CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE GENERAL ORDER NO. R9-2008-0130

WASTE DISCHARGE REQUIREMENTS
FOR EXISTING DAIRY ANIMAL FEEDING OPERATIONS
IN THE SAN DIEGO REGION

The California Regional Water Quality Control Board, San Diego Region (hereinafter, Regional Board), finds that:

1. This Order serves as general waste discharge requirements (WDRs) for discharges of waste from existing dairy animal feeding operations (AFOs) with less than 2000 mature milking cows that do not qualify for coverage under the Regional Board's conditional waiver of waste discharge requirements for discharges from animal operations, and are not subject to individual waste discharge requirements or National Pollutant Discharge Elimination System requirements.

2. An AFO is a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed, or maintained for a total of 45 days or more in any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

3. For the purposes of this Order, "existing dairies" is defined as all dairies that were subject to waste discharge requirements as of, or had National Pollutant Discharge Elimination System permits rescinded on, the date of this Order and request coverage under this General Order. The facilities that potentially could request to be enrolled under this General Order consist of:

Table 1. List of Existing Dairy AFOs - San Diego Region

	Name	Location
a.	Dowle Dairy	Ramona, San Diego County
b.	John Konyn Dairy	Valley Center, San Diego County
c.	Frank J. Konyn Dairy	San Pasqual Valley, San Diego County
d.	Stiefel Dairy	Winchester, Riverside County
e.	T.D. Dairy	Ramona, San Diego County
f.	Van Ommering Dairy	Lakeside, San Diego County
g.	Bert Verger Dairy	Escondido, San Diego County
i.	Wesselink Dairy	Winchester, Riverside County

4. The discharge of dairy waste may cause groundwater mineralization, the addition of nitrates to groundwater, surface runoff of biodegradable and suspended material, nuisance odors, the addition of nutrients to adjacent surface water streams and other miscellaneous problems. Discharges regulated by this Order are considered to have a threat to water quality of 2, and a complexity rating of C.

5. The dairy AFOs listed in Table 1 have submitted individual facility plans, technical reports describing the dairy operation and waste management measures, and self-monitoring reports during the last 20 years. These plans and reports document the size of each dairy, the amount of waste generated, the storage and disposal of the waste, the area and types of crops grown where manure is spread on site, and the results of ground water monitoring where required.

6. Maximum milking herd size for each existing dairy AFO is defined by their previous NPDES requirements or WDRs as summarized below:

Table 2. Existing Dairy AFOs Maximum Milking Herd Size

	Name	Order No.	Maximum Number of Milking Cows
a.	Dowle Dairy	94-127	370
b.	John Konyn Dairy	95-013	440
c.	Frank J. Konyn Dairy	00-163	695
d.	Stiefel Dairy	07-009	1500
e.	T.D. Dairy	01-028	675
f.	Van Ommering Dairy	94-134	485
g.	Bert Verger Dairy	94-126	530
i.	Wesselink Dairy	07-042	699

7. The adoption of general WDRs for discharges of waste from existing dairy AFOs would: a) simplify the application process for dischargers, b) allow more efficient use of Regional Board resources, c) enhance the protection of ground and surface water, and d) provide a level of protection comparable to individual WDRs.

8. Discharges from dairies are consistent with California Water Code section 13263(i) criteria for developing and adopting general waste discharge requirements as:

    a. Dairy AFOs are the same or similar operations;

    b. The waste characteristics of waste are similar at all dairies;

    c. The management measures to prevent discharges of waste to waters of the State are similar at all dairies; and

d. The discharges are more appropriately regulated under general requirements than individual requirements.

9. State Water Resources Control Board (SWRCB) Resolution No. 68-16 requires the Regional Board, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with the maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Board's policies. The discharge of wastes regulated under this Order may degrade existing water quality; however, the requirements of this Order require best practicable treatment or control of the discharge in order to avoid pollution or nuisance, and maintain the highest water quality consistent with the maximum benefit to the people of the state.

10. This Regional Board adopted the Regional Board Dairy Waste Management Policy (Resolution No. 87-71) on November 16, 1987. On March 17, 1988, the SWRCB adopted Resolution No. 88-35 approving the Regional Board Dairy Waste Management Policy with a few minor changes. The Basin Plan implements, and incorporates by reference, Resolution No. 87-71. This policy includes interim limitations for the onsite disposal of corral manure.

11. The *Water Quality Control Plan, San Diego Basin (9)* (Basin Plan), adopted on September 8, 1994, and subsequently approved by the SWRCB on December 13, 1994, designates beneficial uses, narrative and numerical water quality objectives for ground and surface waters, and prohibitions which are applicable to the waste discharges regulated under this Order.

11. The requirements specified in this Order are consistent with the statewide minimum standards for discharges of animal waste at confined animal facilities established in CCR Title 27, Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1.

12. The adoption of waste discharge requirements for existing dairy feeding operations is a project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.). The Regional Board is the lead agency for the project and adopted a Mitigated Negative Declaration on December 10, 2008, determining that there was no substantial evidence that the project could have a significant effect on the environment. The Mitigated Negative Declaration was adopted by the Regional Board in Resolution No. R9-2008-0129.

13. This Regional Board has notified all known interested parties of its intent to issue waste discharge requirements for the discharge of waste.

14. This Regional Board has considered all water resource related environmental factors and, during a public meeting, heard and considered all comments pertaining to the discharge of waste from existing dairies.

IT IS HEREBY ORDERED THAT in order to meet the provisions contained in sections 13263 and 13267 of Division 7 of the Water Code and regulations adopted thereunder, each dairy AFO (hereinafter discharger) regulated under these WDRs shall comply with the following requirements:

A. ELIGIBILITY

1. Only those AFOs listed in Table 1 of this Order are eligible for regulation of their waste discharge under this order.

2. The Van Ommering Dairy, T. D. Dairy, Frank J. Konyn Dairy, and Stiefel Dairy are enrolled under this Order upon rescission of their individual NPDES permits.

3. The Dowle Dairy, John Konyn Dairy, Bert Verger Dairy, and Wesselink Dairy are eligible for regulation under this Order upon submission of the Application (Attachment B) of this Order and rescission of their individual Waste Discharge Requirements.

B. PROHIBITIONS

1. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in Water Code section 13050, as a result of the treatment, storage, or discharge of wastes.

2. Discharges of wastes, including windblown spray and runoff of effluent applied for irrigation, to lands which have not been specifically described to the Regional Board and for which valid waste discharge requirements are not in force, are prohibited.

3. Except when authorized by waste discharge requirements that implement federal National Pollutant Discharge Elimination System regulations, the direct or indirect discharge of waste and/or storm water from the production area to surface waters is prohibited.[1]

[1] Discharges of pollutants from the production area to waters of the United States may not lawfully occur except in compliance with National Pollutant Discharge Elimination System (NPDES) regulations. Compliance with NPDES regulations for discharges to waters of the United States is not provided by this Order, but must be obtained separately.

4. The discharge of waste water to surface waters from cropland is prohibited. Irrigation supply water that comes into contact or is blended with waste or waste water shall be considered waste water under this Prohibition.

5. Animals in confinement are prohibited from entering any surface waters of the state.

C. DISCHARGE SPECIFICATIONS

1. The discharge of manure solids and facility waste water shall not exceed a volume that is attributable to a mature milking cow herd size greater than the maximum number described in Finding 6 of this Order unless the discharger has submitted a new, complete application per Report and Record Keeping Requirements F.5.

2. The storage, transport, evaporation, and disposal of animal waste and process waste water shall not cause groundwater objectives to be exceeded.

3. The storage, transport, evaporation, and disposal of animal waste and process waste water shall not adversely affect beneficial uses as established in the Basin Plan.

D. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

a. The discharger shall, at all times, properly operate and maintain all facilities and systems of waste disposal (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance include the routine inspection, maintenance, and repair of drainage channels, culverts, ponds, irrigation equipment and related waste water or runoff collection structures or equipment to ensure that the proper capacity is maintained.

b. The waste water or waste solids disposal operation shall not cause unusual odors or other nuisance beyond the limits of the discharger's property.

c. Mortalities (i.e., dead animals) must be properly managed to ensure that they are not disposed of in liquid manure, storm water, or process waste water storage or treatment system that is not specifically designed to treat animal mortalities, and must be handled

in such a way as to prevent the discharge of pollutants to surface waters and groundwater.

2. RETENTION PONDS

a. Retention ponds shall be lined with or underlain by soils which contain at least 10 percent clay and not more than 10 percent gravel, or with artificial materials of equivalent impermeability.

b. Retention ponds shall be designed and constructed to retain all waste water during periods of adverse climatic conditions or irrigation system maintenance when land disposal by irrigation cannot be accomplished.

c. Water levels in the retention ponds shall be sufficiently lowered by November 1st of each year to provide adequate storage capacity prior to the beginning of the wet weather periods.

d. Ponds designated to contain 25-year, 24-hour storm runoff must have a depth marker that clearly indicates the minimum capacity necessary to contain that runoff and the direct precipitation on the retention ponds attributed to a 25-year, 24-hour storm.

e. The level of waste in the waste water retention ponds shall be kept a minimum of two feet below the top of each aboveground embankment and a minimum of one foot below the ground surface of each belowground pond. Unless a Professional Civil Engineer, licensed pursuant to California law, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates in a certified waste management plan for a specific dairy that the structural integrity of the pond will be maintained with the freeboard specified for that dairy.

3. FLOOD PROTECTION

a. Retention ponds and manured areas at existing AFOs in operation on or after November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows.

b. Existing AFOs that were in operation on-or-before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such protection. Facilities, or portions thereof, which begin operating after November 27, 1984, shall be protected against 100-year peak stream flows.

4. SURFACE DRAINAGE

a. Existing dairy AFOs shall be designed, constructed, and operated to retain all facility waste water and all precipitation on, and drainage through, manured areas during a storm of intensity equal to or less than a 25-year, 24-hour storm.

b. All precipitation and surface drainage outside of manured areas, including that collected from roofed areas, and runoff from tributary areas resulting from a storm of intensity equal to or less than a 25-year, 24-hour storm shall be diverted away from manured areas unless such drainage is fully retained. The Regional Board may waive application of this requirement in specific instances where upstream land use changes have altered runoff patterns such that retention of flood flow is not feasible.

5. WASTE MANAGEMENT

a. Any land application of manure under the discharger's control shall be conducted at agronomic rates which are reasonable for the crop, soil, climate, special local situations, management system, and type of manure.

b. Any land application of manure under the discharger's control is limited to no more than 3 tons dry weight or 10 cubic yards per acre per year, and to cropland where crops are grown and harvested twice annually, to no more than 12 tons dry weight per acre per year. The Regional Board shall consider manure application higher than the 12 tons per year limit upon demonstration that crops require the increased manure loadings and the basin has assimilative capacity.

c. Manured areas shall be maintained to prevent nuisance conditions and managed to minimize infiltration of water into underlying soils. Corrals shall be cleaned of excess manure by November 1st of each year prior to the beginning of the rainy season.

d. The discharger shall not knowingly contribute to the improper disposal of manure hauled off-site. The manure hauled off the discharger's property shall be properly applied or disposed of to ensure that the water quality is not adversely affected in the application area.

e. The application of waste to cropland shall be at rates that preclude development of vectors or other nuisance conditions.

f. Land application areas that receive dry manure shall be managed through implementation of erosion control measures to minimize erosion.

g. A buffer zone of at least 100 feet should be maintained between the manure applied to soil and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.

E. STANDARD PROVISIONS

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at any location.

3. CIVIL MONETARY REMEDIES

The Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended

by this Regional Board shall be liable civilly in accordance with Water Code section 13350 (d), (e), or (f).

4. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability in accordance with Water Code section 13268.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

7. TREATMENT FAILURE

In an enforcement action, a defense for the discharger shall not be that halting or reducing the required activity was necessary in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

F. REPORTING AND RECORD KEEPING REQUIREMENTS

1. MONITORING AND REPORTING

The discharger shall comply with the attached Monitoring and Reporting Program No. R9-2008-0130 and future revisions thereto as specified by the Executive Officer.

2. ORDER REPOSITORY

A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.

3. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

4. REQUIREMENT MODIFICATION

This Order may be amended, rescinded, or updated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Order;

b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for amending, rescinding, or updating this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

5. CHANGE IN DISCHARGE

The discharger shall file a new application (see Attachment B) at least 60 days prior to the following:

a. Significant change in the treatment or disposal method;

c. Increase in flow beyond a waste discharge volume attributable to the milking herd size specified in finding 6 of this Order;

d. Other circumstances which result in a material change in character, amount, or location of the waste discharge; or

e. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

6. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Water Code.

7. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

8. REPORT DECLARATION

All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

a. Reports of Waste Discharge shall be signed as follows:

i. For a corporation - by a principal executive officer of at least the level of vice-president;

ii. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; and

iii. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.

b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

i. The authorization is made in writing by a person described in paragraph (a) of this provision;

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

iii. The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately 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 fine and imprisonment."

9. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Regional Board, to:

California Regional Water Quality Control Board San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attn: Groundwater Branch

G. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

2. U.S. ENVIRONMENTAL PROTECTION AGENCY REVIEW

These requirements have not been officially reviewed by the U. S. Environmental Protection Agency and are not issued pursuant to section 402 of the Clean Water Act.

3. LOCAL AGENCY REGULATIONS

This Order does not supersede any local agency's applicable land use plans, policies, or regulations. Any expansion beyond the existing property boundary of the dairy is subject to additional environmental review by local agencies.

4. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision 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.

5. EFFECTIVE DATE

This Order becomes effective on December 10, 2008.

I, John H. Robertus, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 10, 2008.

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JOHN H. ROBERTUS, Executive Officer
San Diego Regional Water Quality Control Board

ATTACHMENT A

MONITORING AND REPORTING PROGRAM NO. R9-2008-0130

FOR
EXISTING DAIRY ANIMAL FEEDING OPERATIONS
IN THE SAN DIEGO REGION

This Monitoring and Reporting Program is issued pursuant to section 13267 of the California Water Code and is intended to determine compliance with Waste Discharge Requirements in Order No. R9-2008-0130.

A. GENERAL MONITORING PROVISIONS

1. All samples shall be taken at the monitoring locations specified in this Monitoring and Reporting Program (MRP). Monitoring locations may not be changed unless the new location is appropriate for demonstrating whether or not waste discharges are impacting groundwater quality. Dischargers wishing to change a monitoring location must notify the Regional Board at least 60 days before doing so, and provide information showing that the new monitoring location is appropriate for demonstrating whether or not waste discharges are impacting groundwater quality.

2. Monitoring must be conducted according to U. S. Environmental Protection Agency (USEPA) test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act* as amended, unless other test procedures are specified in Order No. R9-2008-0130 and/or this MRP and/or by this Regional Board.

3. A copy of the monitoring reports, signed and certified as required by Reporting and Record Keeping Requirement E.8 of Order No. R9-2008-0130, shall be submitted to the Regional Board at the address listed in Section C.14 of this MRP.

4. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by Order No. R9-2008-0130 and this MRP. Records shall be maintained for a minimum of five years from the date of the sample, measurement, observation, or report. This period may be extended by the Regional Board.

5. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Public Health or a laboratory approved by this Regional Board.

6. All monitoring instruments and devices used by the discharger to fulfill the prescribed MRP shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

7. Monitoring results shall be reported at intervals specified in this MRP.

8. This MRP may be modified by this Regional Board, as appropriate.

B. MONITORING REQUIREMENTS

1. Groundwater Monitoring Requirements

a. The groundwater monitoring well locations for the Van Ommering Dairy, T.D. Dairy and Frank J. Konyn Dairy are identified in the following table:

Table 1. Groundwater Monitoring Locations

Dairy	Monitoring Location Name	Monitoring Location Description
Van Ommering Dairy	VO-01	Van Ommering Well # 1
T.D. Dairy	TD-01	Monitoring well is located 100 yards northeast of the milk barn
Stiefel Dairy	G-01	Dominigoni Well
	G-02	Stiefel Well
	G-03	Wesselink Well
Frank J. Konyn Dairy	KW-01	Konyn Well

b. All other dairies must identify groundwater monitoring wells in the application for General Order No. R9-2008-0130 (Attachment B).

c. The discharger shall analyze groundwater samples collected at monitoring well locations in accordance with *Table 2 Groundwater Monitoring Requirements*.

Table 2. Groundwater Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Test Method
Total Dissolved Solids	mg/L	Grab	Annual	[1]
Nitrate as N	mg/L	Grab	Annual	[1]

[1] As specified in 40 CFR 136.3

d. Groundwater monitoring must be conducted according to the following procedures unless this Regional Board approves alternative procedures:

1. The well must be pumped for a minimum of three volumes of the well casing before the sample is taken. If the well casing volume is not known, then three hundred gallons must be pumped before a sample is taken;

2. The grab sample must be collected in a container approved by the laboratory doing the analysis. The containers must be suitable for collecting nitrate and total dissolved solids samples;

3. The samples must be preserved in a container and cooled to 4° Celsius;

4. The sample must be analyzed within 48-hours from the time the sample was taken;

5. The sample must be analyzed using USEPA approved test methods or other test methods specified in this MRP;

6. The sample must be taken each year between September 1st and October 31st; and

7. The groundwater sample shall not be diluted by any other waste stream, body of water, or substance.

2. Visual Inspections

Visual inspections of the production area are required. At a minimum, the following visual observations shall be made and recorded as follows:

a. Daily inspections shall be conducted of all water lines, including drinking water and waste water;

b. Weekly inspections shall be conducted of all storm water diversion devices, runoff diversion structures, and devices channeling containment structures; and

c. Weekly inspections shall be conducted of all manure and process waste water impoundments. The inspection shall note the level in liquid impoundments as indicated by the required depth marker.

3. Manure Monitoring

Annually, the discharger shall measure the total quantity of solid manure produced during the year in cubic yards and analyze a representative grab sample of manure for concentrations of nitrogen and phosphorus in milligrams per kilogram and submit the results in the annual report.

4. Waste Water Monitoring

Annually, the discharger shall determine the total volume of waste water produced during the year and analyze a representative grab sample of waste water from the storage pond(s) for concentrations of nitrogen and phosphorus in milligrams per liter and submit the results in the annual report. Waste water samples should be analyzed using USEPA approved test methods or other test methods specified in this MRP.

5. Regional Watershed Monitoring

The discharger shall participate and coordinate with state and local agencies and other dischargers in the San Diego Region in development and implementation of

a regional monitoring program as directed by the Regional Board. The intent of a regional monitoring program is to maximize the efforts of all monitoring partners using a more cost-effective monitoring design and to best utilize the pooled resources of the region.

6. Special Studies

Core monitoring may include intake monitoring, effluent monitoring, receiving water monitoring, and groundwater monitoring. This Order includes core monitoring for groundwater. In addition to core monitoring requirements, the discharger may be required to conduct additional monitoring. Special studies are intended to be short-term and designed to address specific research or management issues that are not addressed by the routine core monitoring program. The discharger shall implement special studies as directed by this Regional Board.

C. ANNUAL REPORTING REQUIREMENTS

The discharger shall comply with all requirements related to monitoring and reporting below.

The discharger shall submit an annual report containing the following:

1. Number of mature milking cows, dairy heifers, dry cows, and calves.

2. Amount of total manure and process waste water generated by the facility in the previous 12 months.

3. Amount of total manure and process waste water transferred to other persons by the facility in the previous 12 months.

4. Summary of all manure and process waste water discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume.

5. Total number of cubic yards of manure per acre discharged annually on-site to:

    a. Dairy disposal land.

    b. Cropland where crops are grown and harvested twice annually.

6. Groundwater monitoring results, as specified in Section B.1 of this MRP.

7. Manure monitoring results, as specified in Section B.3 of this MRP.

8. Waste water monitoring results, as specified in Section B.4 of this MRP.

9. The discharger shall report with each sample result the applicable Minimum Level (ML) and the laboratory current Method Detection Limit (MDL) as determined by the procedure in 40 CFR Part 136.

10. The discharger shall submit data on a copy of the Self Monitoring Form provided in Section E of this MRP. Additional data required to be submitted as an attachment to the reporting form must be arranged in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with Order No. R9-2008-0130.

11. As part of the Annual Report, the discharger shall provide an assessment of the information and data collected pursuant this MRP for consistency with the Section B *Prohibitions*, Section C. *Discharge Specifications,* and Section D. *Facility Design and Operation Specifications* of Order No. R9-2008-0130 and based on this assessment, identify whether any modifications to the facility or its operation are necessary to achieve compliance with the Order.

12. Annual monitoring periods shall commence according to *Table 3 Monitoring and Reporting Schedule*. Annual reports shall be due on February 1st following each annual period.

Table 3. Monitoring and Reporting Schedule

Sampling Frequency	Monitoring Period	Reporting Due with SMR on
Annual	January 1 – December 31	February 1

13. The discharger shall attach a cover letter to the Annual Report. The information contained in the cover letter shall clearly identify violations of Order No. R9-2008-0130, discuss corrective actions taken or planned, and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation. Annual Monitoring Reports shall be submitted to the addresses listed below:

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340
Attention: Groundwater Branch

Notifications required to be provided to this Regional Board shall be made to:

Telephone – (858) 467-2952 or
Facsimile – (858) 571-6972

D. RECORD KEEPING REQUIREMENTS

The discharger is not required to submit the following information to the Regional Board, however the discharger must maintain these records on-site and available for review by a designated Regional Board representative. These records must be maintained on-site for a minimum of 5 years.

1. The following information regarding transfer of manure or process waste water to other persons:

   a. Date of transfer;

   b. Recipient's name (company name);

   c. Recipient's address (company address) or Assessor's Parcel Number(s); and

   d. The approximate quantity of manure, or process waste water transferred.

2. Records documenting the visual inspections specified in Section B.2 of this MRP.

3. Records documenting any actions taken to correct deficiencies found as a result of the visual inspections specified in Section B.2 of this MRP.

4. Records of mortalities management practices.

5. Records documenting the current design of any manure storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.

6. Records of the date, time, and estimated volume of any overflows that occurred at the facility.

E. SELF MONITORING FORM

As specified in section C.10 of this MRP, the discharger shall submit data to the Regional Board using a copy of the Self Monitoring Form provided on the next six pages of this document. Additional monitoring data should be submitted as an attachment to the Self Monitoring Form.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 9, SAN DIEGO REGION
SELF MONITORING FORM
ORDER NO. R9-2008-0130

Annual Self Monitoring Report for January 1, _____ to December 31, _____ Due by February 1st of each year.

Date___/___/_____

Directions:

1. Respond to all questions. If a question does not pertain to your facility, write "Not Applicable" in the space provided.
2. Attach additional pages if necessary to further demonstrate compliance with waste discharge requirements or to answer any questions in greater detail.
3. Make copies of this form for annual reporting, identifying the monitoring period on the line at the tope of the page, and save the original as a master copy for future reporting.

Name and Address Changes:

Note any changes or corrections to the following:

1. Name of facility: _____
   Address: _____
   _____
   Phone Number: _____
2. Name of owner: _____
   Address: _____
   _____
   Phone Number: _____
3. Facility Contact: _____
   Phone Number: _____

Animal Counts: **January 1, _____ to December 31, _____**

Report the maximum number of animals during the year.

1. Milking cows _____
2. Heifers _____
3. Dry cows _____
4. Calves _____
5. Swine _____
6. Sheep _____
7. Goats _____
8. Other (describe) _____

Manure and Waste Water Disposal:

Report the total quantity of manure produced during the year and how the manure was disposed of during the year as of December 31st.

1. Total quantity of solid manure produced during the year: _____ cu. yds.
2. Total quantity of solid manure disposed on land owned or under the control of the dairy owner/operator: _____ cu. yds.

   Number of acres manure applied to: _____ acres

   Areas manure applied: _____
3. Total quantity of solid manure sold or given away to public: _____ cu. yds.
4. Manure stockpiled on-site on December 31 (of this reporting period): _____ cu. yds.
5. Total volume of waste water used for land irrigation: _____ acre-feet

   Number of acres irrigated with waste water: _____ acres

   Areas manure applied: _____

Waste Management Program: **January 1, _____ to December 31, _____**

The discharger shall describe in detail any changes to the waste collection, management or disposal system during the past year. If physical changes have occurred, submit a map showing the new facilities. Include volumes, square feet, etc…

- ❑ No changes to the waste management facilities and operations occurred during the year, or
- ❑ The following changes have been made (attach additional sheets if necessary):

Groundwater Monitoring:

Complete the following and attach a copy of the laboratory's analysis sheet.

1. Was the groundwater monitoring conducted according to the procedures prescribed in Section C.1 of the Monitoring and Reporting Program?
   - ❑ Yes
   - ❑ No, the procedures were modified as follows:

2. Fill in the appropriate sampling information (Sample must be taken between September 1 and October 31):

   Date sampled: _____
   Time sampled: _____
   Name of individual who performed sampling: _____
   Date analyses were performed: _____

3. Fill in the table with the groundwater analysis data, if more than one well is monitored attach additional information :

Constituent	Sample Type	Minimum Sampling Frequency	Results	Units
Total Dissolved Solids	Grab	Annual		mg/L
Nitrate (N)	Grab	Annual		mg/L

Manure Monitoring:

Complete the following and attach a copy of the laboratory's analysis sheet(s).

1. Was the manure monitoring conducted according to the procedures prescribed in Section D.2 of the Monitoring and Reporting Program?

   - ❑ Yes
   - ❑ No, please explain.

2. Fill in the appropriate sampling information:

   Date sampled: _____
   Time sampled: _____
   Name of individual who performed sampling: _____
   Date analyses were performed: _____

Compliance Statement:

The discharger shall discuss the dairy's compliance with Order No. R9-2008-0130. Review compliance statements below and check the appropriate box. You should include any pertinent information and describe any additional management measures or corrective actions taken or planned to achieve full compliance with the waste discharge requirements.

Compliance Statement	Yes	No
Were all monitoring instruments and devices used to fulfill the monitoring program properly maintained and calibrated to ensure their continued accuracy?		
Were all discharges of wastes, including windblown spray and runoff of effluent applied for irrigation, applied to lands which have been specifically described to the Regional Board and for which waste discharge requirements? If no, please explain.		
Did the waste water or waste solids disposal operation cause any unusual odors or other nuisances beyond the limits of the dairy property? If yes, please explain.		
Were all facilities and systems of waste disposal (and related appurtenances), which are installed to achieve compliance with the conditions of the Order properly operated and maintained? If no, please explain.		
Were manured areas maintained to prevent nuisance conditions and managed to minimize infiltration of water into underlying soils? If no, please explain.		
To the best of your knowledge, was manure hauled off the dairy property properly disposed of to ensure that the water quality is not adversely affected in the area?		
Was the application of manure and waste water to the disposal fields controlled by the discharger to comply with agronomic rates? If no, please explain.		
Was dry manure applied to cultivated croplands incorporated into the soil soon after application? If no, please explain.		
Were animals prevented from entering any surface water within the production area? If no, please explain.		
Were water levels in the retention ponds sufficiently lowered by October 1st to provide adequate storage capacity prior to the beginning of the wet weather periods? If no, please explain.		
Are the record keeping requirements specified in Section D of the Monitoring and Reporting Program being maintained as required? If no, please explain?		

Comments:

Additional Comments:

Certification Statement:

Pursuant to Section E.10.c of the WDR, this report must be signed and certified by the discharger or a duly authorized representative of that person as follows:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately 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 fine and imprisonment.

_____ _____
Signed under Penalty of Law Date

_____
Print Name

ATTACHMENT B
Application for Enrollment Under
General Order No. R9-2008-0130
For Existing Dairy Animal Feeding Operations

INSTRUCTIONS

The application bundle consists of the following:

1) Completion of the application;
2) Submittal of the dairy Waste Management Plan; and
3) Submittal of a site map.

A waste management plan is required for all existing milk cow dairies subject to Waste Discharge Requirements General Order No. R9-2008-0130 and shall describe the facility's waste management system. The portions of the waste management plan that are related to facility and design specifications (i.e. retention ponds and surface drainage) must be prepared by, or under the responsible charge of, and certified by a civil engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work.

The site map (aerial or topographic) of the dairy must show the following in sufficient detail: dairy facility property boundaries; locations of all monitoring, domestic, and irrigation wells; process waste water retention ponds; milking parlor; animal housing; corrals; and all land application areas with identification of land used for application of manure and/or process waste water.

APPLICATION TYPE

☐	New Enrollee		
☐	Revision	☐	Significant change in the treatment or disposal method
		☐	Increase in herd size
		☐	Other, explain: _____ _____

DAIRY FACILITY INORMATION

A. Name of dairy or business operating the dairy:

_____

Physical address of dairy:

_____
Number and Street City County Zip Code

B. Operator name: _____ Telephone No._____

Mailing address of operator of dairy:

_____
Number and Street City Zip Code

C. Name of legal owner of the dairy property:

_____

Mailing address of legal owner:

_____
Number and Street City Zip Code

Contact person: _____ Telephone No._____ _____

D. Person to Receive Regional Board Correspondence (check):

_____Owner _____Operator ____Both

E. Billing Address (if identical to A above, enter “same as owner”

Mailing address:

_____
Number and Street City Zip Code

Contact person: _____ Telephone No._____ _____

GROUNDWATER MONITORING

Please identify any current or proposed groundwater monitoring well(s) and their location(s):

Well No.	Location
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately 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 fine and imprisonment."

SIGNATURE OF OWNER OF FACILITY	SIGNATURE OF OPERATOR OF FACILITY
PRINT OR TYPE NAME	PRINT OR TYPE NAME
TITLE AND DATE	TITLE AND DATE

ATTACHMENT C
Key Terms and Definitions
General Order No. R9-2008-0130
For Existing Dairy Animal Feeding Operations

1. "Agronomic rates" is defined as the land application of irrigation water and nutrients (which may include animal manure, bedding, or process waste water) at rates of application in accordance with a plan for nutrient management that will enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth.

2. "Animal Feeding Operation" is defined as a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

3. "Confined animal facility" is defined in Title 27 CCR section 20164 as "*… any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing*."

4. "Cropland" is defined as the land application area where dry or solid manure and/or process waste water is recycled for the purpose of beneficially using the nutrient value of the manure and/or process waste water for crop production.

5. "Degradation" is defined as any measurable adverse change in water quality.

6. "Discharge" is defined as the discharge or release of waste to land, surface water, or groundwater.

7. "Discharger" is defined as the property owner and the operator of an existing milk cow dairy subject to Waste Discharge Requirements Order No. R9-2008-0130.

8. "Existing dairies" is defined as all dairies that were subject to waste discharge requirements as of, or had National Pollutant Discharge Elimination System permits rescinded on December 10, 2008 and request coverage under this General Order.

9. "Facility" is defined as the property of an existing dairy enrolled in Waste Discharge Requirements General Order No. R9-2008-0130.

10. "Freeboard" is defined as the elevation difference between the process waste water (liquid) level in a pond and the lowest point of the pond embankment before it can overflow.

11. "Land application area" is defined as land under control of the milk cow dairy owner or operator, whether it is owned, rented, or leased, to which manure or process waste water from the production area is or may be applied for nutrient recycling.

12. "Manure" is defined as the fecal and urinary excretion of livestock and other commingled materials. Manure may include bedding, compost, and waste feed.

13. "Manured Areas" is defined as that part of an animal feeding operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas.

14. "Mature dairy cow" is defined as a dairy cow that has produced milk at any time during her life.

15. "Milking cows" is defined as the total number of mature milking cows.

16. "Nuisance" is defined in Water Code section 13050 as "…*anything which meets all of the following requirements:*

    (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

    (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

    (3) Occur during, or as a result of, the treatment or disposal of wastes."

17. "Nutrient" is defined as any element taken in by a plant which is essential to its growth and which is used by the plant in elaboration of its food and tissue.

18. "Order" is defined as the Waste Discharge Requirements Order.

19. "Overflow" is defined as the intentional or unintentional diversion of flow from the collection, treatment, land application, and conveyance systems, including pumping facilities.

20. "Pollutant" is defined in Title 40 Code of Federal Regulations section 122.2 as "…dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded

equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water."

21. "Pollution" is defined in Water Code section 13050(l)(1) as *"…an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses."*

22. "Pond" is defined as retention ponds, storage ponds, settling ponds, or any structures used for the treatment, storage, disposal, and recycling of process waste water. Ponds are differentiated from sumps, which are structures in a conveyance system used for the installation and operation of a pump.

23. "Process waste water" is defined as water directly or indirectly used in the operation of an animal feeding operation for any or all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other facilities; washing or spray cooling of animals; or dust control…and includes any water or precipitation and precipitation runoff which comes into contact with any raw materials, products, or byproducts including manure, feed, milk, or bedding.

24. "Production area" is defined as that part of a milk cow dairy that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas.

25. "Regional Board" is defined as one of the nine California Regional Water Quality Control Boards.

26. "State" is defined as the State of California.

27. "SWRCB" is defined as the State Water Resources Control Board.

28. "Storm water" is defined as storm water runoff, snowmelt runoff, and surface runoff and drainage.

29. "Surface water" is defined as water that includes essentially all surface waters such as navigable waters and their tributaries, interstate waters and their tributaries, intrastate waters, all wetlands and all impoundments of these waters. Surface waters include irrigation and flood control channels.

30. "25-year, 24-hour storm" is defined as a precipitation event with a probable recurrence interval of once in twenty five years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

31. “Waste” is defined as set forth in Water Code section 13050(d), and includes manure, leachate, process waste water and any water, precipitation or rainfall runoff that came into contact with raw materials, products, or byproducts such as manure, compost piles, feed, silage, milk, or bedding.

32. “Waste water” is defined as water that has come into contact or is blended with waste.

33. “Waters of the state” is defined in Water Code section 13050 as “*…any surface water or groundwater, including saline waters, within the boundaries of the state*.”

ATTACHMENT D
Acronyms and Abbreviations
General Order No. R9-2008-0130
For Existing Dairy Animal Feeding Operations

AFO	Animal Feeding Operation
Basin Plan	Water Quality Control Plan for the San Diego Basin(9)
BMPs	best management practices
CCR	California Code of Regulations
mg/L	milligrams per liter
ml	milliliter
MRP	Monitoring and Reporting Program
MBAS	Methylene Blue - Activated Substances
NPDES	National Pollutant Discharge Elimination System
NTU	nephelometric turbidity unit
Regional Board	California Regional Water Quality Control Board, San Diego Region
ROWD	Report of Waste Discharge
SWRCB	State Water Resources Control Board
TDS	total dissolved solids
USEPA	United States Environmental Protection Agency