

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**ORDER R5-2017-0000**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
CONFINED BOVINE FEEDING OPERATIONS**

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

**SCOPE OF COVERAGE OF THIS ORDER**

1. This Order (hereinafter referred to as the Bovine General Order, or Order) serves as general waste discharge requirements for discharges of waste from Confined Bovine Feeding Operations, as defined in Finding 2. This Order incorporates provisions requiring the monitoring of surface water and groundwater to identify discharges associated with Confined Bovine Feeding Operations resulting from runoff or leaching of irrigation water and/or storm water from cropland, and from drift of chemicals applied to cropland. For Confined Bovine Feeding Operations that include or propose to include a composting operation, the Notice of Applicability (NOA) issued by the Executive Officer pursuant to this Order will confirm the Discharger's tier and timeline for compliance for the composting operation.
2. For the purposes of this Order, "Confined Bovine Feeding Operations" means commercial operations where cattle (cows, bulls, steers, heifers, or calves) representing 6 or more Animal Units (AU)<sup>1</sup> are confined and fed or maintained for a total of 45 days or more in any 12-month period, and where vegetation is not sustained over a majority of the confinement area during the normal growing season.

Confined Bovine Feeding Operations include, but are not limited to: beef cattle stockyards, finishing yards, and/or auction yards; calf ranches; dairy heifer operations; and veal calf facilities. Confined Bovine Feeding Operations do not include operations where animals primarily graze on pasture or rangeland, including any corrals that are an integral part of the grazing or pasture operation. However, corrals or other confinement areas used to finish cattle for slaughter at a grazing operation are considered Confined Bovine Feeding Operations requiring coverage under this Order.

3. This Order classifies facilities as "existing", "new", or "expanded". Existing facilities are those that were operating as of 10 February 2017. New facilities are those that were not yet operating as of 10 February 2017. Expanded facilities are those that

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<sup>1</sup> For the purposes of this Order, 1 Animal Unit equals 1000 pounds of animal weight.

increase their herd size from the maximum number reported in a previous Notice of Intent (NOI). This Order applies to owners and operators of Confined Bovine Feeding Operations (hereinafter referred to as “Dischargers”) that:

- a. Either:
    - i. Qualify as “existing”; or
    - ii. Qualify as “new” or “expanded” and demonstrate compliance with the provisions of the California Environmental Quality Act (CEQA) in the form of a certified Environmental Impact Report (EIR), Mitigated Negative Declaration, or Negative Declaration; and
  - b. Submitted a complete Notice of Intent (NOI) to the Central Valley Water Board and the appropriate fee to the State Water Resources Control Board; and
  - c. Have received a formal Notice of Applicability (NOA) from the Central Valley Water Board indicating that they are required to comply with the terms and conditions of this Order.
4. This Order includes a separate tier for Limited Time Operations. A facility is deemed to pose a low threat to water quality and therefore qualifies as a Limited Time Operation if it meets all of the following criteria:
- a. Houses bovine animals for fewer than 24 days per calendar month. Animals, up to 10% of the existing herd size, may be housed during the remaining days of the month, provided that the animals are moved or rotated around the facility so that cleanup and maintenance are not hindered;
  - b. Exports all manure or, if manure is applied to Discharger’s cropland, the cropland is enrolled under the Irrigated Lands Regulatory Program. Application of corral runoff to the Discharger’s cropland may be permitted if the Discharger demonstrates that, due either to the limited volume of corral runoff to be applied or the low concentration of waste constituents in the corral runoff, application of the corral runoff to crops poses a minimal threat to water quality and the cropland is enrolled under the Irrigated Lands Regulatory Program;
  - c. Collects manure from pens and stores manure in either:
    - i. A roofed structure with features to limit the entrance of precipitation, or
    - ii. A storage area that has a low permeability surface and features to control run-on of water onto the pad and run-off of liquid from the pad, and throughout the wet season when necessary (and at a minimum one day prior to any forecasted major storm event, which is one inch of precipitation within 24 hours), manure is either removed from the site or covered with a weatherproof covering such that runoff leaving the storage area will not have contacted manure;

- d. Conducts any composting either under separate coverage under the General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ or in a roofed structure with features to limit the entrance of precipitation, and on concrete or an equivalent low permeability surface, and free liquids are not released during the composting process; and
    - e. Stores storm water runoff from corrals in pond(s) that only contain water following precipitation events and are otherwise dry, and that do not receive wastewater from any source other than corral runoff and de minimus amounts of water necessary for sanitization
5. This Order includes a separate tier for Limited Population Operations. A facility is deemed a Limited Population Operation if it meets all of the following criteria:
  - a. Houses between 6 and 99 AUs;
  - b. Exports all manure or, if manure is applied to Discharger's cropland, the cropland is enrolled under the Irrigated Lands Regulatory Program. Application of corral runoff to the Discharger's cropland may be permitted if the Discharger demonstrates that, due either to the limited volume of corral runoff to be applied or the low concentration of waste constituents in the corral runoff, application of the corral runoff to crops poses a minimal threat to water quality and the cropland is enrolled under the Irrigated Lands Regulatory Program;
  - c. Stores storm water runoff from corrals in pond(s) that only contain water following precipitation events and are otherwise dry, and that do not receive wastewater from any source other than corral runoff;
  - d. Prepares and follows an Operation and Maintenance Plan designed to ensure that maintenance measures are taken prior to the wet season to minimize the threat to water quality posed by the facility; and
  - e. Conducts any composting either under separate coverage under the General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ or in a roofed structure with features to limit the entrance of precipitation, and on concrete or an equivalent low permeability surface, and free liquids are not released during the composting process.
  - f. Has not been artificially divided from what is essentially one operation (e.g., contiguous border and/or common ownership) to avoid the requirements applicable to Full General Order Coverage Operations.
6. Staff will review the NOI and notify the Discharger if they meet the criteria for a Limited Time or Limited Population Operation. A facility that otherwise meets the definition of a Limited Time or Limited Population Operation may be required to comply with all or some of the requirements of this Order as a Full General Order Coverage Operation if the Executive Officer determines that the Operation poses a

threat to water quality that is not consistent with the Limited Time or Limited Population tiers.

## **REASON FOR THE CENTRAL VALLEY WATER BOARD ISSUING THIS ORDER**

7. Under the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code), the Central Valley Water Board has the authority to regulate waste discharges that could affect the quality of the waters of the State. Under Water Code section 13050(e), “waters of the state” includes any surface or groundwater within the boundaries of the State.
8. Water Code section 13260 requires that any person discharging waste, or proposing to discharge waste, within the Central Valley Region, that could affect the quality of the waters of the State shall file a report of waste discharge with the Central Valley Water Board.
9. Waste discharge requirements are one method available to the Central Valley Water Board to ensure that a discharge of waste does not threaten beneficial uses or otherwise impair water quality. Water Code section 13263 requires that waste discharge requirements implement the relevant water quality control plan, including any applicable water quality objectives. Pursuant to Water Code section 13263(i), the Central Valley Water Board may prescribe general waste discharge requirements for a category of discharges if all the following criteria apply:
  - a. The discharges are produced by the same or similar operations;
  - b. The discharges involve the same or similar types of waste;
  - c. The discharges require the same or similar treatment standards; and
  - d. The discharges are more appropriately regulated under general requirements than individual requirements.
10. In regulating waste discharges, the Central Valley Water Board implements State laws and regulations. California regulations governing discharges from confined animal facilities are contained in title 27 of the California Code of Regulations (“title 27”)<sup>2</sup>, at sections 22560 et seq.
11. A facility that otherwise meets the definition of a Confined Bovine Feeding Operation but which has fewer than 6 AUs on site nonetheless may be required to comply with the provisions of this Order if the Executive Officer determines that the operation poses a significant threat to water quality. When directed by the

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<sup>2</sup> All subsequent references to “title 27” shall refer to California Code of Regulations, title 27.

Executive Officer, the Operation shall submit a Notice of Intent to the Central Valley Water Board and, based on Board staff's review of the data submitted, may be required by the Executive Officer to comply with this Order.

12. Confined Bovine Feeding Operations that are conducted as part of a dairy currently regulated under the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122 (Reissued Dairy General Order), or its successor orders, shall continue to be regulated under the Reissued Dairy General Order and will not require coverage under this Order, provided that the bovine feeding operation is included in the dairy's Waste and Nutrient Management Plans and is:
  - a. Located within the dairy production area; or
  - b. Is immediately adjacent to the dairy production area, land application area, or both.

If a Confined Bovine Feeding Operation does not meet a or b above but shares the same land application area with a dairy, the Confined Bovine Feeding Operation can request that the bovine operation be covered by the Reissued Dairy General Order as part of the dairy operation.

13. For "existing" facilities, the NOI shall document an existing herd size which is defined as the maximum number of bovine animals (beef cattle, bulls, heifers, and calves) housed at the facility in a single month period that occurred in the three years immediately prior to the issuance of the tentative Order, 10 February 2017, or the maximum herd size identified in an approved CEQA document or other regulatory document that has gone through CEQA review or a CEQA-equivalent process. Any increase in the herd size beyond this number constitutes an expansion requiring a CEQA evaluation as outlined in Finding 14. The use of the three previous years' monthly animal numbers for determining the maximum number of animals has been stipulated to account for normal fluctuations in the on-site animal numbers due to changes in economic conditions.
14. For "new" or "expanded" operations, the herd size for the General Order will be the herd size described in the CEQA document or other regulatory document that has gone through CEQA review or a CEQA-equivalent process and been adopted by the lead agency for the new or expanded operation. Prior to either populating a new Confined Bovine Feeding Operation or expansion of an existing Confined Bovine Feeding Operation, the Discharger is required to file an NOI, including proof of CEQA compliance, in order to obtain regulatory coverage under this Order.
15. There are an estimated 800 bovine feeding operations within the Central Valley Region that will be required to operate under the requirements of this Order. Each

facility represents a source of waste discharge that, if not properly managed, has the potential to affect the quality of waters of the State.

16. For the purposes of this Order, “waste” shall have the meaning provided under Water Code section 13050(d). Waste includes, but is not limited to, manure, leachate, wastewater and any water, precipitation or rainfall runoff that contacts raw materials, products, or byproducts such as manure, compost piles, feed, silage, or bedding.
17. This Order implements the requirements of State Water Resources Control Board Resolution 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*, referred to hereafter as the *State Anti-Degradation Policy*), the sections of title 27 of California Code of Regulations related to confined animal facilities, the Central Valley Water Board’s Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Ed., revised June 2015) and the Tulare Lake Basin (2<sup>nd</sup> Ed., revised January 2015) (collectively, the Basin Plans), and other applicable plans and policies of the State Water Resources Control Board (State Water Board) and the Central Valley Water Board described in the Information Sheet, which is attached to and hereby made part of this Order by this reference.
18. For Confined Bovine Feeding Operations with on-site composting operations that do not meet 4.d or 5.e, above, this Order incorporates by reference the requirements of the General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ as applicable. Confined Bovine Feeding Operations that satisfy said requirements do not require separate coverage under the Composting General Order.
19. This Order recognizes that some Dischargers will need to make improvements at their facilities to meet the Order’s requirements. The Discharger may be able to make some of these improvements relatively quickly while some improvements may require more time to implement. It is reasonable to allow Dischargers thirty (30) months to phase in elements of the required Waste Management Plan and Nutrient Management Plan in order to adequately design and construct major infrastructure changes needed to comply with the requirements of this Order.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

20. The Central Valley Water Board is the lead agency with respect to the issuance of this Order under applicable provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
21. In accordance with CEQA, the Central Valley Water Board adopted a Negative Declaration in 1982 concurrently with the adoption of Central Valley Water Board

Resolution 82-036 (Waiving Waste Discharge Requirements for Specific Types of Discharge), which waived waste discharge requirements for confined animal facilities where the Discharger complies with Central Valley Water Board guidelines. That waiver program expired on 1 January 2003.

22. The benchmark for evaluating whether this Order will have impacts on the environment is the “environmental baseline.” The environmental baseline should consist of “a description of the physical environmental conditions in the vicinity of the project at the time . . . environmental analysis is commenced.” (Cal. Code Regs., tit. 14, § 15125, subd. [a].) In the context of a Class 1 CEQA exemption for existing facilities, the baseline against which the lead agency determines whether a facility is “existing” consists of the physical conditions existing at the time the lead agency makes its determination that the exemption applies. (See *Citizens for East Shore Parks v. California State Lands Commission* [2011] 202 Cal.App.4th 549, 561.) Central Valley Water Board staff made its determination regarding the application of this categorical exemption when the tentative Bovine General Order was posted for public comment on 10 February 2017. Accordingly, the information contained in the Notices of Intent for existing facilities, particularly herd size, shall be based on the Confined Bovine Feeding Operations, as they existed during the three years prior to the date the tentative Order was posted, or the maximum herd size identified in an approved CEQA document or other regulatory document that has gone through CEQA or a CEQA-equivalent process.
23. This Order is designed to enhance the protection of surface and groundwater resources, and its application to existing facilities is exempt from the provisions of CEQA in accordance with the following categorical exemptions:
  - a. California Code of Regulations, title 14, section 15301, which exempts the “operation, repair, maintenance, [and] permitting . . . of existing public or private structures, facilities, mechanical equipment, or topographical features” from environmental review. The restoration of, or improvements to, Confined Bovine Feeding Operation waste management systems to ensure proper function in compliance with this Order is expected to involve only minor alterations of existing private facilities.
  - b. California Code of Regulations, title 14, section 15302, which exempts the “...replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced....” The Bovine General Order will likely require covered Confined Bovine Feeding Operations to replace or reconstruct portions of their waste management systems to ensure compliance with the Order’s requirements.
  - c. California Code of Regulations, title 14, section 15304 exempts “... minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and

agricultural purposes....” The Bovine General Order will require covered Confined Bovine Feeding Operations to make improvements to their waste management systems that are expected to result in only minor alterations to land, water, and/or vegetation.

24. To qualify for coverage under this Order, operations meeting the definition of “new” or “expanded” must first submit to the Central Valley Water Board:
  - a. Proof of compliance with the provisions of the California Environmental Quality Act (CEQA) in the form of a certified Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration; and
  - b. An NOI that includes all applicable components identified in Attachment 1. Payment of the applicable fee to the State Water Resources Control Board in accordance with the State Water Resources Control Board’s fee schedule<sup>3</sup> is also a prerequisite to coverage under this Order.

The NOI, proof of CEQA compliance and fee all must be submitted, and an NOA issued by the Executive Officer, before the Discharger is authorized to either populate a new Confined Bovine Feeding Operation or expand an existing Confined Bovine Feeding Operation.

25. Dairies regulated under the Reissued General Order for Existing Milk Cow Dairies, Order R5-2013-0122, or its successor orders, and which are converted to Confined Bovine Feeding Operations after the effective date of this Order are considered to be “existing facilities” as long as the Confined Bovine Feeding Operation is no larger than the dairy operation, as measured in animal units (AU), because the conversion is not expected to result in any new significant effect on the environment. For the purposes of this section, the AUs of the dairy shall be based on the maximum number of all bovine animals reported in any of the last three Annual Reports submitted by the dairy (or another form of documentation acceptable to the Executive Officer, such as an approved CEQA document), and the maximum AUs allowed at the Confined Bovine Feeding Operation shall be this maximum number of all bovine animals converted into animal units.

## **CONFINED BOVINE FEEDING OPERATION IMPACTS ON WATER QUALITY**

26. Regulatory coverage of all existing dairies under general order waste discharge requirements in the Central Valley began with General Order R5-2007-0035 (2007 Dairy General Order). Groundwater monitoring of dairy operations in the Central Valley Region, which can have similar waste management practices to those used at Confined Bovine Feeding Operations, has demonstrated waste impacts to groundwater quality. A University of California study of five dairies in a high-risk

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<sup>3</sup> Available at <http://www.waterboards.ca.gov/resources/fees/>.

groundwater area in the Central Valley Region during the 1990s found elevated salts and nitrates beneath the production area, wastewater retention ponds and land application areas. Data included in the first annual monitoring report of the Central Valley Dairy Representative Monitoring Program (CVDRMP) reported that groundwater beneath some dairies that have begun implementation of practices required by the 2007 Dairy General Order continue to have elevated levels of salts and nitrates beneath the production area, wastewater retention ponds and land application areas. The CVDRMP began monitoring groundwater in 2012, and some provisions of the 2007 Dairy General Order were only fully implemented by 2012; therefore, monitoring results may not be fully reflective of the effectiveness of current practices.

27. Surface water and groundwater monitoring are the most direct ways to determine if management practices at a Confined Bovine Feeding Operation are protective of water quality. Monitoring and Reporting Program R5-2017-0000 (MRP), which is attached to and made part of this Order, requires surface water and groundwater monitoring to determine if a Confined Bovine Feeding Operation is in compliance with the surface water and groundwater limitations of this Order.
28. Under the MRP, Dischargers have the option of either implementing individual surface water and/or groundwater monitoring or participating in a group option such as a Representative Monitoring Program (RMP) to identify whether their specific management practices are resulting in adverse impacts to surface water or groundwater (i.e., whether the discharge is in compliance with the surface water and groundwater limitations of this Order). Long-term monitoring is needed to document which Confined Bovine Feeding Operation waste management practices are protective of water quality, and what effect these management practices will have on water quality under a variety of different site conditions.
29. This Order prohibits discharges of manure and/or wastewater to surface water from the production area or land application areas. This Order prohibits the discharge of storm water from the production area to surface water. This Order prohibits the discharge of tailwater or storm water from a land application area where manure or wastewater has been applied unless the land application area has been managed consistent with a certified Nutrient Management Plan. If the land application area has been managed consistent with a certified Nutrient Management Plan, this Order requires discharges of tailwater or storm water to be monitored to demonstrate that the discharge will not cause exceedances of surface water limitations as described in Section G.1 of this Order.
30. In many cases, the Confined Bovine Feeding Operations subject to this Order have facilities that were constructed several decades ago. The waste management systems at these existing Confined Bovine Feeding Operations are commonly not capable of preventing all adverse impacts to waters of the State because of their outdated design, the need for maintenance, or both. Historic operation of these

Confined Bovine Feeding Operations may have resulted in adverse effects on water quality. Surface water and groundwater data are needed to determine the existence and magnitude of these impacts. If data document impacts, continued operation of Confined Bovine Feeding Operations without waste management improvements will perpetuate the ongoing adverse water quality effects caused by the generation and disposal of Confined Bovine Feeding Operation waste. This Order allows time for operators to implement improvements if surface water or groundwater data indicate that certain types of facilities/practices are not protective of water quality.

**STATE ANTI-DEGRADATION POLICY (RESOLUTION 68-16)**

31. The discussion in the attached Information Sheet regarding the application of the State Anti-Degradation Policy to this Order is hereby incorporated by this reference. The State Anti-Degradation Policy prohibits the Central Valley Water Board from authorizing the degradation of high-quality surface water or groundwater unless it has been shown that:
  - a. The degradation is consistent with the maximum benefit to the people of the State;
  - b. The degradation will not unreasonably affect present and anticipated future beneficial uses;
  - c. The degradation does not result in water quality less than that prescribed in State and regional policies, including violation of one or more water quality objectives; and
  - d. The discharger employs best practicable treatment or control to minimize degradation.
  
32. This Order places restrictions on the discharge of wastes from Confined Bovine Feeding Operations that are intended to prevent pollution and nuisance conditions from occurring or persisting. Though the Board recognizes that degradation of high-quality surface water and/or groundwater may still occur pursuant to this Order, the implementation of Nutrient Management Plans, Waste Management Plans, enhanced management practices within the production area, and improved containment features for new and expanding wastewater retention ponds will limit the amount of degradation that will occur under this Order. Degradation will be limited so that discharges from Confined Bovine Feeding Operations will not cause long-term impacts to beneficial uses. Where immediate compliance with water quality objectives cannot be achieved, this Order allows time for the implementation or modification of waste management practices.

33. Consistent with the *State Anti-Degradation Policy*, this Order establishes requirements and standards that will result in the implementation of Best Practicable Treatment or Control (BPTC) measures to limit the degradation caused by Confined Bovine Feeding Operation discharges. The following is a general description of what the Board considers to be BPTC for specified areas of a Confined Bovine Feeding Operation:
- a. Production area (including corrals, pens, hutches, solid manure and feed storage areas): Surface water discharges from the production area are prohibited, and the production area shall be managed to limit the extent to which wastewater can infiltrate into the underlying materials.
  - b. Land application areas (including cropland and vegetative filter strips): Dischargers must prepare and implement Nutrient Management Plans. Discharges of tailwater or storm water from land application areas must be sampled and must not cause or contribute to an exceedance of any applicable water quality objective or federal water quality criteria.
  - c. Existing Wastewater Retention Ponds: Existing wastewater retention ponds must be in compliance with design standards specified in title 27 and Pond Specifications C.8 and C.9. However, these design standards have not been found to be protective of groundwater under all conditions, and the immediate replacement of these ponds is not a practicable option for many Confined Bovine Feeding Operations. Therefore, though compliance with title 27 design standards was once considered to be BPTC, the Board now considers BPTC for existing ponds to be an iterative process whereby the ponds are evaluated (either under an individual monitoring program or under an approved Representative Monitoring Program [RMP]) to determine whether or not they are protective of the underlying groundwater, and upgraded or replaced on a time schedule that is as short as practicable if they are found not to be protective. This Order allows time schedules to bring any deficient management practices (including ponds) into compliance.
  - d. New and Expanded Wastewater Retention Ponds: This Order establishes requirements for new and expanded ponds that are more stringent than the requirements in title 27 in order to provide groundwater protection. New and expanded ponds must meet a strict performance standard that only allows for a conservative pond design unless there has been a demonstration that an alternative design meets the strict performance standard.
  - e. New and Existing Composting Operations: This Order incorporates by reference the requirements of the General Waste Discharge Requirements for Composting Operations, State Water Board Order WQ 2015-0121-DWQ, as appropriate to ensure implementation of BPTC measures, including limitations on the types of feedstocks, siting restrictions, and limitations on the permeability of the working surface of the composting operation.

34. This Order also contains closure requirements that specify that the Discharger must maintain coverage under this Order or a subsequent revision to this Order until all manure, wastewater, and animal waste-impacted soil (including soil within the pond[s]), is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance.
35. This Order will assure that pollution or nuisance will not occur outside of any time schedule for improvements established pursuant to this Order. This Order addresses impacts from future discharges of waste, but does not address the cleanup of surface and groundwater that has been polluted due to historic Confined Bovine Feeding Operations. Any required cleanup would be handled under separate authority under the Water Code.
36. The Central Valley Water Board recognizes that there is often site-specific, crop-specific, and regional variability which affects the selection of appropriate management measures, as well as the design constraints and pollution control effectiveness of various practices. In compliance with Water Code section 13360, Confined Bovine Feeding Operation owners/operators have the flexibility to choose management practices that best achieve a management measure's performance expectations given their own unique circumstances. It is expected that this will be an iterative process whereby the effectiveness of any set of practices in minimizing degradation will be periodically reevaluated as necessary as more current and detailed water quality data become available.
37. To assess compliance with the *State Anti-Degradation Policy*, this Order requires Dischargers other than Limited Time and Limited Population Operations to monitor discharges to surface waters and groundwater. The requirements to monitor first encountered groundwater (the point in the aquifer where changes to groundwater quality, caused by the facility, would typically be first detected) are met when the Dischargers perform individual groundwater monitoring or participate in an approved Representative Monitoring Program (RMP). The purpose of monitoring is to confirm that the discharges are effectively controlled by management practices and to evaluate compliance with this Order. Dischargers with a Limited Time or Limited Population Operation may be required to perform individual groundwater monitoring or participate in an approved RMP if directed by the Executive Officer.
38. When the Board prescribes waste discharge requirements that will result in the degradation of high-quality waters, the *State Anti-Degradation Policy* requires that the Board first make a determination that the authorized degradation is consistent with the maximum benefit to the people of the State. Consistent with the evaluation contained in the Information Sheet and considering the economic significance of the Central Valley Confined Bovine Feeding Operation industry, the Central Valley Water Board finds that maintaining the Central Valley Confined Bovine Feeding Operation industry is consistent with the maximum benefit to the

people of the State. To maintain the industry and to prevent the loss of jobs and the impacts to the local economy that might otherwise occur, some degradation to high quality waters must be allowed. However, this degradation will be limited by this Order so that there will not be long-term impacts to beneficial uses, thereby allowing the full utilization of the aquifer.

39. This Order requires Limited Time and Limited Population Operations to:
- a. Submit a Notice of Intent (Attachment A) within 12 months of the adoption of this Order;
  - b. Maintain records and, for Limited Time Operations, submit annual reports, as specified in Monitoring and Reporting Program R5-2017-0000;
  - c. Conduct groundwater monitoring if directed to do so by the Executive Officer;
  - d. Prepare an Operation and Maintenance Plan and, for Limited Time Operations submit the Plan, as specified in Section E of Attachment B; and
  - e. Document the destinations of exported manure using manifests (Attachment D) or Bills of Sale. Solids content and/or density testing are not required.

### **GENERAL FINDINGS**

40. This Order does not authorize violation of any federal, State, or local law or regulation.
41. As stated in Water Code section 13263(g), the discharge of waste into waters of the State is a privilege, not a right, and this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
42. In compliance with Water Code section 106.3, it is the policy of the State that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
43. This Order is not a National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Clean Water Act. Coverage under this Order does not exempt a facility from the Clean Water Act. Any facility required to obtain such a permit must notify the Central Valley Water Board.

44. The Findings of this Order, supplemental information and details in the attached Information Sheet, and the administrative record of the Central Valley Water Board relevant to Confined Bovine Feeding Operations, were considered in establishing the conditions of discharge.
45. In 2006, the Central Valley Water Board, the State Water Board, and regional stakeholders began a joint effort to address salinity and nitrate problems in the region and adopt long-term solutions that will lead to enhanced water quality and economic sustainability. The stakeholder-led Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative has been coordinating efforts to implement new salt and nitrate management strategies. As part of CV-SALTS, the Central Valley Water Board is developing amendments to the Basin Plans to incorporate new strategies for addressing ongoing salt and nitrate accumulation in the waters and soils of the Central Valley. Strategies currently under consideration may:
  - a. Alter the way the Board calculates available assimilative capacity for nitrate, which could result in new or modified requirements for nitrate management;
  - b. Require Dischargers to implement actions identified under an interim salinity permitting approach; and/or
  - c. Establish alternate compliance approaches that would allow Dischargers to participate in efforts to provide safe drinking water to local communities in consideration for longer compliance time schedules.

Should the Board adopt amendments to the Basin Plans to effectuate such strategies, this Order may be amended or modified to incorporate any newly-applicable requirements. The Board expects Dischargers that may be affected by new salt and nitrate management policies to coordinate with the CV-SALTS initiative.

46. The Central Valley Water Board recognizes that some revisions to this Order may be necessary in the future to address issues that are not presently foreseen. The Executive Officer will provide periodic updates to the Central Valley Water Board on the overall compliance with the Order and make recommendations for revisions to the Order if necessary.
47. The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order for discharges of wastes from Confined Bovine Feeding Operations, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

48. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the proposal to regulate discharges of wastes from Confined Bovine Feeding Operations under this Order.

IT IS HEREBY ORDERED that, pursuant to Division 7 of the California Water Code and the regulations and policies adopted thereunder, all Dischargers subject to this Order shall comply with the following:

**A. PROHIBITIONS**

1. The discharge of hazardous wastes, as that term is defined in California Code of Regulations, title 22, section 66261.1 *et seq.*, is prohibited.
2. Except when authorized by a National Pollutant Discharge Elimination System (NPDES) permit, the direct or indirect discharge of waste and/or storm water from the production area to surface waters is prohibited<sup>4</sup>.
3. The discharge of waste from Confined Bovine Feeding Operations to surface waters in a manner causing or contributing to an exceedance of any applicable water quality objective in the Basin Plans or any applicable federal water quality criteria, or a violation of any applicable State or federal policies or regulations, is prohibited.
4. The collection, treatment, storage, discharge or disposal of wastes at a Confined Bovine Feeding Operation shall not result in the creation of a condition of pollution or nuisance<sup>5</sup>.
5. The disposal of waste not generated by on-site animal production activities is prohibited except where a Report of Waste Discharge for the disposal has been submitted to the Executive Officer and the Central Valley Water Board has issued or waived waste discharge requirements for that discharge.
6. The disposal of dead animals in any liquid manure or wastewater retention ponds is prohibited. The disposal of dead animals at a Confined Bovine Feeding Operation is prohibited except when federal, State or local officials declare a State of Emergency, and where all other options for disposal have

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<sup>4</sup> Discharges of pollutants from the production area to waters of the United States may not lawfully occur except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permit coverage is not provided by this Order, but rather must be obtained separately.

<sup>5</sup> A Discharger that is making improvements to waste management practices that have been found not to be protective of the underlying groundwater under a time schedule that is as short as practicable shall be deemed in compliance with this Prohibition A.4.

- been exhausted, and the on-site disposal complies with all State and local policies for disposal of dead animals<sup>6</sup>.
7. Pursuant to California Code of Regulations, title 27, section 22561, all animals shall be prohibited from entering any surface water within the animal confinement area.
  8. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner, or in a manner not approved by the Executive Officer, is prohibited.
  9. The land application of manure or wastewater to cropland for other than nutrient recycling is prohibited.
  10. The discharge of wastewater from a land application area to surface waters is prohibited. Irrigation supply water that comes into contact or is blended with waste or wastewater shall be considered wastewater under this prohibition.
  11. The application of wastewater to a land application area before, during, or after a storm event that may result in the discharge of commingled applied water and runoff to surface water is prohibited.
  12. The discharge of storm water or tailwater to surface water from a land application area where manure or wastewater has been applied is prohibited unless the land application area has been managed consistent with a certified Nutrient Management Plan.
  13. The use of manure to construct containment structures or to repair, replace, improve, or raise existing containment structures is prohibited.
  14. The direct discharge of wastewater or chemicals into groundwater via backflow through water supply or irrigation supply wells is prohibited.
  15. Any feedstock, additive, amendment, or compost (active, curing, or final product) stored, processed, or composted outside of the designated composting operation areas, as those boundaries are specified in an NOI, and approved by the Executive Officer, is prohibited.
  16. Any volume of any feedstock, additive, amendment, or compost (active, curing, or final product) exceeding those specified in the General Waste

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<sup>6</sup> In an emergency, guidance is provided by the Conditional Waiver of Waste Discharge Requirements for Disaster-Related Wastes during a State of Emergency within the Central Valley, Order R5-2013-0026.

Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ is prohibited.

17. Use of any feedstock, additive, amendment, or material, other than those described in the General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ is prohibited, unless regulated under individual waste discharge requirements or a waiver of waste discharge requirements.

## **B. GENERAL SPECIFICATIONS**

1. Dischargers who are subject to this Order shall implement water quality management practices, as necessary, to protect water quality and to ensure attainment of applicable water quality objectives on a schedule that is as short as practicable as described in the Time Schedule for Compliance (Section N of this Order). The proposed time schedule must be supported with appropriate technical or economic justification as to why the proposed schedule is as short as practicable.
2. If groundwater monitoring demonstrates that discharge(s) from a Confined Bovine Feeding Operation have caused or contributed to an exceedance of Receiving Water Limitations G.2 (Groundwater Limitations) of this Order, the Executive Officer may issue an order to the owner/operator of the monitored Confined Bovine Feeding Operation to identify and implement additional or revised management practices that are more protective of groundwater quality on a schedule that is as short as practicable.
3. All precipitation and surface drainage from outside of the Confined Bovine Feeding Operation (i.e., "run on") shall be diverted away from any manured areas or areas where it could mobilize waste constituents unless such drainage is fully contained.
4. Manure and wastewater shall not be applied, and composting operations shall not be located, closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic well heads, or other conduits or groundwater, unless (i) a 35-foot wide vegetated buffer or physical barrier is substituted for the 100-foot setback, or (ii) alternative conservation practices or field- or site-specific conditions are demonstrated to provide pollutant reductions equivalent to or better than the reductions achieved by the 100-foot setback.

### C. POND SPECIFICATIONS

1. For the purposes of this Order, the term “ponds” refers to wastewater retention ponds and includes settling basins.
2. The Confined Bovine Feeding Operation shall have facilities that are designed, constructed, operated, and maintained to retain all wastewater generated during the storage period (maximum period of time anticipated between land applications of wastewater), together with all precipitation on and drainage through manured areas, up to and including during a 25-year, 24-hour storm (see Section B of **Attachment B**, which is attached to and made part of this Order).
3. In the Sacramento and San Joaquin River Basins, wastewater retention ponds and manured areas at Confined Bovine Feeding Operations in operation on or before 27 November 1984 shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Confined Bovine Feeding Operations that were in operation on or before 27 November 1984 and that are protected against 100-year peak stream flows must continue to provide such protection. Confined Bovine Feeding Operations that were built or expanded after 27 November 1984 shall be protected against 100-year peak stream flows.
4. In the Tulare Lake Basin, Confined Bovine Feeding Operations in operation on or before 25 July 1975 shall be protected from inundation or washout from overflow from any stream channel during 20-year peak stream flows and Confined Bovine Feeding Operations constructed after 25 July 1975 shall be protected from 100-year peak stream flows. Confined Bovine Feeding Operations that were expanded after 8 December 1984 shall be protected from 100-year peak stream flows.
5. The level of waste in ponds shall be kept a minimum of two (2) feet from the top of each aboveground embankment and a minimum of one (1) foot from the ground surface of each belowground pond. Less freeboard may be approved by the Executive Officer when a Civil Engineer registered in California, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates that the structural integrity, including potential failure due to wave overtopping, of the pond will be maintained with the proposed freeboard.
6. Ponds shall be managed and maintained to prevent breeding of mosquitoes and other vectors. In particular,
  - a. Small coves and irregularities shall not be allowed around the

- perimeter of the water surface;
- b. Weeds shall be minimized through control of water depth, harvesting, or other appropriate method;
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
  - d. Management shall be in accordance with the requirements of the Mosquito Abatement District, Vector Control District, or other local requirements.
7. Ponds designated to contain the 25-year, 24-hour storm event runoff must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour storm event.
  8. The invert (lowest point) in ponds shall be above the highest anticipated elevation of underlying groundwater. In the Tulare Lake Basin, the invert shall be a minimum of five feet above the highest anticipated elevation of underlying groundwater. If there is reason to believe that the invert of a pond at an existing facility does not meet these criteria, the Discharger shall conduct an investigation within six months of the issuance of a Notice of Applicability by the Executive Officer to determine if this is the case. If the invert in a pond does not meet these criteria, the Discharger shall propose modifications, with a time schedule for implementation that is as short as practicable, that will ensure that the pond design is protective of water quality. The modifications must be reviewed and approved by the Executive Officer prior to construction pursuant to Pond Specification C.10.b of this Order.
  9. Existing Wastewater Ponds<sup>7</sup>
    - a. **For Dischargers conducting an Individual Monitoring Program:** Dischargers conducting monitoring pursuant to an Individual Monitoring Program shall maintain existing pond conditions and operational controls throughout the development of the Summary Report that is required by **Monitoring and Reporting Program R5-2017-0000, Attachment A, Section B.10.** The Summary Report is subject to Executive Officer approval, and due within six years of initiating individual monitoring activities or at an earlier date if required by the Executive Officer.

If the monitoring data in the Summary Report indicate that Receiving Water Limitation G.2 (Groundwater Limitations) of this Order has been

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<sup>7</sup> Existing ponds are defined to mean those ponds in operation as of the date of adoption of this Order and are not new ponds that are designed to meet the Tier 1 or Tier 2 requirements set forth in Pond Specification C.10 of the Order.

violated, Dischargers are required to implement management practices/activities (BPTC for high quality waters or best efforts for waters that are not high quality) that will bring the facility into compliance with Receiving Water Limitations G.2 (Groundwater Limitations) on a time schedule that is as short as practicable.

- b. **For Dischargers enrolled under an approved Representative Monitoring Program:** Dischargers enrolled under an approved Representative Monitoring Program shall maintain existing pond conditions and operational controls throughout the development of the Summary Representative Monitoring Report (SRMR), which is due to the Central Valley Water Board within six years of initiating monitoring activities and is subject to Executive Officer approval.

If the SRMR indicates that the Discharger's existing ponds may have discharges that violate Receiving Water Limitations G.2 (Groundwater Limitations) of this Order or that such discharges from existing ponds may cause degradation to high quality waters, Dischargers are required to implement the approved SRMR's identified management practices/activities for existing ponds that will bring the facility into compliance with Receiving Water Limitations G.2 (Groundwater Limitations). Such practices are considered to constitute best practical treatment or control or best efforts and are designed to achieve compliance with Receiving Water Limitations G.2 (Groundwater Limitations) on a time schedule that is as short as practicable.

#### 10. New and Reconstructed Wastewater Ponds

- a. New ponds installed in order to comply with the requirements of this Order or modifications of existing ponds shall be designed and constructed to comply with Receiving Water Limitations G.2 (Groundwater Limitations) of this Order.
- b. New and reconstructed pond designs must be reviewed and approved by the Executive Officer prior to construction. This Order provides a tiered approach to pond design requirements to provide an option that will significantly reduce the time required for approval by the Executive Officer as defined below:
- i. **Tier 1:** A pond designed to consist of a double liner constructed with 60-mil high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with title 27, section 20340) between the two liners will be considered to be consistent with State Water Board Resolution 68-16. Review

for ponds designed to this standard will be conducted in less than 30 days of receipt of a complete design plan package submitted to the Board.

- ii. Tier 2: A pond lined so as to be protective of water quality as demonstrated by calculations of seepage amounts and the effect of that estimated seepage on underlying groundwater as required in Pond Specification 10.c below. The pond design must include a pan lysimeter monitoring device under the lowest point of the pond, or an equivalent engineered alternative. The engineered alternative must provide equivalent assurance of the earliest possible detection or prevention of a release from the pond.
  - iii. Preapproved Tier 2: A Representative Monitoring Program or other entity may develop and propose a pond design that is demonstrated to be protective of water quality under certain specified site or operational conditions. The design and demonstration shall include leakage calculations and monitoring of groundwater at representative bovine operations with such ponds. Following approval by the Executive Officer, use of this design under the specified site and operational conditions would not require additional leakage calculations or individual groundwater monitoring wells unless specifically required by the Executive Officer. The Discharger shall obtain written approval by the Executive Officer prior to construction or use of such a pond.
- c. Prior to the enlargement of an existing pond (settling, storage, or retention) or the construction of such new pond, the Discharger shall submit to the Executive Officer:
- i. For Tier 1, 2, and Preapproved Tier 2 pond designs, a design report prepared by, or under the direct supervision of, and certified by, a Civil Engineer or Certified Engineering Geologist who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The design report shall include the following:
    - 1. Design calculations demonstrating that adequate containment will be achieved,
    - 2. Details on the liner, pan lysimeter, and leachate

- collection and removal system (if applicable) materials,
3. A schedule for construction and certification of completion to comply with Section M, Schedule of Tasks, of this Order,
  4. A construction quality assurance plan describing testing and observations needed to document construction of the pond in accordance with the design and title 27, sections 20323 and 20324, and
  5. An operation and maintenance plan for the pond.
- ii. For Tier 2 pond designs, the design report shall also include a technical report and groundwater model that demonstrates the proposed pond is in compliance with Receiving Water Limitations G.2 (Groundwater Limitations) of this Order, including calculations that demonstrate the amount and quality of seepage from the proposed pond and its effect on groundwater quality, and include proposed groundwater monitoring to evaluate the impact of pond seepage on groundwater quality. The requirement for groundwater monitoring may be satisfied by membership in an approved Representative Monitoring Program at the discretion of the Executive Officer.

Enlargement of any existing pond or construction of any new pond shall not begin until the Executive Officer notifies the Discharger in writing that the design report is acceptable.

- d. Prior to the placement of waste in any enlarged existing pond or any such newly constructed pond, the Discharger shall submit a post construction report prepared by, or under the direct supervision of, and certified by, a Civil Engineer or Certified Engineering Geologist who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work.

Waste shall not be placed into the pond until the Executive Officer notifies the Discharger in writing that the post construction report is acceptable. The post construction report shall include: (i) verification that the pond meets the requirements of this Order as specified in Pond Specification C.10.b including documentation of the results of the construction quality assurance testing and observations; (ii) certification that the pond was constructed as designed; and (iii) as-built diagrams.

#### **D. PRODUCTION AREA SPECIFICATIONS**

The production area includes, but is not limited to, corrals, pens, hutches, manure and feed storage areas, wastewater conveyances and any other area of the Confined Bovine Feeding Operation that is not the land application area. Wastewater retention ponds are part of the production area; specifications for ponds are found in Section C of this Order.

1. All corrals, pens, or hutch areas, composting operations, and manure and feed storage areas, shall be graded to promote drainage. All drainage shall be directed to the wastewater management system.
2. Areas beneath and surrounding water troughs and permanent feed racks shall be paved. Spilled water from water troughs shall be conveyed to the wastewater management system.
3. All roofs, buildings, and non-manured areas located in the production area of the Confined Bovine Feeding Operation shall be constructed or otherwise designed so that clean rainwater is diverted away from manured areas and waste containment facilities, unless such drainage is fully contained in the wastewater management system.
4. The animal confinement area (including corrals), and manure and feed storage areas, shall be designed and maintained to convey all water that has contacted animal wastes or feed to the wastewater retention ponds and to minimize standing water as of 72 hours after the last rainfall and the infiltration of water into the underlying soils.
5. Unlined ditches, swales, and/or earthen-berm channels may not be used for storage of wastewater, manure, or tailwater and may only be used for the conveyance of wastewater collected in the production area to the wastewater retention pond, conveyance of wastewater from the pond to the land application area, irrigation return water management, or temporary control of accidental spills or rainfall-induced overflows at Confined Bovine Feeding Operations designed, constructed, operated, and maintained in compliance with Pond Specification C.2 of this Order.
6. For Dischargers conducting individual groundwater monitoring, if the monitoring data in the Summary Report indicate that the Discharger's production area may have discharges that violate Receiving Water Limitations G.2 (Groundwater Limitations) of this Order or that such discharges may cause degradation to high quality waters, the Dischargers are required to implement management practices/activities (BPTC for high quality waters or best efforts for waters that are not high quality) that will bring the facility into

compliance with Receiving Water Limitations G.2 on a time schedule that is as short as practicable.

7. For Dischargers enrolled under an approved RMP, if the SRMR indicates that the Discharger's production area may have discharges that violate Receiving Water Limitations G.2 (Groundwater Limitations) of this Order or that such discharges may cause degradation to high quality waters, the Dischargers are required to implement the approved SRMR's identified management practices/activities for production areas that will bring the facility into compliance with Receiving Water Limitation G.2. Such practices are considered to constitute best practical treatment or control or best efforts and are designed to achieve compliance with Receiving Water Limitations G.2 (Groundwater Limitations) on a time schedule that is as short as practicable.

## **E. LAND APPLICATION AREA SPECIFICATIONS**

For the purposes of this Order, "land application area" is as defined in Attachment E, which is attached to and hereby made part of this Order.

The requirements of this section do not apply to Dischargers who do not own, rent, or lease cropland to which manure and/or wastewater from the production area is or may be applied. Such Dischargers do not need to prepare a Nutrient Management Plan.

At the Discharger's discretion, cropland which is under the control of the Confined Bovine Feeding Operation owner or operator, but which only receives solid manure and never receives wastewater, may be regulated under either this Order as part of the facility's land application area or separately under the Irrigated Lands Regulatory Program.

Wastes and land application areas shall be managed to prevent contamination of crops grown for human consumption. The term "crops grown for human consumption" refers only to crops that will not undergo subsequent processing that adequately removes potential microbial danger to consumers.

1. Land application of all waste from the facility to areas under the Discharger's control shall be conducted in accordance with a certified Nutrient Management Plan (required in Required Reports and Notices K.1.c of this Order) consistent with the technical standards for nutrient management as specified in **Attachment C**. The Nutrient Management Plan shall be modified within 90 days if monitoring shows that discharge from the land application area fails to comply with Receiving Water Limitations G.2 (Groundwater Limitations) of this Order or surface water quality objectives or criteria. The modifications must be designed to bring Dischargers into compliance with this Order. Cropland that receives wastewater from the Confined Bovine Feeding

Operation and is owned by the same Discharger that owns the production area must be managed in accordance with a certified Nutrient Management Plan as part of the facility's land application area even if the cropland is leased to an entity other than the Discharger operating the Confined Bovine Feeding Operation.

2. The Discharger shall have a written agreement with each third party prior to receiving wastewater from the Discharger for its own use. Land owned, operated, or controlled completely or in part by Dischargers shall not be considered to be controlled by a third party. Each written agreement shall be included in the Discharger's Nutrient Management Plan, and each new written agreement, modified written agreement, or rescission of a written agreement shall be included in the Annual Report for the year in which the written agreement is either reached, modified, or rescinded. The written agreement(s) shall be effective until the third party is covered under waste discharge requirements or a waiver of waste discharge requirements that are adopted by the Central Valley Water Board. The written agreement shall:
  - a. Clearly identify:
    - i. The Discharger and Confined Bovine Feeding Operation from which the wastewater originates;
    - ii. The third party that will control the application of the wastewater to cropland;
    - iii. The Assessor's Parcel Number(s) and the acreage(s) of the cropland where the wastewater will be applied; and
    - iv. The types of crops to be fertilized with the wastewater.
  - b. Include an agreement by the third party to:
    - i. Use the wastewater at agronomic rates appropriate for the crops to be grown; and
    - ii. Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that has come into contact with manure or is blended with wastewater.
  - c. Include a certification statement, as specified in General Reporting Requirements C.7 of the Standard Provisions and Reporting Requirements (which is attached to and made part of this Order), which is signed by both the Discharger and third party.

3. Land application of wastes for nutrient recycling from Confined Bovine Feeding Operations shall not cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied wastes and soil or soil biota, in excess of the groundwater limitations set forth in this Order.
4. The application of animal waste and other materials containing nutrients to any cropland under control of the Discharger shall meet the following conditions:
  - a. The application is in accordance with a certified Nutrient Management Plan developed and implemented in accordance with Required Reports and Notices K.1.c and **Attachment C** of this Order; and
  - b. Records are prepared and maintained as specified in the Record-Keeping Requirements of Monitoring and Reporting Program R5-2017-0000.
5. The wastewater management system shall be equipped with a calibrated flowmeter with a totalizer or an equivalent method to accurately measure output for land application of wastewater and irrigation water.
6. The application of waste to cropland shall be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the certified Nutrient Management Plan.
7. Land application areas that receive solid manure shall be managed through implementation of erosion control measures to minimize erosion and must be consistent with a certified Nutrient Management Plan.
8. All wastewater applied to land application areas must infiltrate completely within 72 hours after application.
9. Wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with a certified Nutrient Management Plan (see **Attachment C** of this Order).
10. Off-property discharges of storm water or tailwater from land application areas shall not contain un-ionized ammonia in concentrations exceeding 0.04 mg/l; discharges of storm water or tailwater calculated to contain un-ionized ammonia in concentrations between 0.02 and 0.039 mg/l shall only be discharged off-property if mitigations to protect water quality are present.
11. For Dischargers conducting individual groundwater monitoring, if the monitoring data in the Summary Report indicate that the Discharger's land application area may have discharges that violate Receiving Water

Limitations G.2 (Groundwater Limitations) of this Order, or that such discharges may cause degradation to high quality waters, the Dischargers are required to implement management practices/activities (BPTC for high quality waters or best efforts for waters that are not high quality) that will bring the facility into compliance with Receiving Water Limitations G.2 (Groundwater Limitations) on a time schedule that is as short as practicable.

12. For Dischargers enrolled under an approved RMP, . if the SRMR indicates that the Discharger's land application areas may have discharges that violate Receiving Water Limitations G.2 (Groundwater Limitations) of this Order or that such discharges from land application areas may cause degradation to high quality waters, Dischargers are required to implement the approved SRMR's identified management practices/activities for land application areas that will bring the facility into compliance with Receiving Water Limitation G.2. Such practices are considered to constitute best practicable treatment or control or best efforts and are designed to achieve compliance with Receiving Water Limitation G.2 on a time schedule that is as short as practicable.

## **F. COMPOSTING OPERATION SPECIFICATIONS**

For the purposes of this Order, a composting area located within the production area is deemed to be part of the Confined Bovine Feeding Operation and does not need separate coverage under the General Waste Discharge Requirements for Composting Operations, State Water Board Order WQ 2015-0121-DWQ (Composting General Order), provided that the composting area is designed, constructed, operated, and maintained in accordance with the applicable provisions and specifications in the Composting General Order. The Discharger may obtain separate coverage under the Composting General Order at its discretion. The composting operation shall be classified according to the provisions of the Composting General Order and shall comply with the allowable feedstock and operational requirements in the Composting General Order. Under this Order, composting operations are exempt from the requirements that otherwise would apply under the Composting General Order if:

1. The composting area is as described in Finding 4.d or 5.e above; or
2. Less than 500 cubic yards of allowable compostable material are received, processed or stored at any given time; or
3. The composting operation meets the definition of "Agricultural Composting". Agricultural Composting does not include manure and means that:
  - a. Feedstocks consist only of materials generated on-site by production of farm, ranch, agricultural, horticultural, silvicultural, floricultural, vermicultural, or viticultural products;

- b. Animal carcasses are not composted;
  - c. The resulting compost product is returned to that same agricultural site, or to an agricultural site owned by the owner of the composting activity, and is applied at an agronomic rate; and
  - d. No more than 1,000 cubic yards of compost product are given away or sold annually; or
4. Less than 5, 000 cubic yards per year of allowable feedstocks, additives, and amendments are received, processed, and stored, provided that:
- a. Materials are completely covered during storm events as needed to reduce the generation of wastewater; and
  - b. Application of water to composting materials is managed to reduce the generation of wastewater.

## G. RECEIVING WATER LIMITATIONS

1. **Surface Water Limitations<sup>8</sup>**  
Discharges from Confined Bovine Feeding Operations shall not cause or contribute to an exceedance of applicable water quality objectives in surface water, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance. The applicable water quality objectives are summarized in the Information Sheet, which is attached to and made part of this Order, and can be found in the Central Valley Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Ed.) and for the Tulare Lake Basin (2<sup>nd</sup> Ed.).
2. **Groundwater Limitations<sup>8</sup>**  
Wastes discharged at Confined Bovine Feeding Operations, including on-site composting operations, shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance. The applicable water quality objectives are summarized in the Information Sheet, which is attached to and made part of this Order, and can be found in the Central Valley Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Ed.) and for the Tulare Lake Basin (2<sup>nd</sup> Ed.).

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<sup>8</sup> These limitations are effective immediately upon coverage under this Order except where Dischargers are in compliance with a time schedule pursuant to Section N of this Order and the requirements of Sections E or F of Monitoring and Reporting Program R5-2017-0000, Attachment B, and such Dischargers are implementing management practices/activities on a time schedule that is as short as practicable.

## H. PROVISIONS

1. Confined Bovine Feeding Operations shall incorporate protocols and practices to minimize salt as those protocols and practices are identified through the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) process, or otherwise identified by the Executive Officer.
2. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements General Order R5-2017-0000 for Confined Bovine Feeding Operations* (Standard Provisions) dated **DATE-2**, which is attached to and made part of this Order.
3. The Discharger shall comply with all applicable provisions of the California Water Code, title 27, and applicable Water Quality Control Plans.
4. The Discharger shall comply with the attached Monitoring and Reporting Program R5-2017-**0000** which is part of this Order, and future revisions thereto or with an individual monitoring and reporting program, as specified by the Central Valley Water Board or the Executive Officer.
5. A discharger may propose an alternative method of compliance with a provision of this General Order provided that the Discharger demonstrates to the satisfaction of the Executive Officer that the alternative method of compliance shall be at least as protective of ground and surface water as the relevant provision of the General Order.
6. The Discharger shall submit a complete NOI in accordance with Water Code section 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge, including any expansion of the facility or development of any treatment technology, or construction of an anaerobic digester.
7. This Order does not apply to facilities where wastes such as, but not limited to, whey, cannery wastes, septage, municipal or industrial sludge, municipal or industrial biosolids, ash or similar types of waste are generated on-site or are proposed to be brought onto the production area or land application area of the Confined Bovine Feeding Operation for the purpose of nutrient recycling or disposal. The Discharger shall submit a complete Report of Waste Discharge and shall not apply or dispose of such waste prior to receiving Waste Discharge Requirements or a waste-specific waiver of Waste Discharge Requirements from the Central Valley Water Board.
8. If site conditions threaten to violate Prohibition A.2 (discharge of waste and/or storm water from the production area in the absence of an NPDES permit) or Prohibition A.4 (creation of a condition of pollution or nuisance) of this Order,

- the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Records of such actions shall be kept and maintained as required in Monitoring and Reporting Program R5-2017-0000. Alterations of the Waste Management Plan (see Required Reports and Notices K.1.c) for the production area to avoid a recurrence shall be submitted to the Central Valley Water Board as a modification to the Waste Management Plan.
9. If a discharge of waste creates, or threatens to create, significant objectionable odors or nuisance odor and vector conditions, enforcement and/or revocation of coverage under this Order may result.
  10. The Discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified by the Executive Officer.
  11. Any instance of noncompliance with this Order constitutes a violation of the Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.
  12. The Discharger must maintain coverage under this Order or a subsequent revision to this Order until the Discharger demonstrates to the satisfaction of the Executive Officer that all manure, wastewater, and animal waste impacted soil, including soil beneath the pond(s), is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance. At least 90 days before desiring to terminate coverage under this Order, the Discharger shall submit to the Executive Officer a closure plan that ensures protection of surface water and groundwater. No more than 30 days after completion of site closure, the Discharger shall submit a closure report which documents that all closure activities were completed as proposed and approved in the closure plan. Coverage under this Order will not be terminated until cleanup is complete.
  13. Pursuant to the State Water Board's Composting General Order, at least 90 days prior to ceasing composting operations, the Discharger shall submit a Site Closure Plan to the Central Valley Water Board for approval. The Discharger must jointly notify the Board and Local Enforcement Agency in writing at the conclusion of the site closure activities in a document that describes closure in accordance with the Site Closure Plan and Central Valley Water Board requirements.
  14. If a composting operation is eligible for an exemption due to changes in process or procedures, the Discharger may propose termination of coverage under this Order for the composting operation. Filing a request by the Discharger for an exemption or other change in Order coverage to the composting operation does not stay any requirement of this Order.

15. This Order shall become effective upon adoption by the Central Valley Water Board.
16. Upon obtaining coverage under this Order, the Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Central Valley Water Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or Discharger.
17. Technical reports (e.g., Surface Water Monitoring Plan, Monitoring Well Installation and Sampling Plan, Monitoring Well Installation Completion Report, Groundwater Monitoring Report, Waste Management Plan Certification, and portions of the Waste Management Plan) required by this Order must be certified by an appropriately licensed professional as required in this Order and its attachments (see Schedule of Tasks M below). If the Executive Officer provides comments on any technical report, the Discharger is required to address those comments.
18. The Discharger shall maintain a copy of this Order (in paper or electronic format) at the site so as to be available at all times to site-operating personnel. The Discharger, landowner, and his/her designee shall be familiar with the contents of this Order.

#### **I. EFFECTIVE DATE OF COVERAGE UNDER THIS ORDER**

Coverage under this Order is effective upon issuance of a Notice of Applicability by the Executive Officer to the Discharger.

#### **J. PERMIT REOPENING, REVISION, AND REVOCATION**

1. If more stringent applicable water quality standards are adopted in the Basin Plans, the Central Valley Water Board may revise and modify this Order in accordance with such standards.

2. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by State law. This includes regulatory changes that may be brought about by the CV-SALTS planning efforts.
3. The Central Valley Water Board or the Executive Officer may revoke coverage under this Order at any time and require the Discharger to submit a Report of Waste Discharge and obtain individual waste discharge requirements.

## K. REQUIRED REPORTS AND NOTICES

1. All regulatory documents, submissions, materials, data, monitoring reports, and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically. The Notice of Intent may be submitted by email to the Central Valley Water Board. Dischargers must prepare and maintain the following reports as instructed below, and shall submit or make available such reports to the Central Valley Water Board as identified below.
  - a. **Notice of Intent:** To apply for coverage under this Order, the Discharger shall submit a complete Notice of Intent (NOI) to comply with the conditions of this Order for the Confined Bovine Feeding Operation, prepared in accordance with **Attachment A**. For existing facilities, the completed NOI shall be submitted to the Central Valley Water Board within twelve months of the date of the adoption of this Order. Coverage under this Order will commence upon approval of the NOI and issuance of a Notice of Applicability (NOA) by the Executive Officer. The NOI shall provide facility-specific information on existing conditions at the Confined Bovine Feeding Operation.

If the Confined Bovine Feeding Operation has an on-site composting operation in existence as of the date the NOI is submitted, the Discharger shall also submit a complete NOI for the composting operation, prepared in accordance with **Attachment A-1**. New composting operations that propose to begin operating after the date the NOI for the Confined Bovine Feeding Operation has been submitted are required to submit an NOI for the composting operation, prepared in accordance with **Attachment A-1**, not less than 90 days prior to commencement of the composting operation.

- b. **Operation and Maintenance Plan for Limited Time or Limited Population Operations:** A Discharger classified as either a Limited Time or Limited Population Operation shall prepare, and a Limited Time

Operation shall submit an Operation and Maintenance Plan as specified in Section F of Attachment B. For existing Confined Bovine Feeding Operations, the Operation and Maintenance Plan must be prepared and submitted within eighteen (18) months of the adoption of this Order. New and expanding Confined Bovine Feeding Operations shall submit an Operation and Maintenance Plan with the NOI.

- c. **Waste Management Plan:** Within 18 months of the adoption of this Order, a Discharger with an existing Confined Bovine Feeding Operation shall submit a Waste Management Plan, including an Operation and Maintenance Plan, for the production area, prepared in accordance with **Attachment B**. New and expanding Confined Bovine Feeding Operations shall submit a Waste Management Plan, including an Operation and Maintenance Plan, with the NOI. The Waste Management Plan shall provide an evaluation of the Confined Bovine Feeding Operation's design, construction, operation, and maintenance for flood protection and waste containment and whether the facility complies with Prohibition A.14 (backflow prevention on wells), Pond Specifications C.2 through C.4 (flood protection), Pond Specifications C.6 through C.8 (freeboard, depth marker, and pond maintenance requirements), and Production Area Specifications D.1, D.3, and D.4 (grading and drainage) of this Order. If the design, construction, operation, and/or maintenance of the Confined Bovine Feeding Operation do not comply with these specifications and the prohibition, the Waste Management Plan must propose modifications and a schedule for completion of modifications that will bring the Confined Bovine Feeding Operation into compliance within 2 years. On a case-by-case basis, extension of the two-year time schedule may be considered and approved by the Executive Officer.
- d. **Nutrient Management Plan:** A Discharger who applies manure, bedding, or wastewater to land not covered by the Central Valley Water Board's Irrigated Lands Regulatory Program (ILRP) must develop and implement management practices that control nutrient losses and describe such management practices in a Nutrient Management Plan. For existing Confined Bovine Feeding Operations, the Nutrient Management Plan must be prepared within 18 months of the adoption of this Order. New and expanding Confined Bovine Feeding Operations shall submit a Nutrient Management Plan with the NOI. The Nutrient Management Plan must be certified as specified in **Attachment C** of this Order, maintained at the Confined Bovine Feeding Operation, submitted to the Executive Officer upon request, and must ultimately provide for protection of both surface water and groundwater. Certification that the Nutrient Management Plan has been completed shall be included with the first Annual Report following the deadline for preparation of the Nutrient Management Plan. Certification that the Nutrient Management Plan has been implemented

shall be submitted to the Executive Officer within 30 months of the adoption of this Order, as part of the first Annual Report submitted following the deadline for implementation of the Nutrient Management Plan. The Nutrient Management Plan shall be updated as specified in the Technical Standards for Nutrient Management in **Attachment C** of this Order or if the Executive Officer requests that additional information be included. Surface water and groundwater monitoring will be used to determine if implementation of the Nutrient Management Plan is protective of water quality.

- e. **Annual Report:** An annual monitoring report is due by 1 July of each year, beginning with 1 July 2018. For Full General Order Coverage operations, it will consist of a General Section, a Groundwater Reporting Section (including an Annual Monitoring Report prepared in accordance with **Attachment A** of Monitoring and Reporting Program [MRP] R5-2017-0000), a Storm Water and Tailwater Reporting Section (including a Surface Water Monitoring Report prepared in accordance with **Attachment B** of the MRP), and, if a composting operation is on-site, an Annual Monitoring and Maintenance Report for the Composting Operation. For Limited Time Operations, the Annual Report shall contain the information listed in the MRP under Reporting Requirements section B, second paragraph. Limited Population Operations are not required to prepare or submit an Annual report unless requested by the Executive Officer.

Once the Summary Report (for individual Dischargers) or the Summary Representative Monitoring Report (for representative monitoring programs) has been approved, an Annual Implementation Report shall be part of the Annual Report. The contents of the Annual Monitoring Report are described in Reporting Requirements, section B of the MRP.

- f. **Surface Water Quality Management Plan (SWQMP):** If the Executive Officer determines that the results of surface water monitoring conducted by either an individual Discharger or a Joint Monitoring Program indicates a trend in degradation that may threaten applicable Basin Plan beneficial uses in surface waters, the Joint Monitoring Program or Discharger shall develop a SWQMP (see **MRP Attachment B**).
2. Reporting Provisions:
    - a. All NOIs, applications, annual reports, or information submitted to the Central Valley Water Board shall be signed and certified in accordance with C.7 and C.8 of the Standard Provisions and Reporting Requirements.

- b. The Discharger shall submit all reports as specified in the attached Monitoring and Reporting Program R5-2017-0000.
- c. Any Discharger authorized to discharge waste under this Order shall furnish, within 30 days, any information the Central Valley Water Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating their authorization for coverage under this Order. The Executive Officer may specify a longer time schedule if it is determined that allowing more than 30 days is reasonable. The Discharger shall, upon request, also furnish to the Central Valley Water Board, within two weeks, copies of records required to be kept by this Order.
- d. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order shall be available for public inspection at the offices of the Central Valley Water Board.

#### **L. RECORD-KEEPING REQUIREMENTS**

1. The Discharger shall create, maintain for five years, and make available to the Central Valley Water Board upon request by the Executive Officer any reports or records required by this Order including those required under Monitoring and Reporting Program R5-2017-0000.

#### **M. SCHEDULE OF TASKS**

1. Dischargers with a Full Coverage Operation are required to submit an NOI. Dischargers with a Limited Time or Limited Population Operation are required to submit an NOI and develop an Operation and Maintenance Plan as specified in Section F of Attachment B. Dischargers with a Limited Time Operation are required to submit the Operation and Maintenance Plan. Dischargers with a Full Coverage Operation are required to develop, submit, and implement a Waste Management Plan and, if applicable, develop and implement a Nutrient Management Plan. Dischargers with Full Coverage and Limited Time Operations must submit Annual Reports containing information as specified in the MRP. The deadlines for these are specified in Table 1 below. If applicable, Dischargers must submit a statement of completion and a statement of implementation to the Executive Officer for the Nutrient Management Plan by the deadlines specified in Table 1. The statements must be signed and certified by the Discharger as required in Required Reports and Notices K.2. and by the additional professional specified in Table 1.

2. Any Discharger with a Full Coverage Operation may be required to complete the Nutrient Management Plan and/or Waste Management Plan prior to the due date identified in Table 1 if the Executive Officer has determined the facility presents a significant risk to groundwater or surface water.

Table 1 – Schedule for Submittal of Reports

Due Date	Document Due
12 months after adoption of General Order (GO)	<ul style="list-style-type: none"> <li>o Notice of Intent (NOI) for existing Confined Bovine Feeding Operations</li> </ul>
18 months after adoption of the GO	<ul style="list-style-type: none"> <li>o Waste Management Plan for Full Coverage Operations</li> <li>o Operation and Maintenance Plan for Limited Time Operations</li> <li>o Certification that Nutrient Management Plan has been completed (certification signed by both Discharger and Certified Nutrient Management Specialist) for all cropland not covered by the Irrigated Lands Regulatory Program (ILRP).</li> <li>o Annual Report</li> <li>o Notify Central Valley Water Board of formation of representative groundwater monitoring group</li> <li>o Farm Evaluation Form (all cropland not covered by ILRP)</li> </ul>
24 months after adoption of the GO	<ul style="list-style-type: none"> <li>o Workplan for well installation for representative groundwater monitoring group (Full Coverage Operations)</li> <li>o Workplan for well installation for individual groundwater monitoring network (Full Coverage Operations)</li> <li>o Demonstration of No Potential to Discharge to Surface Water from land application areas (Full Coverage Operations)</li> <li>o Farm Water Quality Plan (Full Coverage Operations with potential to discharge to surface water)</li> <li>o Notify Central Valley Water Board of membership in an ILRP coalition.</li> <li>o Request permission of the Executive Officer to form a Joint Monitoring Program for surface water (for all cropland not covered by ILRP and with a potential to discharge to surface water)</li> </ul>
30 months after adoption of the GO	<ul style="list-style-type: none"> <li>o Certification that the Nutrient Management Plan has been implemented</li> <li>o Annual Report</li> <li>o Certification that well installation is complete for representative groundwater monitoring group</li> <li>o Certification that well installation is complete for individual groundwater monitoring</li> <li>o Workplan for surface water monitoring for Joint Monitoring Program</li> </ul>
1 July 2019 through 1 July 2023	<ul style="list-style-type: none"> <li>o Annual Report (due each 1 July)</li> </ul>
6 years after commencement of representative or individual groundwater monitoring	<ul style="list-style-type: none"> <li>o Annual Report</li> <li>o Summary Representative Monitoring Report (SRMR) for representative groundwater monitoring group</li> <li>o Summary Report for groundwater monitoring for individual groundwater monitoring</li> </ul>
1 July 2025	<ul style="list-style-type: none"> <li>o Annual Report, including Annual Implementation Report identifying alternative management practices to be implemented and schedule for implementation.</li> </ul>

## N. TIME SCHEDULE FOR COMPLIANCE

Dischargers with a Full Coverage Operation have the option of either implementing individual groundwater monitoring or participating in a group option such as a Representative Monitoring Program (RMP) to identify whether their specific management practices are resulting in adverse impacts to groundwater (i.e., whether the discharge is in compliance with Receiving Water Limitations G.2 (Groundwater Limitations) of this Order).

Dischargers with a Full Coverage Operation who have the potential to discharge to surface water from the land application areas associated with the bovine operation have the option of either implementing individual surface water monitoring, participating in a Joint Monitoring Program, or joining an Irrigated Lands Regulatory Program coalition, to identify whether their specific management practices are resulting in adverse impacts to surface water (i.e., whether the discharge is in compliance with the Receiving Water Limitations G.1 (Surface Water Limitations) of this Order).

This long-term monitoring of ground and surface water is needed to document which Confined Bovine Feeding Operation waste management practices are protective of water quality, and what effect these management practices will have on water quality under a variety of different site conditions.

If data become available from other representative monitoring programs that identify practices that are not protective of groundwater quality, the Executive Officer may require modification of management practices by a date earlier than the dates specified in this section.

1. Groundwater – Time schedules for evaluating management practices and implementing changes
  - a. For Dischargers conducting individual groundwater monitoring programs:
    - i. Summary Report for Individual Groundwater Monitoring: Dischargers conducting an Individual groundwater monitoring program shall submit a summary report within six years of initiating sampling activities. The summary report must include identification of management practices that need to be implemented to achieve compliance with applicable water quality objectives, including the groundwater limitations of the Order.
    - ii. Annual Implementation Reports for Individual Groundwater Monitoring: Following the Executive Officer's review and approval of the Summary Report, the Discharger shall submit Annual Implementation Reports which document actions taken to upgrade management practices that

have been found not to be protective of water quality. The Annual Implementation Reports will be submitted as part of the Annual Reports. The first Annual Implementation Report must identify alternative management practices the Discharger intends to implement at its Confined Bovine Feeding Operation along with a schedule for implementation. With each subsequent Annual Implementation Report, the Discharger must provide an update on their implementation of additional or alternative management practices. Implementation of the identified management practices must be as short as practicable and supported with appropriate technical or economic justification, and in no case may time schedules extend beyond 10 years from the date that the Summary Report is approved by the Executive Officer.

- b. For Dischargers participating in Representative Groundwater Monitoring Programs:
  - i. Summary Representative Monitoring Report for Representative Groundwater Monitoring Programs: Six years following commencement of groundwater monitoring, the RMP must submit a Summary Representative Monitoring Report (SRMR) to the Board's Executive Officer for review and approval. The SRMR must identify management practices that are protective of water quality for the range of conditions found at facilities participating in the representative monitoring program, and must identify in the SRMR time schedules that are as short as practicable, and supported with appropriate technical or economic justification, for implementation of the identified management practices. The Central Valley Water Board may modify these schedules based on evidence that meeting the compliance date is technically or economically infeasible, or when evidence shows that compliance by an earlier date is feasible. Any applicable time schedules for compliance established in the Basin Plans (e.g., time schedules for compliance with salinity standards that may be established in future Basin Plan amendments through the CV-SALTS process) supersede the schedules established in an SRMR. In no case may time schedules extend beyond 10 years from the date that the SRMR is approved by the Executive Officer.
  - ii. Individual Annual Implementation Reports for participants in a Representative Monitoring Program: Dischargers who have participated in the RMP must submit Annual Implementation Reports as part of their Annual Report, following the Executive Officer's approval of the SRMR, which must document actions taken to upgrade management practices that have been found not to be protective of water quality. The Annual Implementation Reports will be submitted as

part of the Annual Reports due every 1 July. The first Annual Implementation Report must identify alternative management practices the Discharger intends to implement at its Confined Bovine Feeding Operation along with a schedule for implementation. With each subsequent Annual Implementation Report, the Discharger must provide an update on their implementation of additional or alternative management practices.

2. Surface water – Time schedules for evaluating management practices and implementing changes
  - a. For Dischargers conducting individual surface water monitoring or participating in a Joint Monitoring Program for surface water:
    - i. Farm Water Quality Plan – Within 24 months of adoption of the Order, all Dischargers who have a potential for discharges from their land application areas to reach surface water shall develop a farm-specific Water Quality Plan and submit the Plan to the Executive Officer for review and approval, as outlined in **Attachment B** to MRP R5-2017-0000. The Plan shall include water quality management practices currently used or proposed to comply with the surface water monitoring provisions of the Order and reduce or eliminate discharge of waste to surface waters. The farm management performance standards that must be achieved are to minimize waste discharge offsite in surface water, prevent pollution and nuisance, and minimize or eliminate the discharge of sediment above background levels. If management practices are proposed in the Plan but not yet implemented, the Plan must include timetables for implementation that are as short as practicable and subject to modification and approval by the Executive Officer.
    - ii. Surface Water Quality Management Plan – If the Annual Surface Water Monitoring Report submitted to the Executive Officer either by an individual Discharger or by a Joint Monitoring Program indicates violations of the Surface Water Limitations of the Order, the Discharger or Joint Monitoring Program shall submit a Surface Water Quality Management Plan to the Executive Officer for review and approval. The Plan shall include a description and justification for proposed management practices to be implemented to reduce the discharge of the constituent(s) of concern triggering preparation of the Plan. A time schedule for implementation of the management practices shall be included in the Plan and shall be as short as practicable.
  - b. For Dischargers participating in an Irrigated Lands Regulatory Program (ILRP) coalition for surface water:

- i. Dischargers participating in an ILRP coalition shall implement changes in management practices in accordance with schedules approved through the ILRP.
3. Compliance Determination – Dischargers covered under this Order shall be deemed in compliance with this Order if they are in full compliance with the time schedules that apply to them in accordance with this Provision N.

## **O. ENFORCEMENT**

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

## **P. PETITIONS**

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **DATE-2**.

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PAMELA C. CREEDON, Executive Officer