangered Species, and
18. Spawning, Reproduction, and Development.

The existing and potential beneficial uses of groundwater that could be impacted by the discharge of dairy wastes within the Santa Ana Region include one or more of the following:

1. Municipal and Domestic Supply,
2. Agricultural Supply,

3. Industrial Service Supply, and
4. Industrial Process Supply

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR). (Not Applicable)**

3. **State Implementation Policy. (Not Applicable)**

4. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes [40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)]. Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

5. **Antidegradation Policy.** 40 CFR section 131.12 requires that the State water quality standards include an antidegradation policy consistent with the federal policy. The SWRCB established California's antidegradation policy in SWRCB Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy where applicable. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings.

   This order covers only existing facilities. Although these facilities may change ownership and the herd size may vary, the overall waste load is not increasing. In fact, the waste load has been steadily decreasing as these operators relocate their facilities outside of the Region. It is anticipated that this trend will continue. Consequently, further antidegradation analysis is not necessary for this general permit. Any new discharges that will result in additional waste loads will not be able to seek coverage under this general permit. Those discharges will need to be addressed under an individual permit and an appropriate antidegradation analysis may need to be conducted at that time.

   In addition, as discussed above in this section of the Fact Sheet, water quality objectives established in the Basin Plan reflect baseline water quality with a few exceptions. In the case of the Chino-North Groundwater Management Zone, the Regional Board has considered the antidegradation policy to justify alternative water quality objectives. This order prohibits discharges in excess of water quality objectives, unless those discharges are adequately offset to prevent any overall degradation of the receiving water.

   As such, discharges covered by this order are not permitted to adversely affect water quality and therefore are consistent with the antidegradation provision of 40 CFR 131.12 and SWRCB Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. All effluent limitations in the order are at least as stringent as the effluent limitations in the previous order.

D. Impaired Water Bodies on CWA 303(d) List

Unregulated discharges of storm water from CAFOs within this Region, such as dry weather discharges, have a potential to impact the Santa Ana River, Reach 3, Chino Creek, Cucamonga Creek/Mill Creek, Lake Elsinore and Canyon Lake, which are listed as impaired, under Section 303(d) of the CWA. The Santa Ana River, Reach 3, is impaired due to pathogens; Chino Creek and Cucamonga/Mill Creek are impaired due to pathogens and nutrients; Lake Elsinore is impaired due to nutrients, and toxic constituents; and Canyon Lake is impaired due to pathogens and nutrients. Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed waterbodies for each pollutant of concern. Waste discharges cannot cause or contribute to water quality or beneficial use impairment. With respect to the potential discharges from CAFOs, the pollutants of concern are nutrients and pathogens. To date, a bacterial indicator TMDL has been developed for the Middle Santa Ana River Watershed and a nutrient TMDL has been developed for the Lake Elsinore and Canyon Lake. The following is a detailed discussion of the WLAs and TMDL monitoring requirements that have been designated for each watershed.

Middle Santa Ana River Watershed

Pursuant to the Middle Santa Ana River Watershed Bacterial Indicator TMDLs (Resolution No. R8-2005-0001), the following WLAs apply to CAFO facilities in the Middle Santa Ana River watershed that drain, directly or indirectly, to Chino Creek, Cucamonga/Mill Creek and/or the Santa Ana River. The allocations apply to these CAFO facilities as a group.

1. **Dry Summer Conditions:** April 1 through October 31, compliance needs to be achieved as soon as possible, but no later than December 31, 2015.

a. Fecal Coliform WLA[2]

5–sample/30–day Logarithmic Mean less than 180 organisms/100mL, and not more than 10% of the samples exceed 360 organisms/100mL for any 30–day period.

b. *E. Coli* WLA

5–sample/30–day Logarithmic Mean less than 113 organisms/ 100mL, and not more than 10% of the samples exceed 212 organisms/100mL for any 30–day period.

2. **Wet Winter Conditions:** November 1 through March 31, compliance needs to be achieved as soon as possible, but no later than December 31, 2025.

a. Fecal Coliform WLA[3]

5–sample/30–day Logarithmic Mean less than 180 organisms/ 100mL, and not more than 10% of the samples exceed 360 organisms/100mL for any 30–day period.

b. *E. Coli* WLA

5–sample/30–day Logarithmic Mean less than 113 organisms/ 100mL, and not more than 10% of the samples exceed 212 organisms/100mL for any 30–day period.

3. **TMDL Monitoring Requirements**

a. Watershed-wide Bacterial Indicator TMDL Water Quality Monitoring Program

Pursuant to Task 3 of the Middle Santa Ana River Watershed Bacteria Indicator TMDLs, CAFO facilities are required to propose a watershed-wide monitoring program that will provide data necessary to review and update the Middle Santa Ana River Bacterial Indicator TMDLs by November 30, 2007. Data to be collected and analyzed shall address, at a minimum, determination of compliance with the TMDLs and WLAs for bacterial indicators.

On behalf of specific dischargers named in the Bacterial Indicator TMDLs, including CAFO operators, the Santa Ana River TMDL Task Force submitted a monitoring program for Regional Board consideration. The Regional Board

[2] *The fecal coliform WLA becomes ineffective upon the replacement of the REC1 fecal coliform objectives in the Basin Plan by approved REC1 objectives based on E. Coli.*

[3] *The fecal coliform WLA becomes ineffective upon the replacement of the REC1 fecal coliform objectives in the Basin Plan by approved REC1 objectives based on E. Coli.*

approved the proposed monitoring program on June 29, 2007 (Resolution No. R8-2007-0046). CAFO operators shall continue to implement this approved bacterial indicator TMDL monitoring program.

b. Agricultural/CAFO Discharges

Pursuant to Task 5 of the Middle Santa Ana River Watershed Bacteria Indicator TMDLs, CAFO facilities are required to develop Bacterial Source Agricultural Source Evaluation Plans (AGSEP) specific to CAFOs by November 30, 2007. These plans shall include steps needed to identify specific activities, operations, and processes that contribute bacterial indicators to Middle Santa Ana River Watershed waterbodies with a schedule for completion of each of the steps identified.

This task can be coordinated and conducted with a larger stakeholder group (e.g., other agricultural operators including CAFOs) as appropriate or can be conducted on an individual CAFO basis.

Lake Elsinore and Canyon Lake Watershed

Pursuant to the Lake Elsinore and Canyon Lake Nutrient TMDLs (Resolution No. R8-2004-0037), the following WLAs apply to CAFO facilities in the San Jacinto River watershed that drain, directly and indirectly, to San Jacinto River, Salt Creek and/or Canyon Lake. The allocations apply to these CAFO facilities as a group.

1. **Total phosphorus WLA:** Compliance needs to be achieved as soon as possible, but no later than December 31, 2020.

   132 kg/yr (10-year running average)

2. **Total Nitrogen WLA:** Compliance needs to be achieved as soon as possible, but no later than December 31, 2020.

   1,908 kg/yr (10-year running average)

3. **Bacteria Indicator TMDL.** The bacterial indicator TMDL for Canyon Lake is scheduled for Regional Board approval in late 2007/early 2008. This TMDL will specify wasteload and load allocations for all significant sources of the pollutants causing impairment. This is expected to include WLAs for CAFOs within the San Jacinto Rivers watershed. The Canyon Lake bacterial indicator TMDL will also specify an appropriate implementation plan that may include monitoring requirements and implementation of BMPs to reduce the discharge of bacteria. Therefore, this order will be reopened to include requirements necessary to implement the adopted Canyon Lake Bacterial Indicator TMDL.

4. TMDL Monitoring Requirements

a. Nutrient TMDL Water Quality Monitoring Program

Pursuant to Task 4 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, (Resolution No. R8-2004-0037), CAFO facilities are required to propose and conduct a watershed-wide, Canyon Lake in-lake and Lake Elsinore in-lake nutrient monitoring program that will provide data necessary to review and update the Nutrient TMDLs. Data to be collected and analyzed shall address, at a minimum, determination of compliance with the TMDLs and WLAs for nitrogen and phosphorus.

On behalf of specifc dischargers named in the Nutrient TMDLs including CAFO operators, the Lake Elsinore and San Jacinto Watershed Authority submitted a monitoring program for Regional Board consideration. The Regional Board approved the proposed monitoring program on March 3, 2006 (Resolution No. R8-2006-0031). CAFO operators shall continue to implement this approved Nutrient TMDL monitoring program.

b. Agricultural/CAFO Discharges – Nutrient Reduction Plan

Pursuant to Task 5 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, CAFO facilities are required to develop Agricultural Nutrient Management Plan specific to CAFOs by September 30, 2007. These plans shall include steps needed to identify nutrient sources and to develop nutrient reduction strategies, including time schedules for implementation.

This task can be coordinated and conducted with a larger stakeholder group (e.g., other agricultural operators including CAFOs) as appropriate or can be conducted on an individual CAFO basis.

c. Lake Elsinore In-Lake Sediment Nutrient Reduction Plan

Pursuant to Task 9 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, CAFO facilities are required to develop a proposed plan and schedule for in-lake sediment nutrient reduction for Lake Elsinore by March 31, 2007[4]. The proposed plan shall include an evaluation of the applicability of various in-lake treatment technologies to prevent the release of nutrients from lake sediments to support development of a long-term strategy for control of nutrients from the sediment. The submittal shall also contain a proposed sediment nutrient monitoring program to evaluate the effectiveness of any strategies that are implemented.

[4] *Executive Officer extended due date to April 30, 2007. Draft plan was submitted to the Regional Board on August 9, 2007.*

This task can be coordinated and conducted with a larger stakeholder group (e.g., urban dischargers and/or other agricultural operators including CAFOs) as appropriate or can be conducted on an individual CAFO basis.

d. Canyon Lake In-Lake Sediment Treatment Evaluation

Pursuant to Task 10 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, CAFO facilities are required to develop a proposed plan for evaluating in-lake sediment nutrient treatment strategies for Canyon Lake by March 31, 2007[5]. The proposed plan shall include an evaluation of the applicability of various in-lake treatment technologies to prevent the release of nutrients from lake sediments in order to develop a long-term strategy for control of nutrients from the sediment. The submittal shall also contain a proposed sediment nutrient monitoring program to evaluate the effectiveness of any strategies that are implemented.

This task has been completed through a Proposition 50 grant obtained by the San Jacinto River Watershed Council. The final report was submitted to the Regional Board on August 3, 2007 and now goes to the TMDL Task Force for consideration and identification of implementation steps.

e. Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates

Pursuant to Task 11 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, CAFO facilities are required to develop a proposal and schedule for updating the existing Lake Elsinore/San Jacinto River Nutrient Watershed Model and the Canyon Lake and Lake Elsinore in-lake models by March 31, 2007[6]. The plan and schedule must take into consideration additional data and information that are generated from the respective TMDL monitoring programs. In order to facilitate any needed update of the numeric targets and/or the TMDLs/WLAs, the proposed schedule shall take into consideration the Regional Board's triennial review schedule.

This task can be coordinated and conducted with a larger stakeholder group (e.g., urban dischargers and/or other agricultural operators including CAFOs) as appropriate or can be conducted on an individual CAFO basis.

[5] *Executive Officer extended due date to May 31, 2007.*

[6] *Executive Officer extended due date to March 31, 2009.*

f. Pollutant Trading Plan

Pursuant to Task 12 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, CAFO facilities are required to develop a Pollutant Trading Plan by September 30, 2007[7]. At a minimum, this plan shall contain a plan, schedule and funding strategy for project implementation, an approach for tracking pollutant credits and a schedule for reporting status of implementation of the Pollutant Trading Plan to the Regional Board,

This task can be coordinated and conducted with a larger stakeholder group (e.g., urban dischargers and/or other agricultural operators including CAFOs) as appropriate or can be conducted on an individual CAFO basis.

E. Other Plans, Polices and Regulations (Not Applicable)

V. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Wastes from CAFOs contain high concentrations of salts (total dissolved solids and nitrates). These wastes originate from the excretion of manure in corrals and milk barns. Wash water that is discharged from the milk barn as a result of milk barn and cow cleaning contains approximately 10 percent of the daily manure excreted from a cow. Wash water is flushed from the milk barn, generally into on-site wastewater containment ponds. Also, rainfall runoff that comes into contact with manure in the corrals carries manure from the corrals into the wastewater containment ponds.

Previous studies conducted by the Regional Board have shown that cow manure produced in the Region contains about 160 pounds of salt per (dry) ton of manure (110 pounds of salt per ton of manure @ 33% moisture). In addition, the Regional Board's 1990 report, "Dairies and Their Relationship to Water Quality Impacts in the Chino Basin", showed that the use of manure as a fertilizer results in two to four times more salt reaching groundwater (up to 10 times more non-nitrate salts) than the use of non-manure commercial fertilizers. For this reason, it is vital to make sure that all application of manure and process wastewater to land is regulated, so they will not adversely impact the quality of groundwater and surface water in the Region. When the requirements specified in this order are met, water quality of the Region is not expected to degrade as a result of discharges authorized under this order.

Extensive computer modeling studies on TDS and nitrate have been conducted to determine acceptable salt loading rates to groundwater from various sources, including CAFOs. These studies are the basis of the TDS and nitrogen management plan presented in the 1995 Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) and its most recent amendment (Regional Board Resolution No. R8-2004-0001,

[7] *Executive Officer extended due date to March 31, 2009.*

hereinafter referred to as the Basin Plan Amendment). The SWRCB approved the Basin Plan Amendment on September 30, 2004. The groundwater components of the amendment became effective upon approval by the Office of Administrative Law (OAL) on December 23, 2004. The USEPA approved the surface water standards and related provisions of the Amendment on June 20, 2007. The Basin Plan Amendment incorporates an updated TDS and Nitrogen Management Plan for the Santa Ana Region, which includes revised groundwater subbasin boundaries (groundwater management zones), revised TDS and nitrate-nitrogen quality objectives for groundwater, revised TDS and nitrogen WLAs and changes to specific surface waters including revised reach designations, revised TDS and nitrogen objectives and modifications to beneficial uses designations.

Order No. 99-11 included three significant changes from the Regional Board's prior CAFO regulatory program. First, Order No. 99-11 prohibited the disposal of corral manure anywhere in the Region and prohibited the use of corral manure as a fertilizer in any groundwater subbasin lacking assimilative capacity for salts, including the Chino Basin, thereby prohibiting the application of any corral manure in the Chino Basin for any reason (prior to the adoption of Order No. 99-11, the disposal of manure was limited to 4.4 tons/acre on disposal land, and use of corral manure as a fertilizer on cropland was limited to 17.6 tons/acre). Second, corral manure was required to be hauled from the facility within 180 days of being removed from the corrals, thereby preventing the long-term accumulation of manure stockpiles on-site (prior to the adoption of Order No. 99-11, some facilities were increasingly stockpiling manure on-site rather than paying to have the manure hauled away). Third, Order No. 99-11 required all CAFOs to develop and implement engineered waste management plans (prior to the adoption of Order No. 99-11, repairs to waste management structures occurred on an as needed basis, and comprehensive waste management design, construction or operation plans for CAFOs did not exist).

Concurrent with the adoption of Order No. 99-11, the Regional Board adopted Cease and Desist Order (CDO) No. 99-65. CDO No. 99-65 included a time schedule for CAFOs to develop and implement their engineered waste management plans (EWMPs). Also, as a result of the significant public comment regarding the economic hardship that would result for farmers in the Chino Basin if they were not allowed to use corral manure on their cropland, and considering the limited, and decreasing amount of cropland that was available in the Chino Basin, CDO No. 99-65 allowed CAFOs to continue to supply manure for use on existing cropland in the Chino Basin at agronomic rates unless the Regional Board determined that progress was not being made toward construction of a second desalter in the Chino Basin.

Chino Basin (Chino-North, Chino-East, and Chino-South Groundwater Management Zones)

Eighty two percent of the CAFOs in the Region are located in the Chino Basin. Based upon data collected from the CAFO annual reports for 2006 (most recent data available),

about 643,000 tons of manure were removed from the corrals in the Chino Basin. Of this, 7% (42,000 tons) was stockpiled on site, 22% (139,000 tons) was applied to cropland within the Chino Basin, 34% (219,000 tons) was hauled to cropland outside Chino Basin, but within the Region, 30% (195,000 tons) was hauled to composting facilities, 4% (26,000 tons) was hauled to cropland located outside the Region, and 3% (21,000 tons) was hauled to unknown locations. Since 1999, an average of about 139,000 tons of manure per year was applied to cultivated croplands in the Chino Basin. In comparison, in the five years prior to 1999, over 400,000 tons of manure per year were applied to land in the Chino Basin for disposal, used as fertilizer and placed in accumulating stockpiles (the amount of manure remaining in the Chino Basin each year had been slowly decreasing since its peak in the early 1980s when well over 500,000 tons of manure remained in the Chino Basin each year).

The Chino Basin desalter program is a key feature of the OBMP. It is integrated into the OBMP along with other groundwater management activities (enhanced recharge, plume management, monitoring, etc.) that assure: water quality enhancement, yield management, hydraulic control, and the maximum beneficial use of the Chino Basin groundwater. Waste discharges (including those from CAFOs) in the Chino Basin have been addressed in this integrated water supply system. The desalter capacity and well locations have been established to assure that the total salt removal from the Chino Basin is great enough to mitigate all the salt added through the use of recycled water, ongoing discharges (including those from CAFOs), and legacy sources. Currently, there are two desalters in operation in the Chino Basin (Chino I and Chino II Desalters). The capacity of these desalters may be expanded later, if necessary. Extraction wells have been constructed and are operational pursuant to the initial OBMP analyses. A recent analysis conducted by the Chino Basin Wastermaster has shown that hydraulic control is nearly complete, but some well field modifications are necessary to fully achieve hydraulic control. The Chino Basin Watermaster is in the process of implementing these modifications.

At this time, there are two dairies in the Chino-South Groundwater Management Zone and no dairies in the Chino-East Groundwater Management Zone. Since the operation of the hydraulic control wells has reversed the gradient of the Chino-South and Chino-East Groundwater Management Zones to drain towards the Chino-North Groundwater Management Zone, these discharges are being intercepted by these wells, and thus hydraulic control is achieved. Since waste discharges from CAFOs within the Chino Basin have been addressed in the Optimum Basin Management Program (OBMP), this order does not restrict discharges to land from these facilities, as long as the Chino Basin Watermaster and the IEUA are continuing their efforts of implementing the commitments to meet the max benefit water quality objectives in the Basin Plan Amendment. In the event that the Chino Basin Watermaster and IEUA are not meeting the specific triggers included in the Basin Plan, they are required to implement additional measures to achieve hydraulic control, including desalting the effluent from IEUA's wastewater treatment plants.

Prado Basin Management Zone (PBMZ)

At this time, there are 14 dairies in the PBMZ. It is not known whether the influence of the hydraulic control wells extends into the PBMZ. Consequently, a time schedule has been incorporated into the order to give the CAFO operators within the PBMZ one year to provide documentation so that determination can be made. If it is determined that the CAFO discharges in the PBMZ are not controlled by the OBMP facilities and programs, the CAFO operators will have to formulate and implement an acceptable offset or implement efforts to cease the discharge of waste in the PBMZ within five years.

San Jacinto River Basin

The 1995 Basin Plan stated that all of the San Jacinto groundwater basins with the exception of the Canyon Subbasin had assimilative capacity for planned salt waste loads. None of the CAFOs in the San Jacinto River Basin overly the Canyon Subbasin. Since the other subbasins in the watershed did not lack assimilative capacity, the continued discharge of dairy wastewater and the application of corral manure on cultivated croplands in the San Jacinto River Basin were not prohibited by Order No. 99-11. However, the TDS/Nitrogen Basin Plan Amendment now indicates that all of the groundwater management zones in the San Jacinto River Basin, with the exception of the Canyon Groundwater Management Zone, lack assimilative capacity for additional salt inputs. In addition, all of the groundwater management zones within the San Jacinto River Basin, with the exception of the Canyon and Perris North Groundwater Management Zones lack assimilative capacity for additional nitrate inputs. Consequently, discharges of manure, wash water, and storm water to these waters must be prohibited, unless the TDS and nitrogen loadings from these discharges are adequately offset.

Historically, manure has been used to supplement the use of commercial fertilizer on agricultural fields in the San Jacinto River Basin. When the Regional Board adopted Order No. 99-11 and prohibited the disposal of corral manure anywhere in the Region and prohibited the use of corral manure as a fertilizer in the Chino Basin, most of the 400,000 tons of manure that was previously remaining in the Chino Basin each year was then hauled to the San Jacinto River Basin for use as fertilizer. Currently, it is estimated that there are about 77,000 acres of land under cultivation in the San Jacinto River Basin. According to the 2006 CAFO annual report data, approximately 480,000 tons of manure was applied as fertilizer in the San Jacinto River Basin. About 196,000 tons of this manure was hauled from the Chino Basin. The remainder of the manure came from the CAFOs in the San Jacinto River Basin and Upper Santa Ana Basin. For the San Jacinto River Basin, 98% of the corral manure removed by the CAFOs remains in this basin. The 480,000 tons of manure applied as fertilizer in the San Jacinto River Basin represents a loading of approximately 36,000 tons of salt to the groundwater management zones in the San Jacinto River Basin each year. Wash water discharges account for an additional salt loading of about 1,000 tons per year, for a total salt loading of about 37,000 tons per year.

Currently, salt offset programs that could allow for the continuation of these salt discharges in the San Jacinto River Basin have not yet been proposed. A coalition of local CAFO and farming representatives has formed the Western Riverside County Ag Coalition to study and formulate opportunities for salt offsets. However, at this time, no credible options have been developed. In order to allow time for this coalition of CAFOs and agricultural farm operators to formulate an offset proposal or implement efforts to cease the application of manure in the San Jacinto River Basin, Order No. R8-2007-0001 proposes a 5-year compliance time schedule to achieve compliance with the proposed prohibition of the application of manure, wash water, and storm water to the ground.

As previously noted, Canyon Lake and Lake Elsinore are on the 303(d) list of impaired water bodies due, in part, to the effects of excessive amounts of nutrients, including nitrogen and phosphorous. The TMDL adopted by the Regional Board and approved by USEPA requires the reduction of nutrients from all sources in the watershed including CAFOs. The Nutrient TMDLs specify CAFO WLAs for both nitrogen and phosphorus.

A. Discharge Prohibitions

1. Order No. R8-2007-0001 prohibits the discharge of process wastewater and/or storm water runoff from manured areas to property not owned or controlled by the discharger, except as authorized by this order.

2. Disposal of manure to land is prohibited. The use of manure as a fertilizer, or the discharge/use of process wastewater, and/or storm water runoff from manured areas, on any land outside of the Chino Basin that overlie groundwater management zones lacking assimilative capacity for TDS and/or nitrate nitrogen is also prohibited unless a plan, acceptable to the Executive Officer, is implemented that offsets the effects of that application on the underlying groundwater management zone.

   Manure applied to non-CAFO related croplands[8] in any area that may affect a groundwater management zone that has TDS and nitrate nitrogen assimilative capacity shall not exceed agronomic rates. In addition, the manure shall be incorporated into the soil immediately after application, unless appropriate containment controls (based upon the specific crop grown) are provided. For any application of manure to these croplands in excess of 12 dry tons per acre per year (or 17.5 tons per acre per year @ 33% moisture), an explanation of the type of crop and the number of times it is harvested per year shall also be included in an annual report.

3. Manure originating from outside of the Chino Basin is prohibited from being applied to land within the Chino Basin, as the salt loading from these are not accounted for in the OBMP.

[8] *For CAFO facilities that land apply manure, litter, or process wastewater to their croplands, see section VII.C.3(d) below for more details.*

4. All animals within a CAFO facility are prohibited from having direct contact with waters of the United States. The discharge of any substances in concentrations toxic to animal or plant life is also prohibited.

5. The disposal of any mortality in any process wastewater system is prohibited. Mortalities shall be handled in such a way as to prevent the discharge of pollutants to waters of the state.

B. Technology-Based Effluent Limitations (TBELs)

1. Scope and Authority

The CWA requires that TBELs be established based on several levels of controls:

A. Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

B. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

C. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

D. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop Effluent Limitations, Guidelines and Standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 of the NPDES regulations authorize the use of Best Professional Judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain

industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR section 125.3.

2. Applicable Technology-Based Effluent Limitations

It is not feasible to establish numeric effluent limitations for pollutants in discharges from CAFOs. Instead, the provisions of this order require the development and implemention of EWMPs to control and abate the discharge of pollutants to surface waters and to achieve compliance utilizing BPT requirements and with applicable water quality standards.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in 40 CFR section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, achieve applicable water quality objectives and criteria contained in state plans and policies, and meet water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The designated beneficial uses of surface waters throughout the State may include municipal, domestic, industrial, and agricultural supply; water contact and non-contact recreation; navigation; groundwater recharge and freshwater replenishment; hydropower generation; wildlife habitat; cold freshwater and warm freshwater habitat; fish migration and fish spawning; marine habitat; estuarine habitat; shellfish harvesting; ocean commercial and sport fishing; areas of special biological significance; and preservation of rare and endangered species. To the extent that the applicable Basin Plan designates additional or different beneficial uses, the Basin Plan shall control.

3. Determining the Need for WQBELs

NPDES permits for discharges to surface waters must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutant and any more stringent controls necessary to meet water quality standards.

Since portions of this order will serve as an NPDES permit and will allow discharges to surface waters that are impaired, albeit only during extreme

weather conditions, federal regulations require the order includes WQBELs for those discharges.

CAFOs may have multiple discharges from corrals and containment areas as a result of storm water inflow and seepage. Establishment of numeric effluent limitations for pollutants from CAFOs is not feasible because: (1) the only discharges to surface waterbodies, or tributaries thereof, that are permitted are those from rainfall events that cause an overflow from facilities designed, constructed and operated to contain all process wastewater plus the runoff and the direct precipitation (that have been commingled with manure) from a 25-year, 24-hour rainfall event, (2) due to the catastrophic nature of such events and the significant volume of runoff involved, treatment of these discharges to meet numeric effluent limitations would be impractical, and (3) if the requirements specified in the order are met, water quality of the Region is not expected to degrade as a result of discharges authorized under this order.

Therefore, the effluent limitations contained in this order are narrative and include compliance with TMDL time schedules. 40 CFR section 122.44(k)(3) allows the use of BMPs to control and abate the discharge of pollutants when "numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA."

Regional Board has adopted TMDLs that address pollutants of concern in the two watersheds where the CAFOs are located: Middle Santa Ana (bacterial indicators) and Lake Elsinore and Canyon Lake (nutrients). The TMDLs include WLAs for CAFOs. However, the earliest compliance date for those allocations is not until 2015. Since this permit will expire in 2012, final effluent limits, based on those allocations are not included in this permit. However, they will need to be considered for the next permit. See Section IV.D. of this Fact Sheet for a more detailed discussion of these TMDLs.

In the interim the TMDLs require water quality monitoring to be performed and pollution reduction plans to be developed by specified dates. The TMDL tasks applicable to CAFOs have been incorporated into this order as interim requirements. CAFO operators can choose to complete the tasks by the dates specified themselves, or they may participate with a larger stakeholder group to achieve compliance with the dates specified in the permit.

4. WQBEL Calculations (Not Applicable)

5. Whole Effluent Toxicity (WET) (Not Applicable)

D. Final Effluent Limitations (Not Applicable)

E. Interim Effluent Limitations (Not Applicable)

F. Land Discharge Specifications

The discharge of waste containing TDS and/or Nitrogen concentrations in excess of the underlying groundwater management zone objectives for those constituents is prohibited, unless adequately offset to the satisfaction of the Executive Officer.

G. Reclamation Specifications (Not Applicable)

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water (Not Applicable)

B. Groundwater (Not Applicable)

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR section 122.48 requires all NPDES permits specify recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment B of this order, establishes monitoring and reporting requirements to implement federal and state requirements.

A. Influent Monitoring (Not Applicable)

B. Effluent Monitoring (Not Applicable)

C. Whole Effluent Toxicity Testing Requirements (Not Applicable)

D. Receiving Water Monitoring

See section IV part (D) of this Fact sheet for TMDL monitoring requirements.

E. Other Monitoring Requirements (Not Applicable)

VIII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance 40 CFR sections 122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment A.

B. Special Provisions

1. Reopener Provisions

This provision is based on 40 CFR Part 123. The Regional Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, or adoption of new regulations by the State Board or Regional Board, including revisions to the Basin Plan.

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention

In compliance with the CWA and the California Code of Regulations, Order No. R8-2007-0001 prohibits discharges to any surface water bodies, or tributary thereof, unless rainfall events cause an overflow of process wastewater from a facility designed, constructed and operated to contain all process wastewater plus the runoff and the direct precipitation (that have been commingled with manure) from a 25-year, 24-hour rainfall event (Title 27, Chapter 7, Subchapter 2, Article 1, Section 22562(a), California Code of Regulations and 40 CFR Part 412). To insure that compliance with these requirements is achieved, all CAFOs are required to develop and implement an EWMP. EWMPs are to be developed in accordance with the Guidelines for the Development of EWMP for CAFOs (Dairies and Related Facilities). It is intended that the guidelines can be revised, as necessary, by the Executive Officer. Therefore, as with expired Order No. 99-11, Order No. R8-2007-0001 authorizes the Executive Officer to make necessary revisions to the guidelines.

In March 1999, the United States Department of Agriculture (USDA) and the USEPA finalized their unified national strategy for AFOs. In general, the national strategy recommended the development of nutrient management plans (NMPs) that were intended to bring each CAFO into compliance with the requirements of the CWA and to minimize the impacts to groundwater and surface water from dairy wastes by the implementation of best management practices. In general, a NMP would assure that appropriate dairy wastewater facilities were developed, constructed and maintained to comply with the requirements of the CWA, and that the use and application of wastewater and manure (i.e. nutrient management) was managed to minimize impacts to groundwater and surface water. The most recent revisions to the NPDES and Effluent Limitation Guidelines and Standards for CAFO regulations, published on February 12, 2003, support this national strategy by requiring the largest CAFOs to develop and implement NMPs.

Therefore, to be consistent with the federal regulations, Order No. R8-2007-0001 requires CAFO operators who apply manure, litter, or process wastewater to croplands under their ownership or operational control to develop and fully implement a NMP in addition to the EWMPs. The NMP shall be prepared in accordance with 40 CFR 122.42(e)(1) and 40 CFR 412.4, and should follow the guidelines developed by Natural Resources Conservation Service (NRCS), Conservation Practices Standard 590. The discharger shall also comply with the recordkeeping requirements as described in 40 CFR 412.37(c). Upon approval by the Executive Officer, the NMP will be made available for public review for 30 days. If there is no objection after the reviewing period, the Executive Officer will issue an authorization letter to the discharger making the approved NMP an enforceable part of the order. The NMP shall be developed and submitted for the Executive Officer's review as soon as possible but no later than September 1, 2008. The NMP must be fully implemented by February 27, 2009. Dischargers who seek to obtain coverage under a permit after February 27, 2009 shall have a NMP developed and implemented upon the date of permit coverage.

4. Compliance Schedules

See section VII.C.4 of this order for a more detailed discussion of the compliance schedules.

5. Construction, Operation, and Maintenance Specifications

See section VII.C.5 of this order for the construction, operation, and maintenance specifications.

6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

7. Other Special Provisions (Not Applicable)

IX. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Santa Ana Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for CAFOs. As a step in the WDR adoption process, the Regional Board staff has developed these WDRs. The Regional Board is holding a public hearing on September 7, 2007, to consider adoption of the order. The Regional Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them

with an opportunity to submit their written comments and recommendations. Notification was also provided through public notices published in local newspapers.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these WDRs. Comments should be submitted to: Kathleen Fong, Regional Water Quality Control Board, 3737 Main Street, Suite 500, Riverside, CA 92501. Comments can be submitted by USPS mail or by email to: kyfong@waterboards.ca.gov

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on August 17, 2007.

C. Public Hearing

The Regional Board will be conducting a public hearing to consider adoption of the WDRs during its regular Board meeting on the following date and time and at the following location:

Date:	**September 7, 2007**
Time:	**9:00am**
Location:	**City Council Chambers of Loma Linda** **25541 Barton Road** **Loma Linda, CA 92354**

Interested persons are invited to attend the hearing. During the session, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/santaana/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the SWRCB to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

Persons wishing further information may write to the address given above (see B, above) or call the Regional Board at (951) 782-4130. Copies of the proposed WDRs and other documents are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Thursday (excluding holidays).

F. Register of Interested Persons

Any person interested in this order, or in a particular application or group of applications, may leave his/her name, address, and phone number as part of the file for an application. Copies of these waste discharge requirements will be mailed to all interested parties.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Kathleen Fong at (951) 774-0114.