

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
Order R5-2017-0000**

STANDARD PROVISIONS AND REPORTING REQUIREMENTS

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

DATE OF ADOPTION

A. Introduction

1. These Standard Provisions and Reporting Requirements (SPRR) are applicable to Confined Bovine Feeding Operations that are regulated pursuant to the provisions of Title 27 California Code of Regulations (CCR) Division 2, Subdivision 1, Chapter 7, Subchapter 2, Sections 22560 et seq.
2. Any violation of the Order constitutes a violation of the California Water Code and, therefore, may result in enforcement action.
3. If there is any conflicting or contradictory language between the Order, the Monitoring and Reporting Program (MRP) associated with the Order, or the SPRR, then language in the Order shall govern over the MRP and the SPRR, and language in the MRP shall govern over the SPRR.

B. Standard Provisions

1. The requirements prescribed in the Order do not authorize the commission of any act causing injury to the property of another, or protect the Discharger from liabilities under federal, state, or local laws.
2. The Discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge of wastes from the facility that are at least as stringent as the requirements of the Order.
3. All discharges from the facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or to other courses under their jurisdiction that are at least as stringent as the requirements of the Order.
4. The Order does not convey any property rights or exclusive privileges.
5. The provisions of the Order are severable. If any provision of the Order is held invalid, the remainder of the Order shall not be affected.

6. The Discharger shall take all reasonable steps to minimize any adverse impact to the waters of the State resulting from noncompliance with the Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
7. The fact that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the Order shall not be a defense for violations of the Order by the Discharger.
8. The filing of a request by the Discharger for modification, revocation and reissuance, or termination of the Order, or notification of planned changes or anticipated noncompliance, does not stay any condition of the Order.
9. The Order is not transferable to any person except after notice to the Central Valley Water Board. The Central Valley Water Board may modify or revoke and reissue the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the California Water Code. For composting operations, notice must also be provided to CalRecycle and the Local Enforcement Agency.
10. The Discharger shall provide to the Executive Officer, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the Discharger's coverage under the Order or to determine compliance with the Order. The Discharger shall also provide to the Executive Officer upon request, copies of records required by the Order to be kept.
11. After notice and opportunity for a hearing, the Order may be terminated or modified for cause, including but not limited to:
 - a. Violation of any term or condition contained in the Order;
 - b. Obtaining the Order by misrepresentation, or failure to disclose fully all relevant facts;
 - c. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge; or
 - d. A material change in the character, location, or volume of discharge.
12. The Order may be modified if new state statutes or regulations are promulgated, and if more stringent applicable water quality standards are approved pursuant to Title 27 of the CCR, or as adopted into the Central Valley Water Board *Water Quality Control Plans (Basin Plans) for the Sacramento River and San Joaquin River Basins (4th Ed), and for the Tulare Lake Basin (2nd Ed.)*. The Order may also be modified

for incorporation of land application plans, and/or changes in the waste application to cropland.

13. The Central Valley Water Board may review and revise the Order at any time upon application of any affected person or by motion of the Board.
14. The Discharger shall ensure compliance with existing and/or future promulgated standards that apply to the discharge.
15. The Discharger shall permit representatives of the Central Valley Water Board and the State Water Resources Control Board (State Water Board), upon presentation of credentials at reasonable hours, to:
 - a. Enter premises where wastes are treated, stored, or disposed and where any records required by the Order are kept;
 - b. Copy any records required to be kept under terms and conditions of the Order;
 - c. Inspect facilities, equipment (monitoring and control), practices, or operations regulated or required by the Order; and
 - d. Sample, photograph, and/or video tape any discharge, waste, waste management unit, or monitoring device.
16. The Discharger shall properly operate and maintain in good working order any facility, unit, system, or monitoring device installed to achieve compliance with the Order. Proper operation and maintenance includes best practicable treatment and controls, and the appropriate quality assurance procedures.
17. Animal waste storage areas and containment structures shall be designed, constructed, and maintained to limit, to the greatest extent possible, infiltration, inundation, erosion, slope failure, washout, overtopping, by-pass, and overflow.
18. Setbacks or separation distances contained under Water Wells, Section 8, Part II, in the *California Well Standards, Supplemental Bulletin 74-90 (June 1991)*, and *Bulletin 94-81 (December 1981)*, California Department of Water Resources (DWR), shall be maintained for the installation of all monitoring wells and groundwater supply wells at existing dairies. A setback of 100 feet is required between supply wells and animal enclosures in the production area. A minimum setback of 100 feet, or other control structures (such as housing, berming, grading), shall be required for the protection of existing wells or new wells installed in the cropland. If a county or local agency adopts more stringent setback standards than that adopted by the DWR, then these local standards shall carry precedence over the Well Standards of DWR, and the Discharger shall comply with the more stringent standards.

19. Following any storm event that causes the freeboard of any wastewater pond to be less than one (1) foot for below-grade ponds, or two (2) feet for above-grade ponds, the Discharger shall take action as soon as possible to provide the appropriate freeboard in the wastewater pond.
20. For any electrically operated equipment at the facility, the failure of which would cause loss of control or containment of waste materials, or violation of this Order, the Discharger shall employ safeguards to prevent loss of control over wastes or violation of this Order. Such safeguards may include alternate power sources, standby generators, standby pumps, additional storage capacity, modified operating procedures, or other means.

C. General Reporting Requirements

1. The Discharger shall give at least 60 days advance notice to the Central Valley Water Board of any planned changes in the ownership or control of the facility. For composting operations, the Discharger shall notify the Central Valley Water Board, CalRecycle, and the Local Enforcement Agency, in writing, at least 30 days in advance of any change in control or ownership. In both cases, the notification shall include:
 - a. A statement of acknowledgment that the current owner is liable for violations occurring up to the transfer date and that the new owner is liable for violations occurring after the date that ownership of the property transfers; and
 - b. The new owner's Notice of Intent.
2. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of the Order by letter at least 60 days in advance of such change, a copy of which shall be immediately submitted to the Central Valley Water Board office in accordance with General Reporting Requirement C.12 below.
3. To assume operation under the Order, any succeeding owner or operator must request, in writing, that the Executive Officer transfer coverage under the Order. The Central Valley Water Board will provide a form for this request that will allow the succeeding owner or operator to provide their full legal name, address and telephone number of the persons responsible for contact with the Central Valley Water Board and a responsibility statement and a signed statement in compliance with General Reporting Requirement C.7 below. The form will also include a statement for signature that the new owner or operator assumes full responsibility for compliance with the Order and that the new owner or operator will implement the Waste Management Plan and the Nutrient Management Plan prepared by the preceding owner or operator. Transfer of the Order shall be approved or disapproved in writing by the Executive Officer. The succeeding owner or operator

is not authorized to discharge under the Order and is subject to enforcement until written approval of the coverage transfer is issued by the Executive Officer.

4. The Executive Officer may require the Discharger to submit technical reports pursuant to the Order and California Water Code Section 13267.
5. The Discharger shall identify any information that may be considered to be confidential under state law and not subject to disclosure under the Public Records Act. The Discharger shall identify the basis for confidentiality. If the Executive Officer cannot identify a reasonable basis for treating the information as confidential, the Executive Officer will notify the Discharger that the information will be placed in the public file unless the Central Valley Water Board receives, within 10 calendar days, a written request from the Discharger to keep the information confidential containing a satisfactory explanation supporting the information's confidentiality.
6. Except for data determined to be exempt from disclosure under the Public Records Act (California Government Code Sections 6275 to 6276), and data determined to be confidential under Section 13267(b)(2) of the California Water Code, all reports prepared in accordance with the Order and submitted to the Executive Officer shall be available for public inspection at the offices of the Central Valley Water Board. Data on waste discharges, water quality, meteorology, geology, and hydrogeology shall not be considered confidential.
7. All technical reports and monitoring program reports shall be accompanied by a cover letter with the certification specified in C.8 below and be signed by a person identified below:
 - a. For a sole proprietorship: by the proprietor;
 - b. For a partnership: by a general partner;
 - c. For a corporation: by a principal executive officer of at least the level of senior vice-president; or
 - d. A duly authorized representative if:
 - i. The authorization is made in writing by a person described in Subsection a, b, or c of this provision;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility, such as the position of manager. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and
 - iii. The written authorization is submitted to the Central Valley Water Board.

8. Each person, as specified in C.7 above, signing a report required by the Order or other information requested by the Central Valley Water Board shall make the following certification:

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

9. In addition to Item C.7 above, all technical reports required in the Order that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by, or under the direction of, and signed by persons registered to practice in California pursuant to California Business and Professions Code, Sections 6735, 7835, and 7835.1 or federal officers and employees who are exempt from these Sections by California Business and Professions Code, Section 6739 or 7836. To demonstrate compliance with Title 16 CCR, Sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
10. The Discharger shall file a Notice of Intent with the Central Valley Water Board at least 140 days before making any material change in the character, location, or volume of the discharge. A material change includes, but is not limited to, the following:
 - a. The addition of a new wastewater that results in a change in the character of the waste;
 - b. Significantly changing the disposal or waste application method or location;
 - c. Significantly changing the method of treatment;
 - d. Increasing the discharge flow beyond that specified in the Order; and/or
 - e. Expanding herd size beyond the maximum herd size reported in the Notice of Intent (**Attachment A**).
11. For changes to a composting operation, the Discharger shall submit a revised Notice of Intent (NOI) to the Central Valley Water Board, CalRecycle, and the Local Enforcement Agency at least 90 days prior to:
 - a. Adding a new feedstock, additive, or amendment;

- b. Changing material or construction specifications;
 - c. Changing a monitoring program; or
 - d. Changing an operation or activity that was not described in the approved noi. The central valley water board may require submittal of a revised technical report.
12. All regulatory documents, submissions, materials, data, monitoring reports, and correspondence should be converted to a searchable Portable Document Format (PDF) and submitted electronically to the State Water Resources Control Board's Internet-accessible database system (Geotracker database). The exception is the Notice of Intent, which may be submitted by email or mail to the Central Valley Water Board (see submittal directions at the end of the Notice of Intent form).

Dischargers or their representatives need to create a Geotracker user account. Instructions for setting up an account and the process of claiming a site, formatting and uploading data, and other technical information can be found under the "ESI Overview" and "Getting Started" sections at http://www.swrcb.ca.gov/water_issues/programs/ust/electronic_submittal/.

Monitoring data and correspondence needs to be in searchable Portable Document Format (PDF). Documents must be less than 100 MB to be uploaded to the Geotracker database. If not, PDF file size reduction tools should be used to reduce the size of files larger than 100 MB.

D. Requirements Specifically for Monitoring Programs and Monitoring Reports

1. The Discharger shall file self-monitoring reports and/or technical reports in accordance with the detailed specifications contained in the MRP attached to the Order.
2. The Discharger shall maintain a written monitoring program sufficient to assure compliance with the terms of the Order. Anyone performing monitoring on behalf of the Discharger shall be familiar with the written program.
3. The monitoring program shall include observation practices, sampling procedures, and analytical methods designed to ensure that monitoring results provide a reliable indication of water quality at all monitoring points.
4. All instruments and devices used by the Discharger for the monitoring program shall be properly maintained and shall be calibrated as recommended by the manufacturer and at least once annually to ensure their continued accuracy.
5. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by the Order, and

records of all data used to complete the reports. Records shall be maintained for a minimum of five years from the date of sample, measurement, report, or application. Records shall also be maintained after facility operations cease if wastes that pose a threat to water quality remain at the site. This five-year period may be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Executive Officer.

- a. Records of on-site monitoring activities shall include the:
 - i. Date that observations were recorded, measurements were made, or samples were collected;
 - ii. Name and signature of the individual(s) who made the observations, made and recorded the measurements, or conducted the sampling;
 - iii. Location of measurements or sample collection;
 - iv. Procedures used for measurements or sample collection;
 - v. Unique identifying number assigned to each sample; and
 - vi. Method of sample preservation utilized.
- b. Records of laboratory analyses shall include the:
 - i. Results for the analyses performed on the samples that were submitted;
 - ii. Chain-of-custody forms used for sample transport and submission;
 - iii. Form that records the date that samples were received by the laboratory and specifies the analytical tests requested;
 - iv. Name, address, and phone number of the laboratory which performed the analysis;
 - v. Analytical methods used;
 - vi. Date(s) analyses were performed;
 - vii. Identity of individual(s) who performed the analyses or the lab manager; and
 - viii. Results for the quality control/quality assurance (QA/QC) program for the analyses performed.

E. Enforcement

1. California Water Code Section 13350 provides that any person who violates WDRs or a provision of the California Water Code is subject to civil liability of up to \$5,000 per day or \$15,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil liability of up to \$10 per gallon, or \$20 per gallon; or some combination thereof, depending on the violation, or upon the combination of violations. In addition, there are a number of other enforcement provisions that may apply to violation of the Order.