
Central Valley Regional Water Quality Control Board

FREQUENTLY ASKED QUESTIONS REGARDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2017-0058 FOR CONFINED BOVINE FEEDING OPERATIONS

8 June 2018

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Waste Discharge Requirements General Order No. R5-2017-0058 for Confined Bovine Feeding Operations (Bovine General Order) on 8 June 2017. The following Frequently Asked Questions (FAQs) are intended to answer questions regarding these new requirements. If you have additional questions, you may contact Board staff. The FAQs will be periodically updated if any information changes or to include answers to new questions that are asked. Please check the Central Valley Water Board website periodically at:

https://www.waterboards.ca.gov/centralvalley/water_issues/confined_animal_facilities/program_regs_requirements/bovine/ for these updates.

Please note that the information in this FAQ is provided to assist owners and operators in understanding the requirements of the Bovine General Order. The Bovine General Order itself is the final authority when there is a question about a particular regulatory requirement.

GENERAL APPLICABILITY QUESTIONS

1. Do I need to file a Notice of Intent for coverage under the Bovine General Order?

If you meet all of the following criteria, and **were in operation as of 10 February 2017**, you need to file a Notice of Intent (NOI):

- a. Your operation is located in the Central Valley Region, **and**
- b. You raise 6 or more Animal Units (6,000 pounds) of bovine animals (cows, heifers, calves, steers, bulls, etc.) on site at the same time (see Question 8 below), **and**
- c. Your animals are confined (fed and maintained in areas with limited vegetation, such as pens or corrals) for more than 45 days per year, **and**
- d. You have a commercial operation (livestock are raised with the intent of making a profit).

2. I raise steers on pasture or grassland. Do I need to file an NOI?

The Bovine General Order does not regulate grazing. You do not need to file an NOI unless your animals are fed and maintained in confinement (in areas with limited vegetation, such as pens or corrals, for more than 45 days per year).

3. *I raise steers for my family's use. Do I need to file an NOI?*

If the animals are not raised with the intent of selling them and making a profit, you do not need to file an NOI.

4. *My child has a 4-H project and is raising 6 steers. Does my child need to file a Notice of Intent?*

Typically, 4-H, FFA, and educational facilities are not considered to be commercial, even though the animals are sometimes raised for sale and with the intent of making a profit. Bovine operations at colleges and universities, due to the larger number of animals typically on site, would generally be required to submit an NOI.

5. *My calves/heifers are raised at a calf/heifer ranch run by someone else. Do I need to file an NOI for those animals?*

No. The owner/operator of the facility where the animals are being raised is responsible for filing an NOI for that facility.

6. *Are operations housing water buffalo or bison considered to be bovine operations? Do they need to file an NOI? What filing fee would be submitted?*

Yes, water buffalo and bison operations are considered bovine operations and would need to file an NOI. The filing fee would be calculated in the same way as for other types of bovine animals using the cattle, calves, or heifer categories on the fee schedule.

7. *I have an existing heifer operation, but I don't want to apply for coverage under the Bovine General Order. What do I need to do?*

If you have 6 or more Animal Units and want to continue to operate, you need apply for coverage under the Bovine General Order by filing an NOI and filing fee for your facility. If you do not want to apply for coverage under the Bovine General Order, you will need to close your facility or reduce the number of heifers below 6 Animal Units. If you intend to close your facility, submit a letter to the Central Valley Water Board by 1 July 2018 stating that you intend to cease housing bovine animals at your facility, and include a schedule for closure by no later than 31 December 2018.

When animals have left your facility, it is important that all corrals be scraped to dirt and any wastewater or residual manure in ponds be applied to cropland at an agronomic rate or shipped offsite, so that water quality is protected.

8. *What is an Animal Unit? How do I calculate the number of Animal Units at my operation?*

An Animal Unit is 1,000 pounds of live animal. A table to convert animals to Animal Units is located at the end of the NOI form. The following weight information is derived from that table:

Animal Type	Weight (pounds)	Number of Animal Units per animal	Number of Animals to make 1 Animal Unit	Number of Animals to make 6 Animal Units
Beef Cattle	1200	1.2	0.8	5
Baby Calf (less than 3 months)	210	0.21	4.8	29
Calf (3 months to 1 year)	350	0.35	2.9	17
Heifer	750	0.75	1.3	8
Milk or Dry Cow – Holstein	1400	1.4	0.7	4
Milk or Dry Cow – Jersey	1000	1	1	6

If you raise 6 or more Animal Units of bovine animals, and meet the other criteria under Question 1, you need to file a NOI under the Bovine General Order for your operation.

9. My bovine operation was started after 10 February 2017. Am I eligible for coverage under the Bovine General Order?

All bovine operations that are in operation as of 10 February 2017 and which meet the criteria (see Question 1 above) need to file an NOI and receive coverage under the Bovine General Order, unless they are merged with a dairy (see the section “Questions about Dairies and Bovine Operations” below). Bovine operations that begin operation after 10 February 2017 are considered new operations. “New” operations must submit proof of compliance with the provisions of the California Environmental Quality Act (CEQA), as well as an NOI, before they can be covered under the Bovine General Order. See Finding 24 of the Bovine General Order for more information.

10. My bovine operation has grown and now has more Animal Units than I reported in my NOI. Am I still covered under the Bovine General Order?

Bovine operations are permitted based on their maximum herd size, which is determined by the “largest number of animals in a single month over the last three years”, as converted to Animal Units. If a facility exceeds this number, it is considered an expanded operation. “Expanded” operations are out of compliance with the Bovine General Order unless they submit proof of compliance with the provisions of CEQA for the expanded herd size and a revised NOI. See Finding 24 of the Bovine General Order for more information.

11. I have a composting operation at my bovine facility. Do I have to fill out Attachment A-1?

First, determine if your composting operation qualifies for any of the four exemptions listed in Section F of the Bovine General Order. If you believe it qualifies for an exemption, specify in your NOI (under WASTE PRODUCTION AND REUSE, Item E) which exemption criteria applies to you. If an exemption applies, you do not need to fill out Attachment A-1.

If you do not qualify for any of the composting exemptions listed under Section F of the Bovine General Order, you do need to fill out Attachment A-1.

12. When is the Notice of Intent due, and when will I receive my Notice of Applicability telling me that my bovine operation is covered under the Bovine General Order?

The Notice of Intent is due on 1 July 2018. Page A-8 of the Notice of Intent contains instructions on where to send your NOI. Once your NOI is received by the Central Valley Water Board, and your filing fee is received by the State Water Board, the NOI will be reviewed and a Notice of Applicability will be issued to you. We hope to issue NOAs within six months of receiving the NOIs.

13. What happens if I don't file an NOI for my bovine operation?

As the owner and/or operator of a bovine operation that houses 6 or more Animal Units of bovine animals, you have an obligation under the Water Code to file an NOI and receive coverage under the Bovine General Order. Failure to file an NOI can result in liability of up to \$1,000 for each day after the 1 July 2018 deadline that the report is late. Recent penalties assessed by the Central Valley Water Board for farmers who failed to file for coverage under the Irrigated Lands Regulatory Program have exceeded \$27,000.

QUESTIONS ABOUT DAIRIES AND BOVINE OPERATIONS

14. I own a dairy permitted under the Reissued General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Dairy General Order). All my calves and heifers are located on my dairy. Do I need to apply for the Bovine General Order?

No.

15. I own a dairy permitted under the Dairy General Order. My calves and heifers are located at a separate operation immediately adjacent to my dairy. Do I need to file an NOI for the calf and heifer operation?

If the calf and heifer operation is immediately adjacent (see Question 17 below) to your dairy, you can include the calf and heifer operation under your dairy permit and you do not need to file an NOI. You will need to:

- a. Submit a letter to the Central Valley Water Board **by 1 July 2018** notifying us of the merger, stating the largest number of each type of bovine animal on the bovine operation in a single month over the last three years, and including a map of the dairy and bovine operation to demonstrate they are immediately adjacent; and
- b. By **31 December 2018**, amend your dairy's Waste Management Plan to include the waste generated by the calf and heifer operation and any waste management features like lagoons or settling basins that are part of the calf and heifer operation, and submit the amended Waste Management Plan to the Central Valley Water Board for approval; and
- c. Ensure that the Nutrient Management Plan and annual reports submitted for the dairy include the calves and heifers, and the waste they produce.

Even if the calf and heifer operation is immediately adjacent to your dairy, you can still elect to file an NOI for the bovine operation and have it covered under the Bovine General Order separate from the dairy. If so, you would owe an annual fee for your dairy and a separate fee for the bovine operation, and you would file two annual reports, one for the dairy and one for the bovine operation.

16. I own a dairy permitted under the Dairy General Order. My calves and heifers are located at a separate operation a distance apart from my dairy. Do I need to file an NOI for the calf and heifer operation?

If the calf and heifer operation is not immediately adjacent (see Question 17 below) to your dairy but you want the calf and heifer operation covered by your dairy permit, you need to file a completed NOI and \$200 filing fee **by 1 July 2018** along with a letter requesting a merger and describing the nexus between the dairy and calf/heifer operation. The letter needs to identify that the dairy and bovine operations are managed as a single enterprise, by the same personnel, and have a shared land application area. The letter must also include a map showing the location and proximity of the operations and the shared land application area. The request for these types of mergers will be considered on a case-by-case basis. Unless you receive notification from the Central Valley Water Board by 31 December 2018 that the merger is approved, then it is automatically denied.

17. What does “immediately adjacent” mean?

“Immediately adjacent” means that the dairy and the bovine operation are either right next to each other (for example, share a fence line), are right across the street from each other, or have some connection, such as sharing a border with cropland owned by the same person that owns the dairy and the bovine operation. In the cropland example, the “land application area” would be the part of the dairy that is immediately adjacent to the bovine operation.

18. If a dairy and bovine operation are merged, do the existing ponds at the bovine operation need to be modified or upgraded to meet the requirements of the Dairy General Order?

In general, existing ponds at bovine operations merged with dairies do not need to be modified or upgraded. However, there are some exceptions:

- The Bovine General Order requires that the bottom (invert) of ponds at a bovine operation be either above the highest anticipated elevation of underlying groundwater or, in the Tulare Lake Basin, a minimum of five feet above underlying groundwater. If the existing ponds at the bovine operation do not meet this criterion, the ponds will need to be modified in accordance with the Bovine General Order whether or not it is merged with the dairy. Acceptable ways to modify the pond include filling in the pond with earthen material until the elevation of the bottom of the pond meets the groundwater separation requirement.
- Ponds constructed after 17 October 2005 at bovine operations that are proposed to be merged with an immediately adjacent dairy, where the purpose of constructing the pond at the bovine operation was to increase the waste storage capacity of the dairy without complying with the construction standards for new or expanded ponds in the Dairy General Order, will be evaluated on a case-by-case basis.

19. If a dairy and a bovine operation are merged, can the two operations have separate waste management systems, like piping and lagoons, and separate Waste Management Plans?

The operations can have separate waste management systems, but the Waste Management Plan for the merged facility must cover both systems. There should not be separate plans.

20. If a dairy and a bovine operation have separate waste management systems, like piping and lagoons, does each operation have to have its own Waste Management Plan?

No. A single Waste Management Plan should be used for a merged operation. Because in this example there is no way to easily move wastewater between the two parts of the operation, each part (dairy and bovine operation) must be able to demonstrate in the Waste Management Plan, that all of the waste generated by that part can be managed.

21. If a dairy and adjoining bovine operation are merged under the Dairy General Order, and at a later date the bovine operation is sold, will the bovine operation be able to maintain its permitted status? If not, can it be merged with a different dairy facility?

Yes. The bovine operation will need to submit an NOI prior to separation. The bovine operation will be permitted by the Bovine General Order for the number of Animal Units that were documented in the original merger letter (see Question 15.a above).

22. If my bovine operation is leased or rented from a third party, is it possible for the feedlot to be incorporated into my dairy and regulated under the Dairy General Order?

Yes, provided the relative location of the bovine operation and the dairy meet the criteria for merger (see Questions 15-17 above).

23. If my bovine operation is leased or rented from a third party and combined under my dairy permit, and later the lease of the bovine operation is terminated, what happens to the permitted status of the bovine operation?

Unless the bovine operation is closed, the land owner or new operator of the bovine operation will need to file an NOI for coverage under the Bovine General Order at the time the lease is terminated. The maximum number of Animal Units allowed for the bovine operation will be the number included in the letter filed at the time the merger with the dairy was requested (see Question 15 above).

23. If in the future I decide to merge my dairy and a bovine operation, what is the process?

The process is similar to mergers that take place around the time the NOI is due on 1 July 2018. You would submit a letter notifying us of the proposed merger and including a map of the dairy and the bovine operation. The herd size for the bovine operation would be based on the NOI submitted by the 1 July 2018 date. Please see the responses to Questions 15 and 16 for more details.

APPLICATION FEE QUESTIONS

24. How do I know what application fee to submit with my Notice of Intent to sign up for the Bovine General Order? I have several kinds of bovine animals at my operation – how do I calculate the fee?

The current fee schedule is based on the number of animals at your facility. The fee schedule can be found on the State Water Resources Control Board website. Go to:

https://www.waterboards.ca.gov/resources/fees/water_quality/

and click on “FY2017-18 Water Quality Fee Schedule”. A copy of the current fee schedule is also located at the end of this response.

The application fee for a facility is determined by the category of animal at the facility that results in the highest single fee. The fee determined by any other categories of animal at the facility can be disregarded. Therefore, if you have more than one type of bovine animal, determine the largest number of animals (counting heads) that were housed at the facility in one month over the last three years. Then, using the Fee Schedule, calculate the fee based on each animal type and determine which is the highest. This will be your filing fee. Future annual fees may be based on the largest number of animals in a single month over the previous year and/or on the combined number of animals converted to Animal Units.

Example: Over the past three years, the highest number of bovine animals my facility housed in one month was 1,450 head of beef cattle, 1,050 heifers, and 50 calves. Using the Fee Schedule, I calculate the fee for each type of animal:

1,450 head of beef cattle - \$1,324
1,050 head of heifers - \$2,649
50 head of calves - \$0

I submit an application fee for the animal type that owes the highest fee. In this example, I would submit a check for \$2,649 to:

SWRCB Accounting Office
ATTN: Annual Fees
PO Box 1888
Sacramento, CA 95812-1888

at the same time as I submitted my NOI to the Central Valley Water Board.

NOTE: to ensure that your payment is credited correctly, please write the address of your bovine operation on your check on the notations line.

FEEDLOTS (not at a dairy)	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	\$9,937
10,000 to 99,999	\$4,968
5,000 to 9,999	\$2,649
1,000 to 4,999	\$1,324
100 to 999	\$663
0 to 99	\$0
Calves	
10,000 or more	\$4,968
5,000 to 9,999	\$2,649
1,000 to 4,999	\$1,324
300 to 999	\$663
0 to 299	\$0
Heifers	
10,000 or more	\$9,937
5,000 to 9,999	\$4,968
1,000 to 4,999	\$2,649
300 to 999	\$1,324
100 to 299	\$663
0 to 99	\$0
Finishing Yards/Auction Yards	
1,000 or more	\$2,649
300 to 999	\$1,324
100 to 299	\$663
0 to 99	\$0

REQUIREMENTS FOR LIMITED POPULATION BOVINE OPERATIONS

25. I have fewer than 6 Animal Units of bovine animals housed at my operation. In the past three years, I always had fewer than 6 Animal Units of bovine animals on site. Do I have to file an NOI?

No.

26. In the past three years, I sometimes had more than 6 Animal Units of bovine animals housed at my operation, but I have fewer than 6 Animal Units of bovine animals now, and I won't increase my animal count in the future. Do I have to file an NOI?

No.

27. I have between 6 and 99 Animal Units of bovine animals housed at my operation. Do I have to file an NOI?

Yes. If you have between 6 and 99 Animal Units of bovine animals housed at your operation, you need to file an NOI and one-time filing fee of \$200. See Question 28 below to determine if you qualify for the Limited Population tier with reduced regulatory requirements.

28. I have between 6 and 99 Animal Units of bovine animals housed at my operation. Do I qualify to be in the Limited Population tier?

Besides the herd size, there are some additional requirements that need to be met to qualify for the Limited Population tier. They are:

- a. You either export all your solid manure, or solid manure is applied to your cropland and the cropland is enrolled under the Irrigated Lands Regulatory Program; and
- b. Any corral runoff applied to your cropland poses a minimal threat to water quality and the cropland is enrolled under the Irrigated Lands Regulatory Program, and
- c. Ponds at the facility receive only storm water runoff from corrals, not any other kind of wastewater, and the ponds are dry once the storm water evaporates, and
- d. You prepare and follow an Operation and Maintenance Plan (see Question 30 below), and
- e. If you compost manure, you either have a separate permit under the State Board's General Waste Discharge Requirements for Composting Operations OR you compost in a roofed structure with a concrete or low permeability floor, and
- f. Your operation has not been artificially divided from another bovine operation to avoid the requirements that apply to Full Coverage Operations.

Please review Finding 5 on page 3 of the Bovine General Order for more details about the criteria to qualify as a Limited Population Operation.

29. I have between 6 and 99 Animal Units. I don't owe annual fees because my animal count is below the number that triggers a fee. Is that correct?

It is correct that you do not owe an annual fee. You are still required to pay a one-time filing fee of \$200. The regulation describing this filing fee is copied below:

California Code of Regulations, Title 23, Section 2200(c)(5) Facilities covered under a waste discharge requirement or waiver of waste discharge requirement that do not pay annual fees shall pay an application fee for initial coverage and renewals of coverage of \$200. The fee shall be paid each time an application for coverage or report of waste discharge is submitted.

You will not be assessed an annual fee in future years.

30. What do Limited Population bovine operations (between 6 and 99 Animal Units) have to do besides file an NOI?

Limited Population bovine operations, besides filing an NOI by 1 July 2018 and paying a one-time filing fee (see Questions 27 and 29 above), must:

- a. Develop an Operation and Maintenance Plan (see Attachment B, page B-8) that contains:
 - A Mortality Management Plan describing how dead animals will be disposed of, and
 - Standard Operating Procedures for manure storage and removal; and
- b. Document the destination of manure exported off-site using manifests.

Limited Population bovine operations do not have to file annual reports and do not have to send the Operation and Maintenance Plan nor the manifests to the Central Valley Water Board. The Operation and Maintenance Plan should be developed by 31 December 2018 and kept at the bovine operation, along with the manure manifests.

The Executive Officer may require Limited Population bovine operations to keep records of things like mortality disposal, and may require groundwater monitoring; if these actions are needed, you will receive a letter from the Central Valley Water Board listing the requirements.

QUESTIONS ABOUT DAIRY/BOVINE OPERATION CONVERSIONS

31. I have a bovine operation that used to be a dairy and was closed out of the Dairy General Order. What do I need to do?

If you have received a closure letter from the Executive Officer removing the former dairy from the Dairy General Order, your requirements are the same as any other bovine operation (see Question 1 above). You need to file an NOI and filing fee for coverage under the Bovine General Order.

32. I have a dairy that is in the process of closing out of the Dairy General Order, but it has not yet completed the closure process, and I want to operate it as a bovine operation in the future. What do I need to do?

You need to submit an NOI for the future bovine operation, but you do not need to submit the fee, since you are still currently covered under the Dairy General Order. For the herd information in the NOI, please refer to your last three Annual Reports filed for the dairy. The maximum allowable herd size for your bovine operation will be the maximum number of all bovine animals (including milk cows) reported in any one of your last three Annual Reports.

For the annual report with the largest herd size, convert each quantity of mature dairy cattle, heifers, calves, etc. into Animal Units, combine the numbers, and enter that figure into the NOI in the section "Type of Animals and Size of the Operation", in the TOTAL AUs box under "Largest number in single month over last 3 years". This is the maximum allowed herd size for your bovine operation. The current number of bovine animals at your facility should be entered in the section labeled "Current Number of Animals".

33. *I have a dairy that is in the process of closing out of the Dairy General Order, but it has not yet completed the closure process because I had indicated my intention to convert to a heifer ranch. For the past four years it has not housed any animals, but I want to operate it as a bovine operation in the future. What do I need to do?*

Under the Dairy General Order, it is expected that, when a dairy ceases operation, the cleanup of manure in corrals and lagoons will be done promptly. In the situation described, it appears that manure would not have been promptly removed from the site or beneficially reused on cropland. In addition, the three most recent Annual Reports submitted pursuant to the Dairy General Order would not contain any herd size information that could be used to determine an appropriate population for a future bovine operation.

You need to file an NOI by 1 July 2018. The herd size for your future bovine operation would be based on the maximum allowed number of mature cows permitted for the dairy, converted to Animal Units. Issuance of an NOA for your operation would not occur until you have completed the closure of your dairy and it is removed from the Dairy General Order.

QUESTIONS ABOUT OPERATING UNDER THE BOVINE GENERAL ORDER

34. *If the Waste Management Plan for my Full Coverage operation (due 7/1/2020) indicates that I don't have enough pond storage for my wastewater, what is the timeline to fix the situation?*

The Waste Management Plan should propose modifications or improvements if the facility's storage capacity is inadequate. Attachment B, Section B.2 (see page B-5) of the Bovine General Order lists the information required in the Plan, which includes a schedule for construction. Central Valley Water Board staff will review the Waste Management Plan, including the proposed improvements and schedule. See Pond Specification C.10 (page 20) of the Bovine General Order for more information on the approval process for new and reconstructed pond designs.

35. *How will existing ponds at bovine operations be evaluated to determine if they are sufficiently designed to protect water quality?*

As described in Question 18, the Bovine General Order requires that the bottom (invert) of all ponds at bovine operations be either above the highest anticipated elevation of underlying groundwater or, in the Tulare Lake Basin, a minimum of five feet above underlying groundwater. This requirement prevents ponds at bovine operations from directly discharging waste into groundwater.

The Bovine General Order includes requirements for groundwater monitoring by Full Coverage operations, either as part of an approved Representative Monitoring Program conducted on behalf of its members or using monitoring wells installed and monitored by individual bovine operations. The purpose of the monitoring is to identify practices (such as pond construction and corral maintenance) that are protective of water quality. When the results of the Representative Monitoring and individual monitoring are evaluated and the practices identified, bovine operations will be required to implement the protective practices. In accordance with the Bovine General Order, this process may take up to six years, after which, modifications to existing ponds may be required.