CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2027-XXXX

AMENDING ORDER R5-2013-0122, REISSUED WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR EXISTING MILK COW DAIRIES

FINDINGS

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) finds that:

Background

1. On 15 September 2026, the State Water Resources Control Board (State Water Board) adopted Order WQ-2026-0028 (Dairy Petition Order), which directed the Central Valley Water Board to revise Order R5-2013-0122, *Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies* (2013 Dairy General WDRs) to incorporate significant changes, including the State Water Board's new regulatory framework for nitrogen discharges. Key elements of this new regulatory framework are interim and final land application requirements that must ultimately ensure that dairies' application of manure and other nitrogen-containing fertilizers to land do not cause or contribute to an adverse effect on beneficial uses of groundwater due to nitrate concentrations. (See Dairy Petition Order, pp. 68-72.) These interim and final land application requirements will be developed by the State Water Board, in coordination with the Central Valley Water Board and other experts and stakeholders, over the next few years. The Central Valley Water Board must incorporate these land application requirements, once they have been developed, into its Dairy General WDRs by no later than 15 September 2031. (*Id.*, pp. 65-66.) As directed by the State Water Board, the Central Valley Water Board's revisions to the Dairy General WDRs to incorporate the interim and final land application requirements will also include time schedules for existing dairies to achieve compliance (time schedules) with these requirements within the shortest practicable time period. (Dairy Petition Order, pp. 72-79.)

2. As a preliminary step toward implementing the State Water Board's new regulatory framework for nitrogen discharges, the Dairy Petition Order directs the Central Valley Water Board to revise the Dairy General WDRs within 150 days,

> *. . . for the sole purposes of authorizing enrollments for any dairy that is currently operating as of [15 September 2026] to submit current operational details (including the current herd size as of [15 September 2026]) and enroll under the amended 2013 Dairy [General] WDRs within a deadline of 60 days after the amendment to the 2013 Dairy General WDRs, and to authorize future expansions of these dairies subject to [specified limitations].*

(Dairy Petition Order, p. 81.) One purpose of this directed revision is to group dairies into one of two categories: (i) existing dairies, which will be eligible for a time schedule for meeting interim and final land application requirements when the Dairy General WDRs are revised to incorporate those requirements; and (ii) expanded or new dairies, which will not be eligible for time schedules for implementing the land application requirements (*Id.*, p. 78).

3. **Existing, Expanded, and New Dairies.** For the purposes of determining dairies' eligibility for land application requirement time schedules, the Dairy Petition Order provides the following definitions:

    a. **Existing dairies** are dairies that commenced operating prior to 15 September 2026 and, at that time: (1) were already regulated under waste discharge requirements (WDRs) for their current herd size; or (2) were not regulated under WDRs for their current herd size but either:

        i. Within 60 days after adoption of this Amending Order, submit a complete Report of Waste Discharge (ROWD), including documentation sufficient to demonstrate they were operating prior to 15 September 2026 and to verify the accuracy of their herd size as of that date (Dairy Petition Order, p. 81); or

        ii. Obtain coverage under WDRs for their expanded herd size "by submitting a complete ROWD that demonstrates immediate compliance with the currently applicable 1.4 A/R land application requirement (1.4 A/R Requirement)[1] for the portion of manure that will be generated by the

[1] The "1.4 A/R Requirement" refers to the Dairy General WDRs' requirement that Dischargers determine, in their Nutrient Management Plans (NMPs), the maximum amount of manure and process wastewater that can be applied to each land application area each year without exceeding 1.4 times the total nitrogen that will be removed from each field in the harvested portion of the crop. (See Order, Att. C, § V.B.3.) This Order

additional cows, accompanied by proof of CEQA[2] compliance for coverage under the 2013 Dairy General WDRs [as amended by this Order]" and by waiting "for the Central Valley Water Board's notice that it has granted coverage prior to expanding the herd size." (Dairy Petition Order, p. 82.)

b. **Expanded or New Dairies** are dairies, or portions of dairies' herds and associated facilities, that do not meet the definition of "existing dairies." (Dairy Petition Order, p. 82.)[3] This includes dairies, or portions thereof, that were operating as of 15 September 2026 but were not regulated under WDRs by that date and subsequently fail to enroll in the 2013 Dairy General WDRs as amended by this Order (*Id.*, p. 83), as well as consolidated dairies that are categorized as "expanded or new."

It is important to note that a single dairy may, in some circumstances, have a fixed number of its dairy herd that is considered to be "existing", while subsequent expansions to the dairy herd will be considered to be the equivalent of a new dairy – even where all of the cows have been combined into a single herd. The consequence is that the proportion of the dairy manure generated by

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requires that land application of animal waste and other materials containing nutrients to any cropland must be in accordance with a certified NMP that is consistent with the specifications outlined in Attachment C (see Land Application Specifications E.2, E.3, E.5.a, and E.6) and prohibits discharges of manure or process wastewater that would result in an exceedance of 1.4 A/R in any land application area (Prohibition A.9).

[2] "CEQA" refers to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.).

[3] To be clear, "a single dairy may, in some circumstances, have a fixed number of its dairy herd as of [15 September 2026] that is considered to be an "existing" dairy, while subsequent expansions to that dairy herd will be considered to the equivalent of a "new" dairy – even where all of the cows have been combined into a single herd. (Dairy Petition Order, p. 82.) "The consequence is that the proportion of the dairy manure generated by the fixed herd size that is considered to be "existing" will receive the full benefit of the time schedule, but the proportion of the dairy manure generated by the dairy expansion, which is considered "new," will not receive any time schedule for compliance with the final land application rates." (*Ibid.*) For example, if 80 percent of the herd is "existing" and therefore subject to an interim 1.4 A/R ratio, and 20 percent of the herd is "new" and therefore subject to a 1.1 A/R ratio, the total manure generated by the entire herd is subject to a 1.34 A/R ratio ((0.80 x 1.4) + (0.20 x 1.1) = 1.34). (*Id.*, fn. 223.)

the fixed herd size that is considered to be "existing" will receive the full benefit of the land application requirement time schedule, but the proportion of dairy manure generated by the dairy expansion, which is considered new, will not be eligible to receive the time schedule. (Dairy Petition Order, p. 82.)

4. **Consolidated Dairies.** The Dairy Petition Order also set forth general principles for the Central Valley Water Board to follow when categorizing consolidated dairies as "existing" or "expanded or new." A dairy consolidation generally consists of the combination of two or more dairies. Consolidated dairies may be categorized as "existing" if the consolidation "does not affect the pre-consolidation dairy manure management practices and resulting groundwater impacts" (e.g., when one dairy purchases a neighboring dairy but continues to operate both dairies as separate dairies with the same herd sizes and manure management practices as before the purchase). (Dairy Petition Order, p. 83.) However, if a consolidation would result in greater groundwater impacts in one area, even if it lessens the groundwater impacts in another area, the dairy in the area with increased impacts must be treated as a "new dairy" (e.g., one dairy purchases a second dairy and adds the second dairy's herd to the first dairy's herd and sells the second dairy's land application area). (*Id.*, p. 83-84.) Likewise, if a consolidation would result in groundwater impacts in areas that are not already impacted by dairies, the dairy in the area with increased impacts must be treated as a "new dairy" (e.g., one or more operating dairies close and move their herd(s) to newly developed facilities in an area where there was not previously a dairy). (*Id.*, p. 84.)

5. This Amending Order implements the State Water Board's direction by creating pathways for existing dairies to enroll unregulated or under-regulated dairies under the 2013 Dairy General WDRs and for existing enrolled dairies to propose enrollment updates authorizing herd size expansions, subject to the limitations specified in the Dairy Petition Order. The Dairy Petition Order also directs other significant revisions to the Central Valley Water Board's regulatory program for dairies, particularly that the 2013 Dairy General WDRs be significantly revised, by September 2031, based on information gathered and standards to be developed by the State Water Board and Central Valley Water Board over the next three to five years. Thus, the scope of this Amending Order is necessarily limited to revisions that are essential to implementing the State Water Board's near-term direction (i.e., allow enrollment of existing dairies).

Legal Findings

6. Water Code section 13263 provides that the Central Valley Water Board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed or existing discharge, or material change in an existing discharge, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Such WDRs must implement any relevant water quality control plans and take into consideration beneficial uses to be protected, water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241. The Central Valley Water Board considered the provisions of section 13241 in adopting this Amending Order.

Antidegradation Policy

7. State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High-Quality Waters* (Antidegradation Policy), requires the Central Valley Water Board to maintain high-quality waters of the state unless it determines that any authorized degradation is consistent with the maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial uses, and will not result in water quality less than that prescribed in state and regional policies. Further, it requires that, when the Central Valley Water Board authorizes degradation of high-quality waters, it must prescribe WDRs that will result in the best practicable treatment or control (BPTC) of the discharge to assure that pollution and nuisance will not occur and that the highest water quality consistent with the maximum benefit to the people of the State will be maintained.

8. This Amending Order's revisions to the 2013 Dairy General WDRs will create a pathway for authorizing discharges of waste from previously unregulated existing dairies. Enrollment of previously unenrolled dairies may result in the formal authorization of high-quality water degradation in some locations because the increased herd sizes authorized pursuant to this Order will result in increased discharges of salt and nitrate to the environment and, based upon the findings of the Central Valley Dairy Representative Monitoring Program's (CVDRMP) 1 April 2019 *Summary Representative Monitoring Report*, the management practices prescribed by the 2013 Dairy General WDRs will not fully mitigate the impacts of these discharges on groundwater quality.

9. With respect to the anticipated degradation of high-quality waters that may result from its adoption, this Amending Order incorporates by reference Findings 26-33 of the 2013 Dairy General WDRs, which describe that Order's compliance with the Antidegradation Policy. Although this Amending Order may result in new instances of degradation of high-quality waters by allowing enrollment of expanded dairy herds that can immediately comply with the 1.4 A/R Requirement, this Order does not alter any other elements of the 2013 Order that were relied upon in making Findings 26-33, nor alter any other bases upon which those findings were made. Thus, those findings are applicable to this Amending Order as an extension of the original 2013 Dairy General WDRs. To the extent that the State Water Board partially disapproved the antidegradation findings of the 2013 Dairy General WDRs (see Order WQ-2026-0028, at pp. 47-52), this Amending Order includes supplemental findings concerning the consistency of degradation authorized hereunder with the maximum benefit to the people of the State.

10. Finding 28 of 2013 Dairy General WDRs discusses how those WDRs will result in the BPTC to assure that pollution and nuisance will not occur and that the highest water quality consistent with the maximum benefit to the people of the state will be maintained. In the time since that Finding was made, the Central Valley Water Board adopted Basin Plan amendments establishing the Salt and Nitrate Control Programs, which provide comprehensive frameworks for regulating discharges of salt and nitrate (and other forms of nitrogen speciation) to waters of the state. Both of these Programs include an option for dischargers that cannot immediately or consistently comply with requirements that implement water quality objectives for salt and/or nitrate to obtain time schedules for meeting such requirements. Dairies regulated under the 2013 Dairy General WDRs, as amended by this Amending Order, may obtain time schedules pursuant to the Salt and Nitrate Control Programs' frameworks. The requirements of these time schedule requirements constitute a BPTC for the discharges of salt and nitrate to which they apply. Dischargers that are granted time schedules are deemed compliant with applicable requirements if they take steps to meet quantifiable interim and final milestones. Under these and other time schedules, certain discharges may be permitted to degrade receiving waters to an extent that one or more water quality objectives are temporarily exceeded (i.e., conditions of pollution and/or nuisance occur). As discussed in the Dairy Petition Order, this type of "interim lowering is not inconsistent with the Antidegradation Policy" provided that "the interim lowering will ultimately be reversed by the same permitting action." (Dairy Petition Order, pp. 55-56.)

11. To evaluate whether a WDRs General Order's authorization of degradation of high-quality waters will be consistent with the maximum benefit to the people of the state, regional water quality control boards must conduct a meaningful programmatic analysis of readily available information and data concerning social and economic costs and benefits of the proposed discharge for both dischargers and the affected public. (See Dairy Petition Order, at pp. 49-52.) As discussed in the following findings, the Central Valley Water Board weighed the social and economic costs and benefits of foreseeable degradation that may result from adoption of this Order and determined that the degradation authorized by this Order, after implementation of applicable BPTC measures and consistent with any applicable time schedule(s), is consistent with the maximum benefit to the people of the state.

12. Water quality degradation resulting from discharges of dairy wastes authorized pursuant to this Order may create localized social and economic costs for the public. In particular, degradation of groundwater with nitrate can result in increased costs for public healthcare and monitoring, treatment, and/or replacement of drinking water. Degradation with salt can affect consumer-acceptance of drinking water (possible off-tastes), which may result in increased costs for treatment and impact the health of salt-sensitive crops. Assessments of these costs are ongoing at local, regional, and statewide scales by numerous research institutions and agencies. One of the biggest difficulties in comprehensively determining these costs is uncertainty regarding the total number of individuals and communities affected, the scale of the pollution, and the cost of the myriad solutions available to address the problem. Public health-related costs are even more difficult to enumerate due the significant uncertainty of whether and to what extent nitrate consumption contributes to health impacts and the wide range of potential costs for addressing such impacts.

    Groundwater supplies drinking water to public water systems, state small water systems, local small water systems, and self-supplied households (i.e., via private domestic wells). These systems are largely defined by the number of service connections, the number of people served, and the length of time served. California regulates the drinking water quality of public water systems and community public water systems. Some counties regulate state small water systems. Local small water systems and private domestic wells are regulated by county agencies (e.g., environmental or public health departments) but are unregulated with respect to drinking water quality for the most part. A 2012 UC

Davis Nitrate Report, which summarized findings from a study of Tulare Lake Basin and the Salinas Valley in Monterey County, found that the proportion of the population in those areas that rely on community public water systems with nitrate contaminated wells is approximately 57 percent and may rise as high as 80 percent by 2050. (Harter, Lund, et al., University of California, Davis, Center for Watershed Science, *Addressing Nitrate in California's Drinking Water* (2012).) The Report estimated that approximately 10 percent of the population in these areas is at risk of consuming drinking water contaminated with nitrate above the maximum contaminant level. Many smaller communities with contaminated well water cannot afford safe drinking water and smaller systems are particularly affected by high cost.

With respect to health-related costs, "[c]hronic exposure to drinking water with high levels of nitrate can be associated with various adverse health outcomes. The three most prevalent are cancer risk, thyroid disease, and birth complications." (Ward, et al., *Drinking Water Nitrate and Human Health: An Updated Review* (2018) 15 Int. J. Environ. Res. & Pub. Health 1557.) Costs attributable to nitrate exposure include medical care costs, lost productivity due to poor health, adaptation costs for communities with known contamination (e.g., obtaining alternative water supplies), and potential costs for cleaning and treating the pollution.

With respect to water quality testing, more than 88,000 residents of the Central Valley rely on water from domestic wells (Faulkner & Jurgens, U.S. Dept. Int., U.S. Geological Survey, *Quality of Groundwater Used for Domestic Supply in the Western Central Valley – 2023* (2026), Scientific Investigations Report 2026-5069, p. 1) and, while public water systems are required to conduct regular testing, private domestic well sampling of is often left to the owner's discretion. Household water quality tests may cost up to $200 per test (U.C. Merced, California Institute for Water Resources, Drinking Water Factsheet #2 – Getting Your Water Tested, https://ucanr.edu/sites/default/files/2025-02/407595.pdf [last accessed 2 Nov. 2026]). Additionally, domestic water quality testing results that indicate nitrate impacts to private domestic water sources may, in some cases, negatively affect property values, due in part to the costs of treatment or replacement water discussed below. (See Guignet, Northcutt, & Walse (2015), *The Property Value Impacts of Groundwater Contamination: Agricultural Runoff and Private Wells* (2015), NCEE Working Paper Series 15-05, U.S. Env. Protection Agency.)

Where water quality testing reveals nitrate impacts to domestic water sources, additional costs may accrue for treatment, alternative water, or supplemental water for blending. A 2011 study found that "households in California's San Joaquin Valley, a region heavily affected by agricultural nitrate contamination, spent an average of 4.1 percent of household income on drinking water, primarily due to reliance on bottled water and home treatment." (Moore & Matalon, Pacific Institute (March 2011), *The Human Costs of Nitrate-contaminated Drinking Water in the San Joaquin Valley*, p. 32.) A 2024 study conducted in Porterville found that "the total annual average cost to monitor and treat nitrate for homes of families with young children 0-5 years is $73,000." (Cradock, Nink, & Wilking, *An Economic Evaluation of Strategies to Ensure Safer Drinking Water in the Homes of Families with Young Children in Select United States Locations* (2024) 38 Prev. Med. Rep. 102588.) For public water systems, costs for treatment, replacement, and supplementation of water supplies are inevitably passed along to consumers through higher water rates and tax-funded government loans and grants.

Although water quality degradation caused by discharges of waste from existing dairies may create social and economic costs in some areas, these dairies generally do not directly incur those costs. This is, in part, why the Salt and Nitrate Control Programs require participating dischargers, including dairies, to contribute funding towards drinking water solutions for impacted communities and long-term development of measures and strategies to reduce discharges of salt and nitrate to groundwater and to restore impacted groundwaters where reasonable, feasible, and practicable.

13. Dairies provide a benefit to the regional and state economy, both in terms of gross production of dairy products, many of which are exported to other states and nations, production of animal feed, and job creation. A November 2025 UC Davis Report provides that "[m]ilk produces more revenue than any other California agricultural commodity (about 14% of the state's total)." (Matthew and Sumner, University of California, Davis, Department of Agricultural and Resource Economics, California Agricultural Issues Lab, *Contributions of the Dairy Industry to the California Economy, 2023 and 2024* (Nov. 2025), p. 1.) The Report notes that California farm milk production created a total value of $17.1 billion in 2023 and $18.4 billion in 2024 (*Id.*, p. ES-3) and that California dairy farms had employment of approximately 18,818 jobs in 2023 and 20,250 jobs in 2024, contributing to an overall employment impact of 50,864 jobs in 2023 and 54,736 jobs in 2024. (*Id.*, p. ES-4.) The Report further provides that, "[m]ilk production in

California is concentrated in the eight counties comprising the San Joaquin Valley: Tulare, Merced, Stanislaus, Kings, Kern, Fresno, San Joaquin, and Madera" and ". . . these eight counties account for more than 90% of the milk produced in California." (*Id*., p. 15.) When accounting for milk processing in addition to milk farming, the dairy industry in the San Joaquin Valley contributes approximately $15 billion in value added and 98,370 jobs. (*Id.*, p. 55.)

Additionally, pursuant to the Nitrate Control Program, dairies in the Central Valley region support the provision of drinking water source testing for nitrate and replacement drinking water and drinking water treatment in areas where dairies cause or contribute, or have historically caused or contributed, to exceedances of the water quality objective for nitrate in groundwater. As of 27 October 2026, Management Zones formed pursuant to the Nitrate Control Program have tested approximately 4,091 private domestic wells for nitrate and are actively providing replacement water or household water treatment systems to approximately 2,778 households. (CV-SALTS Nitrate Program Dashboard, (https://cvsaltsnitrateprogramdashboard.com/) [last accessed 27 Oct. 2026].) The numbers of wells tested and residences receiving replacement water or treatment systems are expected to continue to rise as the Management Zones continue implementation of their Early Action Plans and as the Central Valley Water Board continues to approve Management Zone Implementation Plans (MZIPs). Furthermore, the Dairy Petition Order directs the Central Valley Water Board to require dairies that are not participating in Management Zones to

> . . . sample all private domestic wells that are both located within a minimum one-mile radius of a dairy facility's land application area or manure retention pond and also within an area determined to be within a high risk area for nitrate groundwater contamination by the Groundwater Ambient Monitoring and Assessment (GAMA) program (estimated to be approximately 97 wells), unless the Central Valley Water Board determines a well is not used and will not be used for domestic supply, is not likely to exceed 8.0 mg/L nitrate (as an extra measure of public health protection), or has been sampled within the last give years and the data has been reported [to] GeoTracker, or the well owner has affirmatively declined to consent to sampling after receiving notice from the dairy . . . [and] [i]f well testing results indicate that the nitrate concentration is at or above 7.5 mg/L and the Central Valley Water Board has determined that it is likely that the dairy has caused or contributed to the exceedance, then the dairy

> will provide recurring annual opportunities for retesting, at no cost to the owner, until the nitrate concentration is less than 7.5 mg/L nitrate.

(Dairy Petition Order, p. 112.) The Central Valley Water Board must require any dairy that is not participating in a Management Zone and that is causing or contributing to nitrate exceedances (>10 mg/L N) to provide alternative water supplies to impacted users and to help defray the costs to public well systems incurred for monitoring and treatment. (*Id.*, p. 113.) Dairies' backing of free domestic well testing programs, provision of replacement water and household water treatment systems, and support for public water systems in nitrate-impacted areas provide a significant public benefit that is directly tied to the degradation and pollution that is anticipated to occur as a result of authorized dairy operations.

Thus, enrollment of existing dairies under the 2013 Dairy General WDRs, as amended by this Order, provides social and economic benefits both locally, nationally, and abroad. Some of these benefits are externalized relative to where dairies operate and discharge their wastes, i.e., where dairy-related environmental impacts occur.

Existing dairies that enroll under the 2013 Dairy General WDRs, as amended by this Order, may avoid certain costs that would accrue if less or no degradation were authorized. Such costs may include but are not limited to those associated with enhanced accounting of salt and nitrate in discharges, additional treatment of wastes prior to discharge, procurement of additional land application area acreage, facility upgrades such as lining and/or expanding waste storage ponds, and off-hauling of dairy wastes. In some cases, existing dairies do not have the funds to implement such changes while remaining economically viable. Even where funds are available, additional practical considerations limit existing dairies' abilities to immediately improve management practices. For example, expansions of land application area acreages are dependent upon the availability of affordable agricultural lands in the vicinity of dairies; facility upgrades and improved management practices are, in many cases, dependent upon the availability of a limited number of appropriately-licensed or -certified experts, particularly with respect to waste pond upgrades; currently-available and -practicable dairy waste treatment technologies cannot necessarily achieve compliance with water quality standards and technologies that can more certainly achieve compliance – e.g., those used at domestic wastewater treatment plants – are currently too complex and costly to be implemented by individual dairy

operations; and improvements to industry-wide waste accounting and land application practices are still being developed via the coordinated efforts of the State Water Board, Central Valley Water Board, dairy industry groups, and other stakeholders (see Dairy Petition Order, § III.4-5). These limitations are, in part, the reason that the Dairy Petition Order allows up to five years for the Central Valley Water Board to significantly revise its 2013 Dairy General WDRs, and are significant considerations underlying the Salt and Nitrate Control Programs' time schedule approaches. It will take time to collect and analyze new data and develop updated, cost-effective waste accounting and land application measures and methods that offer increased water quality protection. When those measures and methods are further developed, the Central Valley Water Board will significantly revise the 2013 Dairy General WDRs, as amended, to require existing dairies to improve waste management measures over time to meet increasingly stringent nitrate discharge limits. Considering the impending restructuring of the 2013 Dairy General WDRs, by 2031, and the need to comply with the Dairy Petition Order's directive that the 2013 Dairy General WDRs be amended by 12 February 2027 "for the sole purpose" of allowing enrollment of previously un- or under-regulated existing dairies, the Central Valley Water Board has determined that inclusion of additional requirements like those described above would not be appropriate at this time.

14. Ultimately, this Amending Order's authorization of existing dairies' degradation of high-quality waters is consistent with the maximum benefit to the people of the state. These dairies create significant economic benefits for local communities, the state, and nation and provide continuing financial and technical support for the Salt and Nitrate Control Programs. The Central Valley Water Board acknowledges that the social and economic costs associated with salt and nitrate contamination of groundwater are significant and reiterates its commitment to continue to address these costs via its continuing administration of the Salt and Nitrate Control Programs and forthcoming revisions to the 2013 Dairy General WDRs, as amended. The requirements of the 2013 Dairy General WDRs, as amended by this Order, including time schedule requirements established pursuant to the Salt and Nitrate Control Programs, will ensure that pollution and nuisance will not occur, except where specifically allowed for a limited time period under a time schedule that is as short as practicable, and that the highest quality consistent with the maximum benefit to the people of the State will be maintained.

15. For purposes of the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.), the Central Valley Water Board is the lead agency. To the extent that this Amending Order creates a pathway for existing dairies to enroll or update existing enrollments under the 2013 Dairy General WDRs, as amended, this Amending Order is exempt from the procedural requirements of CEQA pursuant to California Code of Regulations, title 14, sections 15301, 15304, and 15061(b)(3) because it authorizes continued operation of existing facilities with negligible or no expansion of those facilities or their waste discharges; because only minor modifications to land, such as changes in locations of land application areas or reconstruction of existing waste ponds, are foreseeable as possible results of this Order; and because it can be seen with certainty that there is no possibility that such authorization of existing dairy operations will not have a significant effect on the environment. To the extent that this Amending Order creates a pathway for dairies to expand their authorized herd sizes under the 2013 Dairy General WDRs, as amended, the Amending Order is not subject to the procedural requirements of CEQA because potential expanded dairies' locations, facility specifications, or potential environmental impacts cannot be foreseen with sufficient certainty to be evaluated at this time and, thus, site-specific evaluation must be completed for any proposed dairy expansion before the Central Valley Water Board will consider granting authorization.

16. The Central Valley Water Board provided public notice of and opportunities to comment on this Order prior to its consideration at a public hearing.

17. In accordance with Water Code section 189.7, the Central Valley Water Board conducted outreach in disadvantaged and tribal communities potentially affected by this Order through its notice and comment procedures.

18. Water Code section 13149.2, subdivision (c), requires the Central Valley Water Board, when reissuing WDRs general orders with regional effect to make concise, programmatic findings, based on readily available information, on potential environmental justice, tribal impact, and racial equity considerations related to any changes to the requirements of the prior WDRs. As discussed in the preceding Findings, this Amending Order will create pathways for existing dairies to enroll, or update their enrollments, under the 2013 Dairy General WDRs, and for existing dairies to propose herd size expansions. The Central Valley Water Board does not anticipate water quality impacts as a result of new or updated enrollments of existing dairies, since those dairy operations already exist and their environmental impacts will likely remain the same or be lessened

after they are covered by the 2013 Dairy General WDRs, as amended. Dairies that propose to expand their herd sizes must provide, as a prerequisite for enrollment, documentation to show that their proposed herd size expansions have undergone CEQA review and that the waste generated by the proposed new cows will be managed to meet the 1.4 A/R Requirement. Such documentation will provide facility-specific information concerning reasonably foreseeable environmental impacts that may result from an approved herd size expansions. Because the 1.4 A/R Requirement does not necessarily preclude potential groundwater degradation from land application of dairy wastes, it is possible that dairy herd size expansions may cause some receiving waters to contain increased concentrations of salts and/or nitrate. As discussed in the antidegradation findings of this Amending Order, salt and nitrate can have certain deleterious effects on municipal water sources and create increased social and economic costs. While the Central Valley Water Board does not anticipate that such effects will disproportionately affect disadvantaged or tribal communities (the effects will be variable and spread across a variety of communities throughout the region), it acknowledges that these communities may be impacted by increased salt and/or nitrate concentrations in drinking water sources. Where enrollment of existing or new/expanded dairies under the 2013 Dairy General WDRs, as amended, result in impacts to water quality in disadvantaged or tribal communities, the Central Valley Water Board may use its enforcement authority under Water Code sections 13267 and 13304 to require investigation, abatement, and remediation of such impacts. Furthermore, dairies' participation in the Salt and Nitrate Control Programs will support ongoing short- and long-term efforts to identify impacted water sources, provide alternative water supplies and domestic water treatment, improvements to waste discharge quality, and restoration of impacted groundwater basins.

19. The Central Valley Water Board has considered all comments pertaining to this Order.

IT IS HEREBY ORDERED, that Order R5-2013-0122 is revised as follows:

General Revisions

1. Order R5-2013-0122, Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies is renumbered R5-2013-0122-01 and is retitled "Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, as amended by Order R5-2027-____."

2. All references to "WDRs Order R5-2013-0122, Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies" or variations thereof in the Order and its attachments, Monitoring and Reporting Program Order (MRP) R5-2013-0122 and its attachment, and the Standard Provisions and Reporting Requirements for Waste Discharge Requirements General Order R5-2013-01222 for Existing Milk Cow Dairies are revised to refer to WDRs Order R5-2013-0122-01, Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, as amended by Order R5-2027-XXXX.

3. MRP R5-2013-0122, General Order for Existing Milk Cow Dairies is renumbered and retitled as MRP R5-2013-0122-01, "General Order for Existing Milk Cow Dairies."

4. All references to "MRP R5-2013-0122, General Order for Existing Milk Cow Dairies," or variations thereof, in the Order and its attachments, as well as MRP R5-2013-0122 and its attachment, are revised to refer to MRP R5-2013-0122-01, General Order for Existing Milk Cow Dairies.

Revisions to WDRs Order R5-2013-0122

5. Finding 1 is revised to state:

   This Order serves as general waste discharge requirements (WDRs) for discharges of waste from milk cow dairies (dairies) of all sizes. Order R5-2013-0122 (2013 General Order) was adopted on 3 October 2013 and amended by Order R5-2027-XXXX, as adopted on [DATE]. Order R5-2013-0122 previously rescinded and replaced Order R5-2007-0035 (2007 General Order).

6. Finding 2 is revised to state:

   This Order applies to owners and operators of dairies that are enrolled hereunder (Dischargers). Enrollment under this Order is limited to **existing dairies**, which are dairies that commenced operating prior to 15 September 2026 and, at that time: (1) were already regulated under waste discharge requirements (WDRs) for their current herd size;[4] or (2) were not regulated under WDRs for their current

[4] This includes dairies regulated under the 2013 version of this Order; Order R5-2010-0130, *WDRs General Order for Dairies with Manure Anaerobic Digester or Co-Digester*

herd size but either:

a. By [DATE – 60 days after adoption of Amending Order], submitted a complete Report of Waste Discharge (ROWD), including documentation sufficient to demonstrate they were operating prior to 15 September 2026 and to verify the accuracy of their herd size as of that date; or

b. After [DATE ABOVE],

   A. Submitted a complete ROWD including:

      i. Demonstration that, upon enrollment under this Order, the discharger will immediately comply with the 1.4 A/R land application requirement (1.4 A/R Requirement)[5] for the portion of manure that will be generated by any proportion of its herd that was not previously regulated under WDRs; and

      ii. Proof of completed environmental review, pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.), evaluating any proposed expansion (see Att. E, Definition 15); and

   B. Did not expand its herd size or associated facilities until the Central Valley Water Board provided written notice that the dairy was enrolled in this Order based on its complete ROWD.

Facilities; Order R5-2011-0039, *WDRs General Order for Centralized Dairy Manure Anaerobic Digester or Centralized Dairy Manure Co-Digester Facilities;* and/or individual WDRs orders. Dairies regulated under Order R5-2010-0130, Order R5-2011-0039, or individual WDRs for their current herd sizes are not required to enroll under this Order but may choose to do so.

[5] The "1.4 A/R Requirement" refers to this Order's requirement that Dischargers determine, in their Nutrient Management Plans (NMP), the maximum amount of manure and process wastewater that can be applied to each land application area each year without exceeding 1.4 times the total nitrogen that will be removed from each field in the harvested portion of the crop. (See Order, Att. C, § V.B.3.) This Order requires that land application of animal waste and other materials containing nutrients to any cropland must be in accordance with a certified NMP that is consistent with the specifications outlined in Attachment C (see Land Application Specifications E.2, E.3, E.5.a, and E.6) and prohibits discharges of manure or process wastewater that would result in an exceedance of 1.4 A/R in any land application area (Prohibition A.9).

7. A new Finding 3 is added, as follows:

   Any party seeking to enroll a dairy under this Order must submit a Report of Waste Discharge (ROWD) that includes:

   a. A completed Form 200;

   b. An Existing Conditions Report prepared in accordance with Attachment A;

   c. A Waste Management Plan prepared in accordance with Attachment B;

   d. A Nutrient Management Plan prepared in accordance with Attachment C;

   e. For dairies described in Finding 2.a, if the dairies' whole farm nitrogen balance is or will be greater than 1.65 or the existing retention pond(s) total storage capacity is less than the total storage capacity required, a Proposed Interim Facility Modifications Report proposing actions that the Discharger will take to achieve compliance with the 1.4 A/R Requirement and/or address lack of storage capacity and a specific proposed time schedule for completely implementing those actions and achieving compliance in as short a time as is practicable;[6]

   f. A Salinity Report, as described in section J.1.d; and

   g. Either:

      A. By [DATE – 60 days after adoption of Amending Order], documentation sufficient to demonstrate that the dairy was operating at its current herd size prior to 15 September 2026; or

      B. After [DATE – 60 days after adoption of Amending Order]:

         i. Demonstration that the dairy would immediately comply with the 1.4 1.4 A/R Requirement for the portion of manure that will be

[6] Dairies described in Finding 2.b must be able to comply with the 1.4 A/R Requirement for the new portion of their herd immediately upon enrollment.

generated by any proportion of its herd that was not previously regulated under WDRs; and

ii. Proof of completed CEQA review evaluating any proposed expansion (see Att. E, Definition 15).

The ROWD and accompanying materials shall be emailed to the Confined Animal Facilities Program at RB5-CAF@waterboards.ca.gov. Please indicate in the subject line, "ROWD for Amended Dairy GO." While email is preferred, written comments may also be mailed to the following address:

Attention: Confined Animal Facilities Program
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706

8. Finding 7 is deleted in its entirety.

9. Findings 8-11 are incorporated into a single finding, Finding 8, and revised as follows:

Herd sizes at existing dairy operations vary as operators strive to maintain consistent milk production. Maintaining consistent milk production requires a dairy operator to manage the herd by continually producing calves, some of which eventually replace the dairy's producing herd over time, while excess stock are marketed for beef production or herd replacement elsewhere. Professionals at the University of California Davis estimate the normal variation in California dairy herd sizes ranges from about 10 to 15 percent. For the purposes of this Order, a Discharger's "existing herd size" is defined as the maximum number of mature dairy cows reported in the Discharger's ROWD, as approved by the Central Valley Water Board via enrollment under this Order, plus 15 percent of that reported number to account for the normal variation in herd sizes.

10. Finding 15 is revised to state:

This ~~reissued~~ Order, as originally issued, was intended to enhance requirements on existing milk cow dairies~~,~~ and recognized that this would mean that many Dischargers would need to make improvements at their facilities to meet these requirements. Because this is a reissued Order, it is recognized that some of the necessary improvements have already occurred. Improvements may include recycling flush water, grading, establishing setbacks, installing flow meters,

exporting manure, leasing or purchasing land, etc. 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 time 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 all the requirements of this Order. This Order requires Dischargers to make any necessary interim facility modifications first in order to prevent discharges to surface water, improve storage capacity, and improve the facility's nitrogen balance before completing any necessary infrastructure changes.

11. Finding 20 is revised as follows:

This Order, which supplements regulatory requirements already imposed on the existing dairy discharges under the 2007 General Order and which is designed to enhance the protection of groundwater resources, 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. Eligibility under th~~e Dairy Generalisl~~ Order is limited to existing milk cow dairies ~~that were existing facilities as of 17 October 2005~~, as described in Finding 2. ~~and t~~This~~e~~

~~b.~~a. Order does not authorize the expansion of these facilities. The restoration of~~,~~ or improvements ~~to,~~to dairy waste management systems to ensure proper function in compliance with this Order will involve minor alterations of existing private facilities.

~~c.~~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…" Th~~e Dairy Generalis~~ Order will likely require covered dairies to replace or reconstruct portions of their waste management systems to ensure compliance with the Order's requirements.

~~d.~~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…" Thise ~~Dairy General~~ Order will require covered dairies to make improvements to their waste management systems that will result in only minor alterations to land, water, and/or vegetation.

12. Revise Finding 25 as follows:

The milk cow dairies at which ~~this~~ Order R5-2013-01222 ~~is~~ was directed were in existence prior to October 2005 and many were constructed several decades ago. The waste management systems at these existing dairies are commonly not capable of preventing all adverse impacts to waters of the state either because of their outdated design or need for maintenance or both. Historic operation of these dairies has often resulted in adverse effects on the water quality. Groundwater data are needed to determine the existence and magnitude of these impacts. If data document impacts, continued operation of dairies without waste management improvements will perpetuate the ongoing adverse water quality effects caused by the generation and disposal of dairy waste. This Order includes time schedules for compliance for dairy operators to implement improvements if groundwater data indicate that certain types of facilities/practices are not protective of groundwater quality. These time schedules have expired and are no longer available to enrollees under this Order. However, dischargers enrolled under this Order may obtain time schedules for salt and nitrate via participation the CV-SALTS Salt and Nitrate Control Programs. Additionally, existing dairies that are updating their enrollments or enrolling for the first time under this Order may request a time schedule providing time to upgrade their facilities to meet Order requirements. (See Provision X.)

13. Revise Finding 41 as follows:

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. Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) is a collaborative basin planning effort aimed at developing and implementing a comprehensive salinity and nitrate management program. ~~The CV-SALTS effort might effect changes to the Basin Plans that would necessitate the re-opening of this Order.~~ In 2018, the Board adopted Resolution R5-2018-0034, amending the Basin Plans to incorporate, among other things, a new Nitrate Control Program and Exceptions Policy for Salinity,

Nitrate, and/or Boron (Exceptions Policy). Resolution R5-2018-0034 was later amended by Resolution R5-2020-0057 to incorporate revisions proposed by the State Water Board and the U.S. EPA.

As the Nitrate Control Program progresses, the Central Valley Water Board may modify certain Dischargers' coverage under this Order by issuing or modifying Notices of Applicability (NOAs) to incorporate requirements related to Nitrate Control Program Management Zone participants' exceptions from implementation of the water quality objectives for nitrate and other forms of nitrate speciation. Any new or different requirements prescribed in a Discharger's NOA for this purpose shall be considered to be valid requirements of this Order and, to the extent that any new or different requirement conflicts with the provisions of this Order, the new or different requirement prescribed in the NOA shall prevail. Any NOA issued or modified for this purpose will be subject to the notice and comment requirements of Water Code section 13167.5 prior to consideration by the Board.

14. Delete Finding 42.

15. Revise Finding 43 to state:

    The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order for discharges of wastes from ~~existing~~ milk cow dairies~~,~~ and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

16. Revise Finding 44 to state:

    The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the proposal to regulate discharges of waste from ~~existing~~ milk cow dairies under this Order.

17. Revise the "IT IS HEREBY ORDERED" language on page 12 as follows:

    IT IS HEREBY ORDERED that, pursuant to Water Code sections 13260, 13263, and 13267, ~~and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted thereunder; all Dischargers specified by the Central Valley Water Board and all Dischargers that were formerly regulated under the original version of Order R5-2007-0035~~

~~adopted in May 2007, their agents, successors, and assigns~~Dischargers shall comply with the following:

18. Revise Prohibition A.3 to state:

    The discharge of waste from ~~existing~~ milk cow dairies to surface waters which causes or contributes to an exceedance of any applicable water quality objective in the Basin Plans or any applicable state or federal water quality criteria, or a violation of any applicable state or federal policies or regulations is prohibited.

19. Revise Prohibition A.4 to state:

    The collection, treatment, storage, discharge, or disposal of wastes at a~~n~~ ~~existing~~ milk cow dairy shall not result in the creation of a condition of pollution or nuisance.

20. Delete Prohibition A.15 and accompanying footnote 4. Insert a revised Prohibition A.15 that states as follows:

    Expansion of an existing dairy is prohibited unless explicitly authorized by the Central Valley Water Board via WDRs (see Finding 2.b). “Expansion” includes any increase in a Discharger’s herd size beyond that approved by the Board, plus 15 percent (see Finding 7), or any increase in the storage capacity of retention ponds or acquisition of more acreage for land application of manure or process wastewater in order to accommodate an expansion of the existing herd size.

21. Revise General Specification B.1 as follows:

    ~~The existing milk cow dairy~~Dairies shall have facilities that are designed, constructed, operated, and maintained to retain all facility process wastewater generated during the storage period (maximum period of time anticipated between land application of process wastewater), together with all precipitation on and drainage through manured areas, up to and including during a 25-year, 24-hour storm (see item II of Attachment B, which is attached to and made part of this Order).

22. Revise General Specification B.2 as follows:

In the Sacramento and San Joaquin River Basins, wastewater retention ponds and manured areas at ~~existing milk cow~~ dairies 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. ~~Existing milk cow d~~Dairies 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. ~~Existing milk cow d~~Dairies that were built or expanded after 27 November 1984 shall be protected against 100-year peak stream flows. (Title 27, §22562(c).)

23. Revise General Specification B.3 as follows:

In the Tulare Lake Basin, ~~existing milk cow~~ dairies 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 ~~existing milk cow~~ dairies constructed after 25 July 1975 shall be protected from 100-year peak stream flows. ~~Existing milk cow d~~Dairies that were expanded after 8 December 1984 shall be protected from 100-year peak stream flows.

24. Revise General Specification B.6 as follows:

All precipitation and surface drainage from outside of the ~~existing milk cow~~ dairy (i.e., “run on”) shall be diverted away from any manured areas unless such drainage is fully contained. (Title 27, § 22562(b).)

25. Revise Production Area Specification C.4 as follows:

All roofs, buildings, and non-manured areas located in the production area of the ~~existing milk cow~~ dairy 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 retention ponds. (Title 27, § 22562(b).)

26. Revise Land Application Specification E.4 as follows:

Land application of wastes for nutrient recycling from ~~existing milk cow~~ dairies 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, to exceed the groundwater limitations set forth in this Order.

27. Revise Groundwater Limitation F.1 as follows:

Discharge of waste at ~~existing milk cow~~ dairies shall not cause the underlying groundwater to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.[7] The appropriate water quality objectives are summarized in the Information Sheet, which is attached to and 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 ~~(4th Ed.)~~ and the Water Quality Control Plan for the Tulare Lake Basin ~~(2nd Ed.)~~.

28. Revise Required Reports and Notices J.1.a as follows:

a. **Existing Conditions Report**: The Discharger shall submit an Existing Conditions Report for the dairy facility, prepared in accordance with Attachment A. ~~The Existing Conditions Report shall provide additional information on existing conditions at the dairy that was not provided in the ROWD submitted in response to the 2005 ROWD Request Letter.~~ The Existing Conditions Report requires the Discharger to complete a Preliminary Dairy Facility Assessment. The Preliminary Dairy Facility Assessment is available on the Central Valley Water Board's web site at (https://www.waterboards.ca.gov/centralvalley/water_issues/confined_animal_facilities/general_order_guidance/dairy/reporting_tools/#existingcond) ~~http://www.waterboards.ca.gov/centralvalley/available_documents/index.html#confined~~ and must be completed electronically. The Discharger shall include a copy of the results of the Preliminary Dairy Facility Assessment in the Existing Conditions Report.

29. Revise Required Reports and Notices J.1.b as follows:

b. **Waste Management Plan**: The Discharger shall submit a Waste Management Plan for the production area of the dairy facility, prepared in accordance with Attachment B. The Waste Management Plan shall provide an evaluation of the ~~existing milk cow~~ dairy's design, construction, operation, and maintenance for flood protection and waste containment and whether the facility complies with Prohibition A.14, General Specifications B.1-B.3, Pond Specifications C.1 through C.3, and Production Area Specifications D.1, D.4, and D.5. If the design, construction, operation, and/or maintenance of the dairy facility do not comply with these specifications and prohibition, the ~~Waste Management Plan~~Discharger

must propose modifications and a schedule for modifications that will bring the dairy facility into compliance. The Central Valley Water Board will incorporate these proposals into a site-specific Time Schedule Order that establishes enforceable requirements for completing necessary facility upgrades. ~~Certification that the modifications have been implemented shall be submitted in accordance with the Schedule of Tasks L.1.~~

30. Revise Required Reports and Notices J.1.d as follows:

d. **Proposed Interim Facility Modifications**: A Discharger that submitted a complete ROWD prior to [DATE – 60 days after adoption of Amending Order] and whose Preliminary Dairy Facility Assessment (see Required Reports and Notices J.1.a above) shows that the Whole Farm Nitrogen Balance[9] is greater than 1.65 and/or that the existing retention pond(s) total storage capacity is less than the total storage capacity required shall submit Proposed Interim Facility Modifications as Necessary to Balance Nitrogen and/or Proposed Interim Facility Modifications as Necessary to Improve Storage Capacity, respectively. Such Dischargers shall also submit Documentation of Interim Facility Modifications Completion as Necessary for Storage Capacity and to Balance N. Dairies seeking to enroll under this Order after [DATE – 60 days after adoption of Amending Order] must demonstrate their ability to meet a Whole Farm Nitrogen Balance of 1.4 or less before they can be enrolled in this Order.

31. Revise Schedule of Tasks L.1 as follows:

Dischargers enrolled before 15 September 2026 that are not seeking to update their existing enrollments to accommodate a herd size expansion ~~are~~ were required to develop and implement a Waste Management Plan and Nutrient Management Plan, submit an Existing Conditions Report, a Salinity Report, a Proposed Interim Facility Modifications, a Preliminary Infrastructure Needs Checklist, and Annual Reports according to the schedule shown in Table 1. All elements of the Waste Management Plan shall be submitted to the Executive Officer by the deadlines specified in Table 1 and signed and certified by the Discharger as required in Required Reports and Notices J.2.a above and the additional professional specified in Table 1.

Dischargers must submit a statement of completion to the Executive Officer for each of the elements of the Nutrient Management Plan by the deadlines specified in Table 1. All statements must be signed and certified by the

Discharger as required in Required Reports and Notices J.2.a above and the additional professional specified in Table 1.

Dischargers enrolled in this Order after 15 September 2026 must submit, as part of their ROWD, a Waste Management Plan, Nutrient Management Plan, Existing Conditions Report, Salinity Report, and, for dairies that submit a complete ROWD by [DATE – 60 days after adoption of Amending Order], a Preliminary Infrastructure Needs Checklist. Table 1's "Contents of Submittal" and "Professional Certification Requirements" columns are applicable to these submissions; Table 1's "Due Date" and "Submittal Due" columns are not applicable.

32. Revise section **M. Time Schedule for Compliance** as follows:

Dischargers enrolled before 15 September 2026 that are not seeking to update their existing enrollments to reflect a herd size expansion and that are conducting an Individual Monitoring Program shall submit a summary report within six (6) 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. Required Annual Reports presented after the submittal of the summary report, must include a discussion on implementation of changes in management practices and/or activities that are being taken and an evaluation of progress in complying with the Groundwater Limitations F.1. of the Order. Implementation of the identified management practices must be as soon as practicable, 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.

For Dischargers enrolled before 15 September 2026 that are not seeking to update their existing enrollments to reflect a herd size expansion and that are participating in a representative monitoring program that is required to submit a Summary Representative Monitoring Report (SRMR) (See Monitoring and Reporting Program R5-2013-0122, Provision III.10), the following time schedule shall apply to allow Dischargers sufficient time to implement identified management practices to achieve compliance with Groundwater Limitations described in Section F.1. of this Order. 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 supersede the schedules given below (e.g., time schedules for compliance with salinity standards that may be established in future Basin Plan amendments through the CV-SALTS process).

a. The SRMR must be submitted no later than six (6) years following submittal of the first Annual Representative Monitoring Report (ARMR) (e.g., the CVDRMP submitted its first ARMR on April 1, 2013, thus the CVDRMP's SRMR must be submitted by April 1, 2019).

b. The SRMR must identify management practices that are protective of groundwater 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 for implementation of the identified management practices. Within 18 months of submittal of the SRMR and no later than July 1, 2020, all member dairies of the RMP for which the SRMR was submitted must submit a letter of intent to comply with applicable management practices identified in the SRMR. Time schedules in the SRMR for implementation of the identified management practices must be as soon as practicable, supported with appropriate technical or economic justification and in no case may time schedules beyond 10 years from the date that the SRMR is approved by the Executive Officer.

For Dischargers enrolled after 15 September 2026, the Central Valley Water Board may consider authorizing time schedules on a case-by-case basis. Time schedules for meeting the water quality objectives for salt and/or nitrate will be pursuant to the processes described in the Basin Plans' Salt and Nitrate Control Programs. Time schedules for meeting other requirements of this Order may be available to Dischargers described in Finding 2.a (but not 2.b) if they demonstrate in their complete ROWD that they cannot immediately comply with certain requirements of this Order upon enrollment. Dischargers seeking such a time schedule must include with their ROWD a proposed time schedule for upgrading their operations and achieving compliance with this Order in as short a time as practicable.

33. The Findings and Provisions of Order R5-2013-0122 are renumbered to reflect the preceding revisions.

34. The Executive Officer certification on page 30 is replaced with:

I, Patrick Pulupa, Executive Officer, do hereby certify that this Order, including its attachments, is a full, true, and correct copy of the Order adopted by the Central Valley Regional Water Quality Control Board on 3 October 2013, as amended by Amending Order R5-2027-XXXX on [DATE].

Revisions to MRP R5-2013-0122 & MRP R5-2013-0122, Attachment A

35. MRP R5-2013-01222, Attachment A, Section I. Groundwater Monitoring, first paragraph, second sentence is revised as follows:

    The purpose of groundwater monitoring required by these provisions is to confirm that management practices being employed for the wastewater retention system, land application areas, and animal confinement areas, are protective of groundwater quality and comply with Groundwater Limitation F.1 of the Waste Discharge Requirements General Order for ~~New or Expanded~~ Milk Cow Dairiesy Facilities (Order).

36. MRP R5-2013-01222, Attachment A, Section I. Groundwater Monitoring, second paragraph, first sentence is revised as follows:

    As an alternative to installing monitoring wells on an individual basis as set out in Section II, Dischargers subject to the Order ~~No. R5-2013-0122 (Order)~~ may participate in a Representative Monitoring Program that meets the requirements set forth in Section III below.

37. MRP R5-2013-01222, Attachment A, Section I. Groundwater Monitoring, third paragraph, second sentence is revised as follows:

    ~~New or expanded d~~Dairy owners and operators enrolled for coverage under WDRs Order R5-2013-0122-01 are Dischargers and are responsible and liable for individual compliance and for determining if they are in compliance with the terms the Order.

Revisions to WDRs Order R5-2013-0122, Attachment A

38. Replace Attachment A, Existing Conditions Report for Existing Milk Cow Dairies, to Order R5-2013-0122 with the new Attachment A, Existing Conditions Reports for Dairies, attached to this Order.

Revisions to WDRs Order R5-2013-0122, Attachment B

39. Revise title of document to "Waste Management Plan for the Dairy Production Area."

40. Revise § I.D as follows:

    Present and maximum animal population as indicated below~~: (this information is in the Report of Waste Discharge submitted in response to the Central Valley Water Board's 8 August 2005 request);~~

41. Revise § I.F.3 as follows:

    The location of all cropland that is part of the dairy but is not used for dairy waste application including the Assessor's Parcel Number, total acreage, crops grown, and information on who owns or leases the field. The Waste Management Plan shall indicate if such cropland is covered under ~~the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R5-2006-0053 for Coalition Group or Order No. R5-2006-0054 for Individual Discharger, or updates thereto)~~Waste Discharge Requirements (WDRs) or a waiver of WDRs;

Revisions to WDRs Order R5-2013-0122, Attachment C

42. Revise title of document to "Nutrient Management Plan Contents and Technical Standards for Milk Cow Dairies".

43. Revise § VI.B as follows:

    Prohibition A.4 of the Order: *"The collection, treatment, storage, discharge or disposal of wastes at a~~n existing~~ milk cow dairy shall not result in the creation of a condition of pollution or nuisance*[1]."

44. Revise § VI.F as follows:

    Land Application Specification E.4 of the Order: "*Land application of wastes for nutrient recycling from ~~existing milk cow~~ dairies 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, to exceed the groundwater limitations set forth in this Order."

Revisions to WDRs Order R5-2013-0122, Attachment D

45. Revise title of document to: "Manure & Process Wastewater Tracking Manifest for Milk Cow Dairies".

Revisions to WDRs Order R5-2013-0122, Attachment E

46. Revise title of document to "Definitions".

47. Definition 12 is revised to state:

    "Discharger" means a person or entity that has enrolled for regulatory coverage under this Order. This generally includes the owners and/or operators of dairy operations and the owners of properties on which dairies operate (if separate from the dairy owner/operator.

48. Definition 13 is revised to state:

    "Existing dairy" means a dairy that commenced operating prior to 15 September 2026 and, at that time: (1) were already regulated under waste discharge requirements (WDRs) for their current herd size; or (2) were not regulated under WDRs for their current herd size but either: (a) by [DATE – 60 days after Date of this Order], submitted a complete Report of Waste Discharge (ROWD), including documentation sufficient to demonstrate they were operating prior to 15 September 2026 and to verify the accuracy of their herd size as of that date; or (b) obtained coverage under WDRs for their expanded herd size by submitting a complete ROWD that demonstrates immediate compliance with the 1.4 A/R Requirement for the portion of manure that will be generated by any proportion of its herd that was not previously regulated under WDRs and proof of CEQA compliance for coverage under this Order, and that did not expand its herd size or associated facilities until the Central Valley Water Board provided written notice that the dairy was enrolled in this Order based on its complete ROWD.

49. Definition 14 is revised to state:

"Existing herd size" means the maximum number of mature dairy cows that either: (a) the Central Valley Water Board has authorized a Discharger to maintain via a WDRs Order; or (b) that populated an existing dairy prior to 15 September 2026, provided that the Discharger has sufficiently demonstrated the herd size, and sought or obtained regulatory coverage therefore; plus 15 percent to account for the normal variation in herd sizes (see Finding 7).

50. Definition 15 is revised to state:

"Expansion" includes any increase in a Discharger's herd size beyond that approved by the Central Valley Water Board, plus 15 percent (see Finding 7), or any increase in the storage capacity of retention ponds or acquisition of more acreage for land application of manure or process wastewater in order to accommodate an expansion of the existing herd size.

Revisions to WDRs Order R5-2013-0122, Attachment F

51. Revise title of document to "Acronyms and Abbreviations".

[Signature on next page]

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 CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order is adopted, except that if the thirtieth day following the date that this Order is adopted falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

Links to the laws and regulations applicable to filing petitions (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the Internet or will be provided upon request.

I, PATRICK PULUPA, Executive Officer, do hereby certify that this Order, including its attachments, is a full, true, and correct copy of the Order adopted by the Central Valley Regional Water Quality Control Board on [DATE].

_____

PATRICK PULUPA, Executive Officer