

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. 01-800
NPDES NO. CAG017001

GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
CONFINED ANIMAL FEEDING OPERATIONS

The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter, Board), finds that:

1. On September 27, 1995, the Board adopted Order No. 95-700, General Waste Discharge Requirements for Confined Animal Feeding Operations, (CAFO) including Dairies, within the Colorado River Basin Region (NPDES NO. CAG017001).
2. Order No. 95-700 satisfied the criteria cited in Title 40, Code of Federal Regulations (CFR), Part 122.28 and, as such, served as a General NPDES Permit. Title 40 CFR 122.28 pertains to the issuance of general permits to regulate discharges of waste that meet the following criteria:
 - a. Waste discharges involving the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same or similar operating conditions;
 - d. Require the same or similar monitoring ; and
 - e. Are more appropriately regulated under a general permit rather than individual permits.
3. Title 40 CFR 122.23 defines a concentrated animal feeding operation (CAFO) as any animal feeding operation that has more than 1,000 animal units (dairy cattle are considered 1.4 animal units and feeder cattle are considered 1 animal unit). Pursuant to the Clean Water Act (CWA), all CAFOs are point sources and are subject to NPDES permitting requirements. Smaller animal feeding operations can also be designated as CAFOs by the permitting agencies after considering certain criteria cited under Title 40 CFR 122.23 (b)(1). The Board has determined that all feedlots, dairies, heifer ranches, calf nurseries and other similar facilities in the Region shall be designated as CAFOs.
4. Board Order No. 95-700 has expedited the preparation of Waste Discharge Requirements and has allowed the Board to better utilize staff resources. To date, approximately 24 CAFOs have been enrolled under Board Order No. 95-700. Board Order No. 95-700 expired on October 1, 2000. The CAFO's currently enrolled under Board Order No. 95-700, or in the process of enrolling under Order No. 95-700, want to continue to discharge wastes. Therefore, it is necessary to renew the Waste Discharge Requirements contained in Board Order No. 95-700 to continue this expedited permitting process. This proposed Board Order updates Board Order 95-700.
5. Persons discharging, or proposing to discharge, wastes from a CAFO or related facility in any manner that may affect the quality of the waters of the Region are hereinafter referred to as "discharger" and are subject to the terms and conditions of this Order. Persons discharging, or proposing to discharge, wastes from other types of animal feeding operations may obtain coverage under this general permit if they meet the criteria described in Findings No. 2 and 3 above.

6. For the purposes of this Board Order, waste includes process generated wastewater resulting from water directly or indirectly used in the management of a CAFO or resulting from any of the following: spillage or overflow from animal watering systems; washing, cleaning of flushing pens, barns, manure pits or other feedlot facilities; direct contact swimming, washing or spray cooling of animals; and dust control (as defined in Title 40 CFR 412.21). It also includes process wastewater which includes manure and any precipitation which comes in contact with any manure, litter, bedding; or with any other raw material, intermediate or final material, product used in or resulting from the CAFO, or products generated by the CAFO (e.g., milk).
7. The Board adopted the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) on November 17, 1993. The Basin Plan designates the beneficial uses of groundwater and surface waters of the Region and water quality objectives to protect those uses. This Board Order specifies requirements necessary to meet the water quality objectives and protect beneficial uses specified in the Basin Plan.
8. Revised regulations governing discharges from CAFOs, including dairies, are contained in Division 2, Title 27 of the Combined State Water Resources Control Board/California Integrated Waste Management Board AB 1220 Regulations, which became effective on July 18, 1997. Chapter 7, Subchapter 2 (Article 1) contains requirements for Confined Animal Facilities. Previously, these regulations were specified in Chapter 15, Division 3, Article 6, Title 23 of the California Code of Regulations.
9. Section 402(p) of the CWA, as amended by the Water Quality Act of 1987 and the related regulations published by the United States Environmental Protection Agency on November 16, 1990 (40 CFR Parts 122, 123 and 124), require an NPDES permit for pollutant discharges from CAFOs. The United States Environmental Protection Agency's Effluent Guidelines and Standards for Feedlots are contained in Title 40 CFR 412 (revised July 1, 1993).
10. On April 17, 1997, the State Water Resources Control Board adopted the General Industrial Storm Water Permit, Order No. 97-03-DWQ, NPDES No. CAS000001. State Board Order No. 97-03-DWQ implements the final federal regulations (40 CFR 122, 123, and 124) for storm water runoff published on November 16, 1990, by the United States Environmental Protection Agency in compliance with Section 402(p) of the CWA. This Board Order includes those provisions of the General Industrial Storm Water Permit that pertains to CAFO's. Once a discharger is authorized to discharge under Board Order No. 01-800, coverage under the State Water Resources Control Board's General Industrial Storm Water Permit (Order No. 97-03-DWQ) will be terminated.
11. Most of the CAFOs in the Region are located in the Imperial Valley. The climate of the Imperial Valley is typical of a desert area and is characterized by hot, dry summers, occasional thunderstorms, and gusty high winds with sandstorms. It is one of the most arid areas in the United States, has an average annual rainfall of less than three (3) inches, and temperatures in excess of 100°F for more than 100 days per year. The average January temperature is 54°F, and the average July temperature is 92°F. Evapotranspiration rates for Imperial Valley can exceed 7 ft/yr, and in hot summer months can be one-third of an inch per day.
12. All of the major soil associations within the Imperial Valley are within the "wet" series of poorly drained soils due to their low permeabilities (less than 0.5 inches per hour). The following three general soil associations dominate Imperial Valley:
 - a. Imperial (nearly level, moderately well drained silty clay);
 - b. Imperial-Holtville-Glenbar (nearly level, moderately well drained and well drained silty clay, silty clay loam, and clay loam); and
 - c. Meloland-Vint-Indio (nearly level, well-drained fine sand, loamy very fine sand, fine sandy loam, very fine sandy loam, loam and silt loam).

13. Approximately 480,000 acres in the Imperial Valley are considered farmable. First encountered groundwater in the Imperial Valley typically has a relatively high salinity (i.e., TDS of about 3,000 to 5,000 mg/l) and can be as shallow as a few feet below ground surface. Certain farm areas within the Imperial Valley are serviced by a system of underground drain lines ("tile lines") to manage soil salinity and water content. Irrigation water that has percolated through the soil, known as tilewater, is collected in the tile lines beneath the fields, and is discharged to surface drainage canals by gravity flow or a sump system. The surface drains discharge their flow mainly into the Alamo River or the New River, which are the two main tributaries of the Salton Sea. Some drains also discharge their flow directly into the Salton Sea. The drains, Alamo and New Rivers, and the Salton Sea are waters of the United States.

14. Wastes from CAFOs contain high concentrations of salts (primarily total dissolved solids) and nitrates. Previous studies conducted by the Santa Ana Regional Water Quality Control Board have shown that cow manure produced in that Region contains about 160 pounds of salt per dry ton of manure (110 pounds of salt per ton of manure @ 33% moisture). The application of manure or the discharge of process wastewater¹ to land, results in the discharge of salts that has the potential to adversely impact the quality of groundwater and surface water in this Region. This is particularly so if the CAFO facilities (e.g., waste ponds) are within the influence of a tilewater drainage system, there is insufficient separation between the bottom of ponds and first encountered groundwater, or the wastes are applied to land at rates that exceed crop demand or soil needs.

15. The Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16 and finds that:
 - a. Appropriate salt and nutrient offset programs must be implemented to protect water quality;
 - b. The discharge conditions and effluent limitations established in this Board Order ensure that the existing beneficial uses and quality of waters in the Region will be maintained and protected;
 - c. Discharges regulated by this Board Order should not lower water quality if the terms and conditions of this Board Order are met.

16. The Imperial County Department of Planning/Building prepared an Initial Study and Proposed Mitigated Negative Declaration to meet the State requirements of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21108 et seq.). The Mitigated Negative Declaration was approved by the County of Imperial on January 24, 2001. The water quality or related water quality impacts identified during the environmental assessment for the Mitigated Negative Declaration are given below, followed by mitigation measures addressed in this Board Order.
 - a. Potential Impact: The project has a potentially significant impact unless mitigation is incorporated to prevent violation of water quality standards and Waste Discharge Requirements and potential polluted runoff.

Mitigation: Prohibitions 1,2,4;
 Specifications 6,7,8,9,13,14,15,16,17; and
 Provisions 1,5,6,7,8,9,10,14,15,16,23

17. This Board Order does not authorize violation of any federal, state, or local law or regulation.

1. Process wastewater shall mean any process generated wastewater and any precipitation which comes into contact with any manure, litter or bedding, or any other raw, intermediate or final material or product used in or resulting from the production of animals, poultry or direct products (e.g. milk, eggs).

18. The Regional Board has notified interested agencies and persons of its intent to issue general Waste Discharge Requirements for discharges of wastes from CAFOs, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
19. The Board, in a public meeting, heard and considered all comments pertaining to discharges of wastes to be regulated under these General Waste Discharge Requirements.

IT IS HEREBY ORDERED that, Board Order 95-700 is terminated and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, dischargers, their agents, successors, and assigns, discharging wastes from CAFOs shall comply with the following:

A. Conditions:

1. Persons discharging, or proposing to discharge, wastes from a CAFO or related facility in any manner that may affect the quality of the waters of the Region are hereinafter referred to as "discharger" and are subject to the terms and conditions of this Order.
2. Persons discharging, or proposing to discharge, wastes from other types of animal feeding operations may obtain coverage under this general permit if they meet the criteria described in Findings No. 2 and 3 above.

B. Enrollment Under this Board Order:

1. The following types of facilities may request enrollment under this Board Order:
 - a. New or proposed CAFOs as provided by Findings No. 2 and 3, above; and
 - b. Existing CAFOs.
2. The Regional Board's Executive Officer is hereby authorized to enroll dischargers under these General Waste Discharge Requirements.

C. Prohibitions

1. The discharge of wastes shall not cause degradation of any water supply.
2. The direct and indirect discharge of waste to any surface water bodies, or tributary thereof, is prohibited unless a chronic² or catastrophic³ rainfall causes overflow from a storage facility designed, constructed, maintained and operated to contain all process generated wastewater plus runoff from a 24-hour, 25-year storm. This includes the prohibition of discharge of wastes into surface waters via tile lines.
3. The discharge of wastes to lands not owned or controlled by the discharger(s), or in a manner not approved by the Regional Board's Executive Officer is prohibited.
4. The discharge of brine waste off-site is prohibited.

D. Specifications

² Chronic rainfall means a series of wet weather conditions which would not provide opportunity for dewatering and which total the volume of the 25-year, 24-hour storm event.

³ Catastrophic rainfall means any single event which would total the volume of the 25-year, 24-hour storm event; this could include tornadoes, hurricanes or other catastrophic conditions which could cause overflow due to winds or mechanical damage.

1. Operation of CAFOs shall not cause pollution or nuisance as defined in Section 13050 of the California Water Code.
2. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Sections 13050(1) and 13050(m) of Division 7 of the California Water Code.
3. Dead animals shall be disposed of in accordance with appropriate state, local laws, regulations and alliances.
4. All animals at the CAFOs shall be prevented from entering any drains, canals, rivers or lakes within the confined area.
5. Discharge of wastewater to disposal lands shall not result in surface runoff from disposal lands and shall be managed to minimize percolation to the groundwater.
6. The discharger shall design, construct and maintain containment structures to retain all wastewater within its facility, including all process generated wastewater and all precipitation on, and drainage through, manured areas resulting from storms up to and including a 24-hour, with a 25-year return frequency.
7. Retention ponds and manured areas at CAFOs in operation since November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Facilities existing before November 27, 1984 that are protected against 100-year peak stream flows must continue to provide such protection. Facilities (built after November 27, 1984) shall be protected from any washout or erosion of wastes or covering material, and from any inundation which could occur as a result of floods having a predicted frequency of once in 100 years.
8. Retention ponds shall be lined with or underlaid by soil which contains at least ten(10) percent clay and not more than ten(10) percent gravel or artificial materials or materials with equivalent impermeability. These ponds shall also be sited, designed, constructed and operated to ensure that wastes will be a minimum of five feet above the highest anticipated elevation of underlying groundwater.
9. A minimum freeboard of two (2) feet shall be maintained at all times in the ponds.
10. Ponds shall be managed to prevent breeding of mosquitoes, In particular,
 - a. An erosion control program shall ensure that small coves and irregularities are not created around the perimeter of the water surface.
 - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
11. No new containment structures shall be constructed of manure, and manure shall not be used to improve or raise existing containment structures.
12. Manure removed from the corrals shall be removed from the facility within 180 days. Any manure remaining at the facility after 180 days of being removed from the corrals is considered to be disposal of manure and is prohibited in accordance with Discharge Prohibition A.5. A manifest of the manure hauled away shall be prepared and submitted with the annual report in accordance with Monitoring and Reporting Program No. 01-800. (The discharger shall be responsible for appropriate disposal of manure from the property over the six-month period following removal of the manure from corrals. This means that disposal must be coordinated with periods of rainfall such that manure can be removed from the facility within 180 days of being scraped from corrals.)

14. Manure applied to cultivated cropland shall not exceed agronomic rates and shall be incorporated into soil soon after application or appropriate containment (based upon the specific crop grown) controls must be provided.
15. On two (2) designated "clean days" per calendar year, facilities subject to this order shall be free of all stockpiled manure that has been removed from corrals. These "clean days" shall be selected by each discharger, beginning in January 2001. The two (2) "clean days" shall be at least four (4) months apart. Each "clean day" shall be identified and reported to the Regional Board office in writing at least five (5) working days in advance of the selected date.
16. All surface drainage from outside of the facility shall be diverted away from any manured areas unless such drainage is fully contained.
17. All new roofs, buildings, and non-manured areas located on the CAFO shall be constructed or otherwise designed so that clean rainwater is diverted away from the sources of animal manure and waste containment facilities.
18. The Colorado River Basin Region shall notice a reconsideration of this permit within 60 days of the date of the final judgement by the San Francisco Superior Court in *WaterKeepers Northern California, et al.*, Case No. 312513, for the purpose of modifying the permit to make it consistent with the judgement of the Court in this matter where any term, limitation, or provision is inconsistent with the judgment. The permit shall be modified within the time period established by the Court in this matter.

E. Provisions

1. The discharger(s) shall comply with "Monitoring and Reporting Program No. 01-800", and future revisions thereto, as specified by the Regional Board's Executive Officer.
2. This order shall serve as a General National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto. The general permit shall become effective ten (10) days after the date of its adoption provided the Regional Administrator of the Environmental Protection Agency has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
3. This order expires on March 14, 2006. However, it shall continue in force and effect until a new general permit is issued. All dischargers authorized to discharge under the expired permit may continue to discharge waste in accordance with that permit until a new permit is issued.
4. Upon receipt of an application to discharge wastes under this order, the Executive Officer shall authorize the proposed discharge by transmitting a "Discharge Authorization Letter" to the discharger. The discharge authorization letter may be terminated or revised by the Executive Officer at any time.
5. The discharger shall develop and fully implement an Engineered Waste Management Plan (EMWP) acceptable to the Executive Officer. The EWMP shall be submitted to the Regional Board's Executive Officer for approval and implemented as follows:
 - a. For new CAFOs, the EWMP shall be submitted **within 90 days** from the date the CAFO begins operation and implemented **within 90 days** following plan approval by the Executive Officer.
 - b. For existing CAFOs, which did not submit the EWMP required by Board Order 95-700, the EWMP shall be submitted **within 30 days** from the date this Board Order is adopted and fully implemented **within 90 days** following plan approval by the Executive Officer.

6. The EMWP shall be developed by a registered professional engineer, or other qualified individual, in accordance with the guidelines specified in Attachment "B" of this Order. The Executive Officer is hereby authorized to make necessary revisions to the guidelines for the preparation of an EWMP outlined in Attachment "B".
7. Upon issuance of a discharge authorization letter from the Executive Officer to discharge wastes under this Order, the discharger's authorization to discharge waste under the State Water Resources Control Board's General Industrial Storm Water Permit (Order No. 97-03-DWQ) is hereby terminated.
8. 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 other courses under their jurisdiction.
9. Storm flows in excess of a 24-hour, 25-year storm event may be discharged to surface water bodies in accordance with the requirements specified in U.S. Environmental Protection Agency's "Effluent Guidelines and Standards for Feedlot's, 40 CFR Part 412". Additionally, storm flows resulting from chronic or catastrophic events may also be discharged to surface water bodies in accordance with the U.S. Environmental Protection Agency's effluent guidelines referenced above.
10. The discharger shall comply with all Federal, State, County and local laws and regulations pertaining to the discharge of wastes from the facility.
11. Following a storm event, the discharger shall restore the wastewater holding capacity of retention ponds in a timely manner.
12. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under Federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
13. This Order does not convey any property rights of any sort, or any exclusive privilege.
14. An authorization to discharge wastes under this Order is not transferable to any person without written authorization from the Executive Officer.
15. The discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified in the Discharge Authorization Letter issued by the Executive Officer.
16. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
17. Any instance of noncompliance with this Order constitutes a violation of the Clean Water Act (CWA), its regulations, and the California Water Code, and is grounds for enforcement action, and/or termination of the authorization to discharge.
18. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.
19. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
20. Compliance determination with the terms of this Order shall be based on the following:
 - a. Periodic inspections by Regional Board staff;
 - b. Evaluation of the annual report of animal waste and storm water discharge submitted according to the attached monitoring and reporting program; and

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

21. The Regional Board, United States Environmental Protection Agency, and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this general permit;
 - b. Access to copy any records that are kept under the conditions of this general permit;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this general permit, or as otherwise authorized by the CWA.
22. The discharger shall comply with Monitoring and Reporting Program No. 01-800.
23. Upon receiving the EWMP, the Regional Board's Executive Officer shall determine the need to develop a groundwater monitoring program on a case by case basis. Such a monitoring program would require the installation of monitoring wells at the facility. Wells shall be sampled quarterly (in January, April, July, and October) for detection of total dissolved solids (TDS), nitrates, pH and total coliform. Groundwater elevation and gradient shall be determined at the same time. Results shall be submitted with the annual report.
24. An authorization to discharge wastes under this order is not transferable to any person without written authorization from the Executive Officer.
25. The discharger shall maintain a copy of this Board Order at the site so as to be available at all times to site-operating personnel. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order.

F. Permit Reopening, Revision, Revocation, and Re-Issuance

1. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal CWA, or amendments thereto, the Board will revise and modify this Order in accordance with such standards.
2. This Order may be reopened to address any changes in State or Federal plans, policies or regulations that would affect the quality requirements for the discharges.

G. Penalties

1. The CWA provides that any person who violates a provision implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$11,000 per day of such violation. Any person who willfully or negligently violates provisions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or both.
2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$11,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.

3. The CWA provides that any person who falsifies, tampers with, or knowingly renders any inaccurate monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$11,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.
4. The California Water Code provides that any person who violates a Waste Discharge Requirement or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon-per-day, or \$20 per gallon-per-day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

H. Required Reports and Notices

1. Reporting Provisions

- a. All applications, annual reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.
 - b. Any discharger authorized to discharge waste under this Order shall furnish, within a reasonable time, any information the Regional Board or EPA may request, to determine whether cause exists for modifying, revoking and reissuing, or terminating their authorization or this general permit. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
 - c. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of the United States Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act and Section 13387 of the California Water Code.
2. The discharger shall report any noncompliance that endangers human health or the environment, within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board Office and to the Office of Emergency Services. During non-business hours, the discharger shall leave a message on the Regional Board's voice mail. The Office of Emergency Services is operational 24 hours a day. A written report shall be submitted to this office, within five (5) business days of the discharger becoming aware of the incident. The report shall contain a description of the noncompliance, its causes, duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the discharger has taken or intends to take, in order to prevent recurrence. All intentional or accidental spills exceeding 1,000 gallons shall be reported as required by this provision.

The written submission shall contain:

- a. The approximate date, time and location of the discharge;
- b. A description of the noncompliance and its cause;
- c. The volume and duration of the discharge;
- d. The period of noncompliance, including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- e. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of such discharges.

3. The discharger shall report promptly in writing to the Regional Board of any changes or proposed changes in:
 - a. The control, ownership, operation or location of the facility;
 - b. The character, location, volume or disposal methods of waste discharges; and
 - c. The size of the animal population, if it increases beyond the design capacity of the facility specified in the EWMP.
4. The discharger shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with this general permit.

I. Application Requirements

1. Dischargers previously authorized to discharge wastes under Order No. 95-700, dischargers currently discharging wastes under individual Waste Discharge Requirements, and dischargers who have submitted a Notice of Intent to discharge wastes under Order No. 95-700 are automatically enrolled under this Order, unless they file an application to be covered under an individual permit. Once the Executive Officer issues a Discharge Authorization Letter, the individual Waste Discharge Requirements are hereby rescinded.
2. Dischargers not previously authorized to discharge waste under Order No. 95-700 are required to submit the following within 60 days of the effective date of this Order for existing discharges and at least 60 days before the start of any new discharge:
 - a. A completed Notice of Intent form (see Attachment "A") with the appropriate filing fee;
 - b. An Engineered Waste Management Plan for the facility, acceptable to the Executive Officer (see Attachment "B");
 - c. If an acceptable EWMP has not been developed, the discharger must submit the name of the engineer, or other qualified individual, who will develop the EWMP and a proposed time schedule for its development; and
 - d. Any other information deemed necessary by the Executive Officer.

If the proposed discharge meets the requirements of this Order, the Executive Officer will provide the discharger with a written authorization to discharge waste in accordance with these Waste Discharge Requirements.

3. The following types of facilities are not required to obtain authorization under this Order. Such facilities must not discharge waste which may affect water quality, or cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
 - a. Dairies where the animal population is less than 20 (dry or milking cows).
 - b. Heifer or calf ranches where the herd size is less than 50.

I, Phillip A. Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 14, 2001.

Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

MONITORING AND REPORTING PROGRAM NO. 01-800
FOR
CONFINED ANIMAL FEEDING OPERATIONS

MONITORING

1. The discharger(s) shall inspect the waste holding and disposal areas and note any discharges from the property that is under the control of the discharger. Inspections will be made daily when wastewater is being applied to crop land and weekly during other periods. The results of all inspections will be recorded and submitted with the required reports.
2. During each significant storm event¹, the discharger(s) shall make visual inspections of all storm water containment structures.
3. The discharger(s) shall record the approximate time of each storm-related discharge that results in off-property discharges of storm water commingled with wastewater or manure, and its approximate duration.
4. The discharger(s) shall record each manure-hauling event on a manure tracking manifest form.

REPORTING

1. By January 15 of each year, an annual report of animal waste discharge and storm water discharge shall be submitted.
2. The annual report shall be submitted on forms provided by Regional Board staff and shall also include copies of all manure tracking manifests for the reporting period and copies of the inspection logs required to be maintained under Nos. 1. and 4. above.
3. The discharger shall notify the Regional Board by telephone within 24 hours of any unauthorized discharge of wastes. This notification shall be followed by a written report that shall be submitted to the Regional Board within two weeks of the discharge. The written report shall contain:
 - a. The approximate date and time of the discharge;
 - b. The flow rate and duration of the discharge;
 - c. The specific type and source of the waste discharges (e.g., overflow from holding pond, rainfall runoff from manure storage areas, etc.); and
 - d. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of the discharge.
4. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
5. Each report shall contain the following statement:

"I declare under the penalty of law that I personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately

¹ A significant storm event is defined as a storm event which results in continuous discharge of storm water for a minimum of one hour, or intermittent discharge of storm water for a minimum of three hours in a 12-hour period.

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 a fine and imprisonment for knowing violations.”

6. A duly authorized representative of the discharger may sign the document if:
 - a. The authorization is made in writing by the person described above; and
 - b. The authorization specifies an individual or person having the responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Board’s Executive Officer.
7. Submit reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

by: _____

Ordered

Executive Officer

March 14, 2001

Date

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

FACT SHEET
APPLICATION FOR
GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
CONFINED ANIMAL FEEDING OPERATIONS (CAFO)

| | | |
|--------------------------------|--------------------|---------|
| | Public Notice No.: | 7-01-04 |
| NPDES Permit Number: CAG017001 | Board Order No.: | 01-800 |

I. Status of Permit

On September 27, 1995, the Board adopted Order No. 95-700, General Waste Discharge Requirements For Confined Animal Feeding Operations, Including Dairies, within the Colorado River Basin Region (NPDES CAG017001). Board Order No. 95-700 expired on October 1, 2000. The CAFO's currently enrolled or in the process of enrolling under Board Order No. 95-700 want to continue to discharge wastes. Therefore, it is necessary to renew the waste discharge requirements contained in Board Order No. 95-700. Currently the general NPDES permit for CAFOs, Board Order 95-700, focuses on the regulation of feedlots. Considering the fact that it is expected for many dairies to relocate to the Imperial Valley in the near future, the updated version of this permit incorporates the regulating of dairies in the same manner.

II. Definition of CAFOs

CAFOs are those facilities which stable, confine, and feed or maintain animals for a total of 45 days or more in any 12-month period. As defined in 40 CFR 122 Appendix B, the United States Environmental Protection Agency designates a CAFO if more than 1,000 "animal units"¹ are confined at the facility or if the facility contains 301-1,000 animal units and it also meets one of the following specific criteria addressing the method of discharge; pollutants are discharged into waters of the United States through a man made ditch, flushing system, or other similar man made device and/or pollutants are discharged directly into waters of the United States that originate outside of the facility and pass over, across, or through the facility or otherwise come into contact with the confined animals. At present, Colorado River Basin Region has 24 CAFOs within the region. Most of these facilities are feedlots, with the exception of two dairies.

"An animal feeding operation is a concentrated animal feeding operation for purposes of § 122.23...

a. More than the numbers of animals specified in any of the following categories are confined:

1. 1,000 slaughter and feeder cattle,
2. 700 mature dairy cattle (whether milked or dry cows),
3. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 500 horses,

5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 30,000 laying hens or broilers (if the facility has a liquid manure system),

¹ Common denominator for measuring animal feed requirements where one animal unit is equivalent to the feed requirement for a 1,000 lb. mature beef cow.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

9. 5,000 ducks, or
10. 1,000 animal units; or

b. More than the following number and types of animals are confined:

1. 300 slaughter or feeder cattle,
2. 200 mature dairy cattle (whether milked or dry cows),
3. 750 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 150 horses,
5. 3,000 sheep or lambs,
6. 16,500 turkeys,
7. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 9,000 laying hens or broilers (if the facility has a liquid manure system),
9. 1,500 ducks, or
10. 300 animal units..."

III. Description of Discharge

Dairies and feedlots are high profile operations that generate large volumes of wastes that can impact both ground and surface water if not managed properly. CAFO wastes (including manure, washwater² containing manure, and stormwater runoff from manured area) are typically high in ammonia, bacteria and organic matters. Stormwater runoff from manured areas also contain high concentration of organic materials, salt and nitrates. In surface waters the ammonia and nitrate are highly toxic to aquatic organisms, decay of the organic matter reduces the oxygen content of the water, and the bacteria poses a threat to the beneficial uses of the water. Proper management is essential to protect the ground and the surface water resources of the region. Section 402(p) of the CWA, as amended by the Water Quality Act of 1987 and the related regulations published by the United States Environmental Protection Agency on November 16, 1990 (40 CFR Parts 122, 123 and 124), requires an NPDES permit for pollutant discharges from CAFOs. The USEPA's Effluent Guidelines and Standards for Feedlots are contained in Title 40 CFR 412 (revised July 1, 1993).

IV. Receiving Water

The Board adopted the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) on November 17, 1993. The Basin Plan designates the beneficial uses of groundwater and surface waters of the Region and water quality objectives to protect those uses. This Board Order specifies requirements necessary to meet the water quality objectives and protect beneficial uses specified in the Basin Plan.

V. Proposed Water Quality-Based Effluent Limitations

To address potential surface water impacts, this Order requires that all water discharged from the feedlots, dairy washwater, and all precipitation on and drainage through manured areas resulting from storms up to and including a 25-year 24-hour storm, be maintained within each facility (as defined in Title 27 of the California Code of Regulations and 40 CFR Part 412).

Storm flows in excess of a 25-year, 24-hour storm event may be discharged to surface water bodies in accordance with requirements specified in this Order. In addition, stormwater flows resulting from chronic, cumulative and catastrophic storm events may also be discharged to the surface water bodies under the terms of this Board Order. Further, the Order requires that the facilities be protected from inundation from a 100-year frequency storm (Title 27, California Code of Regulations). To insure that compliance with this order is achieved, each discharger has been required to develop and implement an Engineered Waste Management Plan (EWMP). The requirements of the EWMP are included in Attachment "B" of the proposed order. At this time, most of the facilities have submitted

² Water used to wash cows prior to milking, milking equipment and the milk barn.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

their request for an EWMP to the Natural Resources Conservation Service (NRCS). Those who have not yet done so will have 90 days from the adoption of this Order to submit their request.

A second element of the dairy regulatory strategy is the development of a manifest system for tracking manure disposal. This order requires the implementation of this manifest system by all confined animal facilities in operation within the region. Dairy manure contains much more salt per unit of nitrogen than other kind of fertilizers. For this reason, the use of manure to meet the nutrient needs of crops results in excessive application of salts which are not utilized by plants and which can, migrate to groundwater.

The groundwater salinity within Imperial Valley is naturally high. For that reason the application of manure is not expected to impact the quality of the groundwater. However, a study is highly recommended to determine the acceptable salt loading rate in this area. At present outside the limits of Imperial Valley, this order limits the amount of manure disposal to 3 tons(dry) per year per acre. Studies conducted at Region 8 (Santa Ana Region) determines the rate to be acceptable.

Dairies are known to be a major contributor of groundwater contamination in other areas of the state, namely Chino Basin. Upon the submittal of the EWMP, the Executive Officer shall determine the need to develop groundwater monitoring program on a case by case basis.

This Order also includes the requirement that dairy operations and other confined animal facilities comply with the Water Quality Control Plan and Title 27 of the California Code of Regulations.

In conclusion, the overall CAFOs management strategy includes permitting, manure disposal tracking, groundwater monitoring, salt offset program implementation and storm water management and enforcement.

VI. Monitoring Requirements

Upon the submittal of the EWMP, the Executive Officer shall determine the need to develop a groundwater monitoring program on a case by case basis.

VII. Information Sources

While developing effluent limitations and receiving water limitations, monitoring requirements, and special conditions for the draft permit, the following information sources were used:

- (1) EPA NPDES Application Forms 1 and 2D dated July 24, 2000.
- (2) 40 CFR Parts 117,122, 123, 124, 136, 302, and 403
- (3) Water Quality Control Plan (Colorado River Basin – Region 7) dated 1994

- (4) Porter-Cologne Water Quality Control Act with additions and amendments effective January 1, 2000
- (5) Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, adopted March 2, 2000.
- (6) California Toxics Rule, published by May 18, 2000 by U.S. EPA.
- (7) National Toxics Rule (NTR) adopted by U.S. EPA on February 5, 1993.

Written Comments

Interested parties and agencies are invited to submit written comments on the proposed waste discharge requirements and the Regional Board's Executive Officer's proposed determinations. Comments should be submitted in writing not later than January 30, 2000 to:

Executive Officer
California Regional Water Quality Control Board

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

The application number shall appear on the first page of any submitted comments. All comments received by the above date will be considered in the formulation of the final determinations.

Public Hearing

The Waste Discharge Requirements will be considered by the Regional Board at a public hearing to be held at the City of La Quinta City Council Chambers, 78-495 Calle Tampico, La Quinta on March 14, 2000.

Waste Discharge Requirements Appeals

Any person may petition the State Board to review the decision of the Regional Board regarding waste discharge requirements. A petition must be made within 30 days of the Regional Board's hearing.

Additional Information

Persons wishing further information may write to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

or call the Regional Board at (760) 346-7491