

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2012-0703

FOR

REGO DAIRY #2

REGO DAIRY PARTNERSHIP  
AND

REGO FAMILY TRUST, LARRY S. REGO,  
FRANKLIN REGO, MARY ANN REGO, AND PATRICIA REGO  
MERCED COUNTY

This Order is issued to Rego Family Trust, Larry S. Rego (Owner and Operator), Franklin Rego, Mary Ann Rego, and Patricia Rego (Owners), DBA Rego Dairy Partnership (hereafter collectively referred to as “Discharger”), pursuant to California Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter “Central Valley Water Board” or “Board”) to issue a Cleanup and Abatement Order (“CAO”), and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger’s acts or failure to act, the following:

**FINDINGS**

**PROPERTY OWNERSHIP AND OPERATIONS**

1. Rego Dairy #2 (Dairy) (WDID 5B24NC00078) operates at 6255 Haley Road, Gustine, Merced County. Rego Dairy Partnership, DBA Rego Dairy, operates Rego Dairy #2. The Rego Family Trust owns the real property located at 6255 Haley Road, Gustine, Merced County. Larry S., Franklin, Mary Ann, and Patricia Rego, are trustees of the Rego Family Trust.

**LEGAL AND REGULATORY AUTHORITY**

2. This Order conforms to, and implements policies and requirements of, the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including: (1) Water Code sections 13267 and 13304; (2) applicable State and federal regulations; (3) the 2007 Central Valley Regional Water Quality Control Board Waste Discharge Requirements for Existing Milk Cow Dairies General Order R5-2007-0035 (Dairy General Order); (4) all applicable provisions of Statewide Water Quality Control

Plans adopted by the State Water Resources Control Board (State Board) and the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011, (hereafter "Basin Plan") adopted by the Regional Board; (5) State Board policies and regulations, including State Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California), and Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code section 13304) ("Resolution 92-49"); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, Section 3890 et. seq., and (6) relevant standards, criteria, and advisories adopted by other State and federal agencies.

3. **Waste Discharge Requirements:** Water Code section 13263(a) allows a regional board to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in discharge of waste to waters of the state. The Central Valley Water Board has determined that the discharge of nitrates, salts, and other waste from many dairies in the Central Valley region have impacted groundwater, a water of the state. The Central Valley Water Board may prescribe general waste discharge requirements to a category of discharges, such as those from ongoing dairy operations, if the discharges are produced by the same or similar operations, the discharges involve the same or similar types of waste, the discharges require the same or similar treatment standards, and the discharges are more appropriately regulated under general requirements than individual requirements.

The Dairy General Order is a set of general waste discharge requirements that apply to owners and operators of existing milk cow dairies that (1) submitted a Report of Waste Discharge in response to the Central Valley Water Board's August 8, 2008 request and (2) have not expanded operations since October 17, 2005. Dairy farms covered by the Dairy General Order are subject to the general waste discharge requirements for discharges of waste from existing milk cow dairies (Dairy General Order WDRs). The Discharger is required to file a Report of Waste Discharge with the Central Valley Water Board at least 140 days before making any material change in the character, location, or volume of the discharge including, but not limited to the addition of new waste water that results in a change in the character of the waste; significantly changing the disposal or waste application method or location; significantly changing the method of treatment; increasing the discharge flow beyond that specified in the Dairy General Order, and/or expanding the existing herd size beyond 15 percent. Rego Dairy #2 is a dairy operation covered by the Dairy General Order and is subject to the Dairy General Order WDRs.

4. **Basin Plan:** The Dairy is located in the Grasslands Watershed in the Sacramento and San Joaquin River Basin. The Basin Plan covers the Grasslands Watershed. Chapter IV of the Basin Plan also contains a policy for the *Investigation and Cleanup of Contaminated Sites*. The strategy generally outlines a process that includes site investigation, source removal or containment, information requirements for the consideration of establishing cleanup levels, and a basis for establishing soil and groundwater cleanup levels. Pursuant to Water Code section 13263(a), the Dairy

General Order implements the Basin Plan. Rego Dairy #2 is covered by the Dairy General Order and is also subject to the prohibitions and requirements of the Basin Plan.

5. **State Board Policies:** The State Water Resources Control Board (“State Water Board”) has adopted Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (“Resolution 92-49”). Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. (“Resolution 68-16”). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

## BACKGROUND

6. Rego Dairy #2 was purchased by the Discharger in 2002. A dairy facility has been in operation on the property since 1930. The Dairy is permitted under the Dairy General Order to house up to 343 mature dairy cows. The Dairy’s production area occupies approximately 16 acres, with milk cows housed in two freestall barns with flush lanes and support stock kept in corrals. The flush lanes discharge to a wastewater retention pond (“manure lagoon”). There is a mechanical manure separator on-site, but it is not currently in use. There are 173 acres of cropland associated with the Dairy which receive solid manure and manure wastewater to grow oats, corn, and sudan grass for animal feed.
7. The Dairy production area is surrounded by a dairy farm directly adjacent to the north (Rego Dairy #1), Discharger-owned cropland to the west and east, and cropland not owned by the Discharger to the south. The south and east perimeter of the Dairy production area is bordered by a drain ditch (“drainage ditch”) that is tributary to the Central California Irrigation District (CCID) Main Canal. From the edge of the Rego Dairy #2 property the drainage ditch flows to the north into an underground pipe. This pipe bends toward the east and eventually joins the CCID Main Canal near the intersection of Snyder Road and State Highway 33. The CCID Main Canal continues northwest through Newman and Gustine. Besides deliveries of water to farmers for irrigation, water in the CCID Main Canal is discharged to Garzas Creek for use by downstream duck clubs and to Orestimba Creek. Both the duck clubs and Orestimba Creek discharge to the San Joaquin River.
8. On 19 January 2012, Central Valley Water Board staff (“Staff”) scheduled an appointment with Larry S. Rego (“Mr. Rego”) to conduct a routine inspection of Rego Dairy #2. On 1

February 2012, Central Valley Water Board staff conducted an inspection of Rego Dairy #2. During the 1 February 2012 inspection (hereinafter “the Inspection”), staff identified **onsite violations**, an **off-property wastewater discharge**, and **record-keeping violations**.

9. **Onsite violation of Dairy General Order WDRs:** Onsite violations identified during the Inspection were the burial of dead cows on property, lagoon issues related to lack of freeboard and maintenance, excess application of manure to cropland, corral flooding, and uncontrolled leachate from the silage storage area.
  - a. **Burial of Dead Cows** – At the time of the Inspection, in excess of 50 dead cows were partially buried in manure in the southeast corner of the production area. Burial of dead animals on property is a violation of Prohibition A6 of the Dairy General Order WDRs. Burial of dead animals on property is also a violation of the Waste Management Plan/Operation and Maintenance Plan, Attachment B (V)(I).
  - b. **Lagoon issues** – At the time of the Inspection, the lagoon had only a few inches of freeboard instead of the required two feet. Staff identified several eroded paths where overtopping wastewater from the lagoon had recently flowed both on and off-property. Excess weeds and rodent holes were present on the lagoon embankments and veterinary medical supplies were strewn along the bank of the lagoon. The required pond level marker was not installed in the lagoon. Lack of required freeboard is a violation of General Specifications B1 and B10 of the Dairy General Order WDRs, and the lack of maintenance (erosion, excess weeds, and rodent holes) violates General Specifications B1 and B11. Discharge of veterinary waste to the lagoon is a violation of Prohibition A1 of the Dairy General Order WDRs and of Provision (V) J. of the Operation and Maintenance Plan in Attachment B of the Dairy General Order. Lack of a pond level marker is a violation of General Specification B13 of the Dairy General Order WDRs.
  - c. **Excess Application of Manure to Cropland** – At the time of the Inspection, staff observed a 1 to 2 acre area directly west of the dairy lagoon. Further inspection indicated that it was cropland used as a dumping area for manure wastewater from the lagoon. Application of manure or wastewater to cropland for other than nutrient recycling is prohibited under Prohibition A9 of the Dairy General Order WDRs. The application of waste except in accordance with a certified Nutrient Management Plan is a violation of Land Application Specification C1 of the Dairy General Order WDRs, and can result in underlying groundwater containing waste constituents in violation of Land Application Specification C3. Land Application Specification C5 requires that the application of waste to cropland be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the certified Nutrient Management Plan. The

dumping area observed during the Inspection did not meet these requirements.

- d. Corral Flooding – At the time of the Inspection, staff noted wastewater ponded in a corral and in the dead cow burial area. Standing water in these areas is a violation of General Specification B16 of the Dairy General Order WDRs, which requires that animal confinement areas must be designed and maintained to convey all water that has contacted animal waste to the wastewater retention system and to minimize standing water as of 72 hours after the last rainfall and the infiltration of water into the underlying soils. It is also a violation of Provision (V) F of the Operation and Maintenance Plan in Attachment B of the Dairy General Order requiring corrals to be maintained to collect and divert all process wastewater to the retention pond.
- e. Silage Storage Area – At the time of the Inspection, staff observed silage leachate being directed towards the drainage ditch. Silage leachate that is not collected and directed to the manure lagoon is a violation of General Specification B16 of the Dairy General Order WDRs, which requires that feed storage areas be designed and maintained to convey all water that has contacted feed to the wastewater retention system and to minimize standing water 72 hours after the last rainfall and the infiltration of water into the underlying soils. It is also a violation of Provision (V) H of the Operation and Maintenance Plan in Attachment B of the Dairy General Order, which requires runoff and leachate from feed storage areas be collected and diverted to the retention pond and to minimize infiltration of leachate from these areas to the underlying soils..
- f. Herd size in excess of permitted limits – At the time of the Inspection, Staff was told by Mr. Rego that the dairy was housing 320 milking and 40 dry cows, for a total of 360 mature cows. This number exceeds the absolute maximum herd size permitted under the Dairy General Order. Rego Dairy #2 is permitted to house 343 cows under the Dairy General Order. Expansion beyond the absolute maximum herd size is considered a material change in the character of the discharge of waste, and is a violation of the Dairy General Order.
- g. Storage and Disposal of Waste– The onsite waste management operations exhibited violate Prohibition A4 of the Dairy General Order WDRs, which prohibits the collection, treatment, storage, discharge or disposal of wastes at an existing milk cow dairy that

results in degradation, contamination or pollution of surface water or groundwater or a condition of nuisance.

10. **Off-property wastewater discharge to surface waters:** At the time of inspection, several off-property wastewater discharges to surface waters and threatened discharges to surface waters were identified. The off-property wastewater discharges include discharges from the lagoon and the corral/dead animal burial area, and threatened discharges from the silage storage area and a failed septic system, into the drainage ditch that borders the production area on the south and east sides. The drainage ditch is hydrologically connected to Orestimba Creek and the San Joaquin River as described in Finding 7 and, therefore, is regulated as a water of the state.
- a. Discharge from the lagoon – At the time of the Inspection, staff noted a leaking 6-inch PVC pipe that had been plugged with concrete on the lagoon's south embankment. The leaking pipe was discharging wastewater from the lagoon directly into the drainage ditch that borders the south side of the production area. Several eroded paths also indicated that overtopping wastewater had flowed from the lagoon to the drainage ditch. Mr. Rego told staff that he was unaware of the issue and that the drainage ditch did not flow off-property, which was later discovered to be untrue. Staff observed the drainage ditch along the south production area perimeter contained a significant amount of manure wastewater.
  - b. Discharge from the corral/dead animal burial area – At the time of the Inspection, staff observed that wastewater ponded in the corral and dead animal burial areas was flowing into the drainage ditch where it borders the production area on the east.
  - c. Discharge from the silage storage area – At the time of the Inspection, staff observed that leachate runoff from the silage storage area was flowing in the direction of the drainage ditch where the ditch borders the east side of the production area. There was evidence observed during the Inspection indicating that leachate runoff from the silage storage area had flowed into the drainage ditch in the past. However, staff was unable to verify that leachate runoff was flowing into the drainage ditch at the time of the inspection.
  - d. Discharge of septic waste – At the time of the Inspection, staff observed a line of weeds extending from the back of a home on-property to the drainage ditch where the ditch borders the production area on the east. Further investigation revealed that septic waste was being directed in a surface ditch from the back of the house towards the drainage ditch. Due to the large amount of weeds in and around the surface ditch, staff was unable to verify that the septic waste was flowing into the drainage ditch at

the time of the Inspection, but was threatening to discharge to the drainage ditch with increased flow.

The off-property discharges of waste to surface waters is a violation of Prohibition A2 of the Dairy General Order WDRs, which prohibits the direct or indirect discharge of waste from the production area to surface waters except when authorized by a National Pollutant Discharge Elimination System permit. The discharges are also a violation of Prohibition A4 of the Dairy General Order which prohibits the collection, treatment, storage, discharge or disposal of wastes at an existing milk cow dairy that results in degradation, contamination or pollution of surface water or groundwater or a condition of nuisance.

11. **Record-keeping violations:** The **record-keeping violations** included lack of pond photos; lack of visual inspection records for the production area and cropland; lack of sampling information for wastewater, manure, plant tissue, and irrigation water; and inaccuracies in the Waste Management Plan. The lack of photos, visual inspection records, and sampling information are violations of Section A, Monitoring Requirements, of the Monitoring and Reporting Program No. R5-2007-0035 which is part of the Dairy General Order. Inaccuracies in the Waste Management Plan are a violation of Attachment B to the Dairy General Order which requires that the Waste Management Plan ensure that the production area of the dairy facility is designed constructed, operated and maintained so that dairy waste are managed to prevent adverse impacts to groundwater and surface water quality (page B-1).
12. Subsequent to the Inspection on 1 February 2012, Central Valley Water Board staff, together with staff from the California Department of Fish and Game (DFG), followed the course of the drainage ditch from the point where it exits the dairy property and enters an underground pipeline owned by the Gustine Drainage District, to the point where the underground pipeline discharges into the CCID Main Canal. Samples of the water in the pipeline downgradient from the Dairy were collected at standpipes and have been analyzed. A DFG biologist reviewed the test results and has determined that the samples contain undissociated ammonia at levels which would be toxic to aquatic organisms and that the contents of the samples should be considered deleterious to aquatic organisms.
13. After tracking the course of the drainage ditch/underground pipeline to the discharge point into the CCID Main Canal, Central Valley Water Board staff and DFG staff returned to Rego Dairy #2 to notify Larry S. Rego of the off-property discharge of wastewater and to request that the off-property discharge of wastewater be stopped. Mr. Rego placed a wooden board into a standpipe in an attempt to prevent some wastewater from flowing off-property, but staff observed that the wooden board did not completely stop the flow.

#### **LEGAL AUTHORITY**

14. CWC section 13304(a) states, in relevant part:

*Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or by the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts... Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order...*

15. CWC section 13304(c)(1) states, in relevant part:

*. . . the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions.*

16. CWC section 13267(b)(1) states, in relevant part:

*In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

17. Pursuant to Water Code section 13267, subdivision (b), this Order requires the Discharger to submit technical and monitoring reports, including but not limited to work plans, to Water Board staff. The Water Board needs the information required by these reports to determine the extent of the discharge of waste at Rego Dairy #2.

18. The February 2012 Inspection found that ongoing dairy operations on Rego Dairy #2 are discharging waste into waters of the state in violation of the Dairy General Order WDRs, as demonstrated in Findings 9 through 11. Rego Dairy #2 has also caused or permitted waste to be discharged or deposited where it is, or probably

will be, discharged into the waters of the State and creates or threatens to create a condition of pollution or nuisance, as demonstrated in Findings 9 through 11. The Regional Board has considered the financial and technological resources available to the discharger, and has determined that the cleanup directives required by this Order are feasible to implement and will be effective and necessary to protect the water quality of waters of the state. Therefore, the Executive Officer is authorized to issue this Cleanup and Abatement Order in accordance with Water Code sections 13304 and 13267 to the Discharger to cleanup and abate the effects of the discharge of waste from Rego Dairy #2.

### DIRECTIVES

**IT IS HEREBY ORDERED** that, pursuant to CWC sections 13304 and 13267 that the Discharger shall take the following actions to comply with this Order:

1. **Immediately stop** all off-property discharges of waste to surface water.
2. **By 22 March 2012**, begin removal of dead animals buried on site. Complete removal of dead animals **by 30 March 2012**. Submit proof of legal disposal<sup>1</sup> of the carcasses to the Central Valley Water Board **by 6 April 2012**.
3. **By 30 March 2012**, provide copies of paperwork required by the Monitoring and Reporting Program under the General Dairy Order that was not available at the Dairy at the time of the 1 February 2012 inspection, including pond photos, visual inspection reports, and the last two years of sampling results for:
  - a. Process wastewater;
  - b. Manure;
  - c. Plant tissue;
  - d. Irrigation water; and
  - e. Storm water discharges.
4. **By 30 March 2012**, provide written confirmation to the Central Valley Water Board of the number of mature dairy cows at the Dairy. If the number of mature cows is over the herd size allowed under the Dairy General Order, **by 1 May 2012** reduce the herd size to the number allowed under the Dairy General Order.

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<sup>1</sup> Legal disposal means disposal at a landfill permitted to accept animal carcasses.

5. **By 6 April 2012**, lower the level of wastewater in the lagoon to achieve the minimum required two feet of freeboard. **Removed waste must be managed in compliance with the Dairy General Order.**
6. **By 6 April 2012**, remove weeds, plug rodent holes, and remove veterinary waste in and around the lagoon.
7. **By 20 April 2012**, collect and analyze samples from the tile drains underlying the Dairy, and provide a map showing the drain and sampling locations, together with the analytical results, to the Central Valley Water Board. Samples should be analyzed for in the field for temperature, electrical conductivity, and pH, and in the laboratory for nitrate-nitrogen, TKN, ammonia, total phosphorus, and total dissolved solids.
8. **By 1 May 2012**, submit a revised Waste Management Plan to the Central Valley Water Board that accurately reflects conditions at the production area of the Dairy.
9. **By 1 May 2012**, modify the corrals and silage storage area to prevent ponding or runoff of storm water and leachate.
10. **By 1 May 2012**, remove manure in excess of an agronomic application from the 1 to 2 acre area due west of the lagoon and submit a work plan for a soil investigation to verify the amount of nutrients remaining in the cleaned area. **Removed manure must be managed in compliance with the Dairy General Order.** The work plan should include multiple sample locations, collection of samples at multiple depths, and analysis of samples for, at minimum, total nitrogen, nitrate nitrogen, total phosphorus, total potassium, sulfur, and calcium.

### GENERAL REQUIREMENTS

The Discharger shall:

11. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, have reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Dischargers shall include a cover letter signed by an authorized representative of the Dischargers, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Dischargers shall also state if it/they agree with any recommendations/proposals and whether it/they approved implementation of said proposals.
12. The Discharger will obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work. The Discharger will continue any remediation or monitoring activities until such time as

the Executive Officer determines that sufficient assessment and/or remediation has been accomplished to fully comply with this Order and this Order has been either amended or rescinded in writing.

13. If, for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this Order are denied.
14. Reimburse the Central Valley Water Board for reasonable costs associated with oversight of the investigation and remediation of the Site, as provided in Water Code section 13304(c) (1). Failure to reimburse the Central Valley Water Board's reasonable oversight costs shall be considered a violation of this Order.
15. This Order does not limit the authority of the Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the site consistent with the Water Code. This Order may be revised by the Executive Officer as additional information becomes available. **Failure to comply with the terms or conditions of this Cleanup and Abatement Order will result in additional enforcement action**, which may include the imposition of administrative civil liability pursuant to CWC sections 13350 and 13268 or referral to the Attorney General of the State of California for civil enforcement.

## REPORTING REQUIREMENTS

1. **Signatory Requirements.** All reports required under this Cleanup and Abatement Order shall be signed and certified by the Discharger or by a duly authorized representative of the Discharger and submitted to the Water Board staff. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility of activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
2. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

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

3. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted to:

California Regional Water Quality Control Board  
Central Valley Region - Sacramento Office  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA  
Attn: Charlene Herbst, Chief, Confined Animal Unit  
Email: [cherbst@waterboards.ca.gov](mailto:cherbst@waterboards.ca.gov)  
Phone: (916) 464-4724

**Notifications:**

4. **Cost Recovery.** Pursuant to Water Code section 13304, the Water Board is entitled to, and may seek, reimbursement for all reasonable costs actually incurred by the Water Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required by this Order.
5. **Applicability of Other Orders.** This Order does not affect the Discharger's obligation to comply with any previously issued Orders, including the 2007 Dairy General Order (R5-2007-0035). The requirements and legal enforceability of these Orders are not superseded or affected upon issuance of this Order.
6. **California Environmental Quality Act (CEQA) Compliance.** The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations (CCR), title 14, section 15321(a)(2). The issuance of this Order may also be considered an action by a regulatory agency for the protection of the environment, exempt pursuant to CCR, title 14, section 15308. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of

Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

7. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at: <http://www.waterboards.ca.gov/publicnotices/petitions/waterquality> or will be provided upon request.
8. **Request for Extension of Time.** If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. An extension may be granted only by revision of or amendment to this Order.
9. **Enforcement Notification.** If, in the opinion of the Executive Officer, the Dischargers fail to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with the terms or conditions of this Cleanup and Abatement Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to California Water Code section 13350 and/or section 13268, in an amount not to exceed **\$5,000 for each day in which the violation occurs** under Water Code section 13304 or 13350, or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability.

This Order is effective upon the date of signature.

Original signed by

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PAMELA C. CREEDON, Executive Officer

15 March 2012

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(Date)