

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

73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260  
Phone: (760) 346-7491

Public Notice No. 7-21-27  
September 24, 2021  
NPDES No. CAG017001

**NOTICE OF PUBLIC HEARING  
FOR  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
AND GENERAL WASTE DISCHARGE REQUIREMENTS (GENERAL WDRs)  
PROPOSED ORDER R7-2021-0029  
CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)  
WITHIN THE COLORADO RIVER BASIN REGION**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) is releasing for public review and comment proposed General Order R7-2021-0029 (Proposed Order) for Concentrated Animal Feeding Operations within the Colorado River Basin Region containing effluent and receiving water limitations and special provisions in accordance with the federal Clean Water Act (33 U.S.C. § 1251 et seq.) and the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.). The Proposed Order updates and replaces existing General Order R7-2013-0800 that expired on September 29, 2019 and was administratively extended.

The Colorado River Basin Water Board intends to consider adopting the Proposed Order during a public hearing that will commence at the time and place indicated:

Date: November 2, 2021  
Time: 9:00 a.m.  
Location: Virtual Meeting via Zoom Video and Teleconference\*

\*As a result of the COVID-19 emergency, the Board meeting will occur solely via remote presence. The format of this meeting may change to also allow for in-person attendance at a physical meeting location (73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260). Persons desiring to receive notice about changes to the format of this meeting should sign up for the Lyris e-mail list by [Subscribing to our Electronic Mailing List](#) (Select Board Meetings Agenda).

Interested persons are invited to attend and express their views orally on this matter at the public hearing. The Colorado River Basin Water Board requests that those persons wishing to speak at the hearing provide a copy of their oral comments in writing before or during the hearing to ensure accuracy of the record. Links for the meeting, a phone call option, and remote participation instructions are posted on the Colorado River Basin Water Board's website at: [Colorado River Basin Water Board Remote Participation Instructions](#).

At the hearing, the Colorado River Basin Water Board will follow the Meeting Procedures found on its website at: [Colorado River Basin Water Board Meeting Procedures](#).

## **BACKGROUND**

The federal Clean Water Act requires that discharges of pollutants from Concentrated Animal Feeding Operations (CAFOs) to waters of the United States be regulated by an NPDES permit. Dairies, feedlots, and other operations that concentrate animals in a confinement area are operations that generate large volumes of wastes that can impact both groundwater and surface waters if not managed properly.

The following types of CAFOs located within the Colorado River Basin Region are eligible for coverage under the Proposed Order:

- New and existing horse, sheep, and duck CAFOs established after February 14, 1974;
- New and existing CAFOs that confine dairy cows and cattle other than veal calves; and
- New and existing CAFOs that confine swine, poultry, and veal calves.

At present, 30 CAFOs exist within the Colorado River Basin Region. Most of these facilities are feedlots, with the exception of two dairies.

Discharges from production areas at CAFOs are allowed only from properly designed, constructed, operated, and maintained facilities as the result of a large storm event. The majority of facilities covered under the Proposed Order will be subject to a 25-year, 24-hour storm storage design standard for the production area based on best practicable control technology currently available (BPT) and best available technology economically achievable (BAT). Discharges from land application areas are controlled by requirements to develop Nutrient Management Plans (NMPs) and implement best management practices (BMPs) to limit runoff of nutrients and other pollutants to surface waters. Further, the Proposed Order includes requirements that apply to CAFOs with onsite composting operations that are not covered by separate waste discharge requirements for the composting activities.

Dischargers will generally use the same containment design standards, operation and maintenance standards, BMPs, and other water quality control measures necessary to comply with federal law to also achieve compliance with state law receiving water limitations for groundwater. The Proposed Order adds a new requirement to conduct groundwater trend monitoring.

## **SUBMISSION OF WRITTEN COMMENTS**

The Colorado River Basin Water Board will accept comments during a thirty (30) day public comment period, which begins **September 24, 2021** and ends **October 25, 2021**.

Written comments on the Proposed Order must be received no later than 5:00 p.m., **October 25, 2021**.

The Colorado River Basin Water Board has implemented an electronic records management system to reduce paper consumption and improve overall accessibility to records and documents. To submit comments electronically, please convert the signed original documents to Portable Document Format (PDF) and submit via email to: [Jose.ValledeLeon@Waterboards.ca.gov](mailto:Jose.ValledeLeon@Waterboards.ca.gov). Documents that are 50 MB or larger should be transferred to a disk or portable USB drive and mailed to:

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

Mailed written comments may be sent to the address above. Written comments may also be faxed to the Colorado River Basin Water Board office at (760)341-6820.

### **DOCUMENT AVAILABILITY**

Copies of the Proposed Order are available on the "Tentative Orders" page of the Regional Water Board's [website](#). If you need a hard copy of the Proposed Order mailed to you, please contact CJ Jasieniecki by phone at (760) 346-7494 or e-mail at: [CJ.Jasieniecki@waterboards.ca.gov](mailto:CJ.Jasieniecki@waterboards.ca.gov).

### **EX PARTE COMMUNICATIONS**

Ex parte communications are allowed in this matter subject to the disclosure requirements of Water Code section 13287. Please be advised that ex parte communications are prohibited for a period beginning 14 days before the Board meeting at which the Proposed Order is scheduled for Board action. For communications concerning any issue in this proceeding, ex parte communications are prohibited starting on October 19, 2021. If the Colorado River Basin Water Board does not take action on November 2, 2021, the ex parte prohibition will remain in place until the Board, the Chair, or the Executive Officer directs otherwise. Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the day of the Board meeting to which the decision is continued. The Board will provide notice if the prohibition is lifted and/or reinstated.

### **ACCESSIBILITY**

Any person who is disabled and requires special accommodations to participate in the public hearing, please contact Hilda Vasquez at (760) 776-8950 or via email at [Hilda.Vasquez@waterboards.ca.gov](mailto:Hilda.Vasquez@waterboards.ca.gov) no later than ten (10) days before the scheduled meeting. If you need interpreter services, please contact CJ Jasieniecki at (760) 346-

7494 or e-mail at: [CJ.Jasieniecki@waterboards.ca.gov](mailto:CJ.Jasieniecki@waterboards.ca.gov) at least 10 working days prior to the meeting.

**ADDITIONAL INFORMATION**

If you have questions concerning this matter, please contact Jose Valle de Leon at 760) 776-8940 or via email at [Jose.ValledeLeon@Waterboards.ca.gov](mailto:Jose.ValledeLeon@Waterboards.ca.gov). Please bring the foregoing to the attention of anyone you believe may be interested in this matter.

File: CAFO General Order R7-2021-0029 (CAG017001)