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FREQUENTLY ASKED QUESTIONS REGARDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2007-0035 FOR EXISTING MILK COW DAIRIES

17 October 2007

The Central Valley Regional Water Quality Control Board (Regional Board) adopted Waste Discharge Requirements General Order No. R5-2007-0035 for Existing Milk Cow Dairies (General Order) on 3 May 2007. The following Frequently Asked Questions (FAQs) are intended to answer questions regarding these new requirements. If you have additional questions, you may contact Regional Board staff. The FAQs will be continually updated to include answers to new questions that are asked. Please check the Regional Board website periodically at http://www.waterboards.ca.gov/centralvalley/water_issues/dairies/index.html for these updates.

APPLICABILITY QUESTIONS

- 1. *If I turned my dairy into a heifer facility after the 17 October 2005 date, but before 31 December 2007, what do I need to do?***

The answer depends on whether you would ever like to turn your heifer facility back into a dairy.

If you never want to turn your heifer facility back into a dairy, contact the Regional Board as soon as possible stating that the facility will no longer be a dairy. We will remove the facility from coverage under the General Order and note in our files that it is a heifer facility. You will not need to submit any of the information required on Table 1 under the General Order.

If you want to turn your heifer facility back into a dairy at some future time, and you want to maintain coverage under the General Order for Existing Dairies, you will need to comply with the General Order. For example, you will need to complete the Existing Conditions Report and the Preliminary Dairy Facility Assessment and submit both on or before 31 December 2007. You should complete these reports assuming you have the maximum number of mature dairy cows on your property that you reported on your 2005 Report of Waste Discharge, plus 15%. Similarly, you should use this number of cows in completing the sections of the Nutrient Management Plan and Waste Management Plan according to the schedule in Table 1. Your monitoring should be adjusted to reflect only those items that are part of your heifer operation – for example, if you don't generate process wastewater in your heifer operation, you do not need to monitor it. If you follow this procedure, you can convert back to dairy operations without obtaining new waste discharge requirements.

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If right now you never want to turn your heifer facility back into a dairy, but you change your mind at some time in the future, you will be required to apply for individual Waste Discharge Requirements (WDRs), which requires submittal of a Nutrient Management Plan and Waste Management Plan, before you receive WDRs and are allowed to begin dairy operations again. This process also requires that the dairy provide the material needed to allow the Regional Board to comply with the California Environmental Quality Act. This may mean hiring a contractor to prepare an Environmental Impact Report.

2. *If my dairy is vacant on 31 December 2007, what should I do?*

Follow the instructions for heifer facilities in FAQ number 1 above. You need to decide if you will want to operate the property as a dairy in the future. If so, you need to comply with the General Order. If not, you need to notify the Regional Board in writing so we can remove you from our list of existing dairies.

3. *I lease my dairy out. What number establishes the maximum number of mature dairy cows that can be on the dairy and still stay under the General Order?*

The maximum number of mature dairy cows on the property in the 12 months prior to October 2005, as submitted on the Report of Waste Discharge filed in October 2005.

4. *What if I never filed a ROWD for my dairy in October 2005? Can I go under the General Order?*

Notify the Regional Board about the situation. We will review our records to determine if you were notified about the need to file a Report of Waste Discharge. It is possible that you may qualify to be under the General Order if we can verify that you were never notified by our office of the need to file the Report of Waste Discharge and if you can provide proof of the number of mature dairy cows that were on the property within the 12 months prior to October 2005. Dairy Herd Improvement Association (DHIA) milk test records are an example of the kind of proof we would need.

5. *What if my dairy was empty in October 2005 and for the 12 months before October 2005, but I now want to reopen it?*

If your dairy was empty in October 2005 and for the 12 months before October 2005, you do not qualify for the General Order, and must receive Individual Waste Discharge Requirements.

6. *What if my dairy was active in October 2005 but is currently empty, and I want to continue leasing the dairy in the future?*

As long as you filed a Report of Waste Discharge in October 2005, you are eligible for the General Order. You will need to provide information according to the schedule in the General Order, starting with the Existing Conditions Report and PDFA due 31 December 2007. In doing calculations, use the maximum number of cows you are allowed under the General Order. You will find that some sampling requirements will not apply because you are not currently milking; you do not need to do that sampling until your facility resumes operating as a dairy.

7. *What if I forgot to include my dry cows when I filled out the Report of Waste Discharge in 2005? Can I fix it now?*

Notify the Regional Board about the situation. We will review your ROWD and verify that there were no numbers entered for dry cows. We generally assume that dry cows are 15% of the number of milk cows. We may require proof of the maximum number of milking cows at your dairy as shown on your ROWD, such as DHIA records.

8. *What if I didn't write the correct number for the "maximum number of mature dairy cows in the last 12 months"? Can I fix it now?*

Notify the Regional Board about the situation. We would need to see information, such as DHIA records, to verify the highest number of milk cows in the 12 months prior to October 2005. We will estimate the dry cows at 15% of the highest number of milk cows. The combined highest number of milk cows plus the calculated number of dry cows will become the maximum number of cows at the dairy. This number, increased by 15%, will be the maximum number of mature dairy cows allowed under the General Order.

9. *What do the dairies previously under WDRs do regarding the December filing for the General Order?*

All dairies previously under WDRs should have received a letter from the Regional Board that included a postcard that needed to be completed and mailed to the Regional Board. Provided that the number of cows at the dairy has not exceeded the maximum number allowed under the General Order, the dairy will receive a letter rescinding the previous WDRs and placing the dairy under the General Order. The dairy will then need to comply with the dates in the General Order just like all other dairies under the General Order. If a dairy is not notified that the General Order applies, it must continue to operate under the terms of the existing Order.

QUESTIONS ABOUT THE EXISTING CONDITIONS REPORT

10. *If I have monitoring wells at my dairy but they are being monitored by someone else (e.g., a UC research project, another dairy for their groundwater monitoring program, or a nearby cheese plant), how do I answer Question B on Page A-2 of the Existing Conditions Report?*

If the monitoring wells are being monitored by someone else and you were not required to install and monitor them by the Regional Board, Question B should be answered as follows:

- “Are there monitoring wells at your dairy” – Yes
- “Has a monitoring well installation and sampling plan been submitted to the Regional Board?” – No
- “Is groundwater monitoring being conducted at your dairy?” – No

In addition, please attach a sheet to your printed Existing Conditions Report listing the contact information for the party sampling the monitoring well(s) at your dairy.

GENERAL QUESTIONS ABOUT THE GENERAL ORDER

11. *Table 1 is confusing. Why are there so many different deadlines?*

There are many different deadlines on Table 1 because complying with the General Order is a phased process extending over five years. To summarize the idea behind the phasing of the General Order:

- By 31 December 2007, everyone submits the Preliminary Dairy Facility Assessment (PDFA). This provides a first-cut indication of problems with either too little storage pond capacity or too little land for agronomic application of dairy manure/wastewater. Either of these problems will have both short-term fixes that can be done relatively quickly, and longer-term fixes that will require more time and money to implement.
- By 1 July 2008, an interim plan is due that describes short-term fixes to be done for the problems identified in the PDFA.
- By 1 July 2009, the short-term fixes described in the interim plan need to be done, and a retrofitting plan for the bigger fixes that are needed to resolve the problems identified in the PDFA.
- By 1 July 2010, a status report on the progress of implementing the bigger fixes is due.

- By 1 July 2011, all the bigger fixes must be complete.

12. *My local county doesn't view my increase in cows as an expansion. Why do you say that it requires individual Waste Discharge Requirements?*

Our definition of what constitutes an expansion is tied to the size of the dairy in October 2005 because the General Order relied on an existing facility exemption to comply with the California Environmental Quality Act (CEQA), and the Reports of Waste Discharge submitted in October 2005 provided a snapshot of conditions at all existing dairies at a single point in time. Regardless of the position of a particular county, if a dairy has expanded beyond the limits adopted by the Board in the General Order, the dairy will need Individual Waste Discharge Requirements. Because Individual Waste Discharge Requirements include documentation that CEQA has been complied with, dairies needing individual Waste Discharge Requirements will need to provide information that is sufficient for the Regional Board to comply with CEQA. This may include the need for the dairy to hire a professional to prepare a draft CEQA document for Board use. If a county declines to act as lead agency for a dairy that is required to receive individual Waste Discharge Requirements, the Regional Board or another local agency will need to act as the CEQA lead agency.

13. *What will the Regional Board do with the information in the PDFA?*

The information in the PDFA is a rough estimate of the conditions at the dairy: is the existing pond large enough and is there enough land at the dairy to apply manure and wastewater at agronomic rates. It is designed to help dairy owners and operators determine what improvements will be needed to comply with the General Order and where to focus their efforts. The information in the PDFA will not be used for enforcement. Because the PDFA is to be updated and submitted annually, each year's PDFA should show improvement from the year before.

Please note – the Regional Board will take enforcement action for failure to submit a PDFA or an Existing Conditions Report by the deadline.

14. *There are lots of requirements in the General Order. How will the Regional Board enforce if there are violations of some of the requirements? Are all violations treated the same, regardless of how serious they are?*

Our agency has an enforcement policy that requires that we weigh the nature of the violation and the consequences of the violation. Enforcement is generally progressive, meaning that dairy owners and operators will usually have the opportunity to fix the problem and so prevent further enforcement actions by the Board. However, off-property discharges of waste are viewed as very serious and are vigorously prosecuted.

TECHNICAL QUESTIONS ABOUT THE GENERAL ORDER

- 15. *The General Order bans on-site disposal of dead animals unless there is a state-declared emergency. What do I do with my dead animals? What do you do if you find dead animals buried at the dairy?***

The preferred disposal method for dead animals is rendering. If rendering is not an option, landfill disposal is another disposal option. Attached to this FAQ is a list of landfills that are allowed to take dead animals; you will need to contact the landfill directly to determine if dead animals are currently being accepted for disposal. Another option that may become available in the near future is the bioreactor to be located at the Kettleman Hills Disposal Site, which is currently in the permitting process. If a Regional Board inspector finds dead animals buried at the dairy, the inspector will need to make a judgment call about the threat that the illegal disposal poses to water quality. Illegal disposal of dead animals could result in issuance of a Cleanup and Abatement Order and fines.

- 16. *Do the settling basins need to be photographed for freeboard?***

All ponds, including settling basins, must have the required freeboard, so they must all have monthly photos taken.

- 17. *When an operator is completing the Land Application inspection form, is it ok to list a single entry for each day?***

Yes. If there are problems with any of the fields, you need to identify the specific field, its problem(s), and the corrections you made in the far right column of the inspection log sheet, or on a separate sheet of paper).

- 18. *In the Orland area, the Orland Unit Water Users requires that producers let fresh tail water go (do not reclaim) since two individuals at or near the end of the water line have written documents with the Orland Unit to access that water. When an irrigation unit/district requires that producers not maintain control of the water, what is the operator to do? The operator should not have to sample each day as if it was a discharge to surface water. However, the water does have the potential to enter surface water if the end users do not use it appropriately. We've had this problem in the past.***

The dairy must comply with the terms of the General Order. If you are in this or a similar situation, notify the Regional Board. We will look at the specific situation and determine an appropriate approach. Timing of sampling or changes in field management practices may be necessary to ensure that the tail water does not pose a threat. If it is determined that the facility can not comply with the General Order, the Board will initiate the process of preparing individual waste discharge requirements.

19. *What do I need to do if I find pollution in a monitoring well downgradient of my land application area, or if my stormwater runoff has high levels of waste constituents?*

The General Order requires you to modify the Nutrient Management Plan within 90 days of finding a problem like these. The modifications should be designed to bring the land application area into compliance with the General Order by reducing the application of waste constituents, changing the timing of waste application, changing cultivation methods, or making other modification(s) to fix the problem. The modifications should be developed by a certified specialist as described in the General Order. You are not required to submit the revised NMP to the Regional Board unless requested to do so by the Executive Officer. We will also be reviewing the sampling results submitted in the Annual Reports. If we see something that concerns us, we will contact you to discuss revising the Nutrient Management Plan.

20. *What if I don't have a pond? How should I do the PDFA?*

The PDFA calculates the amount of water generated in the production area by all activities, including cleaning the milk barn. This portion of the PDFA should be filled out regardless of whether or not you have a pond. Once the amount of water that must be managed at your dairy is calculated by the PDFA, you will need to provide a written description of how you manage the water. Keep in mind that the General Order only allows wastewater to be applied to cropland when it is needed for plant growth, and does not allow application when the soil is saturated. Depending on the amount of water you generate, you may not be able to meet the requirements of the General Order without installing a pond.

21. *What if my domestic or irrigation well is closer than 100 feet from the fields where I apply process wastewater? Do I have to move the well?*

You do not have to move the existing well; instead, you can use alternative methods to protect the well from wastewater. See page 18 of the General Order for more information.

22. *If I install a synthetic liner in a new or existing pond, but do not expand my herd, do I need to start groundwater monitoring immediately?*

Prior to the enlargement of an existing pond or the construction of a new pond, you are required to submit a design report (see Page 14, General Specification 8b). Part of that design report for a Tier 2 pond design is proposed groundwater monitoring to evaluate the impact of pond seepage on groundwater quality. While we need the monitoring proposal as part of the design report, you may propose a schedule for installation as opposed to immediate groundwater monitoring.

23. *What does a producer do if they are unable to protect from the 100 year or 20 year flood inundation?*

The requirement for protection applies to the production area only, not the cropland, and has been in place, in one form or another, for over 20 years. The normal way of protecting the production area is to install a berm around it. If you believe your situation will not allow for installation of a berm, please contact the Regional Board to discuss your specific situation.

QUESTIONS ABOUT WHAT TO SUBMIT TO THE REGIONAL BOARD

24. *Which items listed in Table 1 of the General Order need to be submitted to the Regional Board and which will be kept at the dairy, with just notice to the Regional Board?*

The Existing Conditions Report and Annual Reports need to be submitted to the Regional Board. For the other information, in general, work done for the Waste Management Plan will be submitted to the Regional Board, and work done for the Nutrient Management Plan will be kept at the dairy, but can be requested by the Regional Board at any time. However, plans for retrofitting needed for the NMP and WMP, both interim modifications and retrofitting, must be submitted to the Regional Board, along with updates on the progress of retrofitting and final completion certification for the retrofitting work when it is finished. Read Table 1 carefully, and note if the "Submittal Due" column requires just a "statement of completion" be sent to the Regional Board or if more detailed information is required.

25. *How will you know if a dairy has not actually done work that needs to be done but kept at the dairy? What are the consequences if the work isn't actually done?*

Regional Board staff will be logging in information requested under the General Order to verify that statements of completion, reports, and plans are submitted on time. In addition, staff will be conducting field inspections of dairies and will ask to review information that is kept at the dairy at that time. If information is not submitted on time, the dairy owner/operator is guilty of a misdemeanor and is subject to monetary civil liability in accordance with Section 13268 of the Water Code. If the dairy owner/operator has submitted a statement of completion for an item that has not, in fact, been completed, the individual that signed that statement is guilty of falsifying information, and is guilty of a misdemeanor and subject to monetary civil liability in accordance with Section 13268 of the Water Code. Such violations may also be subject to prosecution by the District Attorney or the Attorney General.

26. *Do I need to mail in the monthly photos I take of my pond as part of my Existing Conditions Report or Annual Report?*

No. Date the photos and keep them together at your dairy with your other records.

- 27. Does the Annual Report requirement for submittal of copies of lab analyses of all discharges (manure, process wastewater, tailwater) mean just analyses of unauthorized discharges or does it also include manure samples required four times per year for nutrient management?**

This requirement applies only to unauthorized discharges, whether to land or surface water. It does not apply to samples collected for nutrient management.

- 28. If I conducted any monitoring more frequently than required in the General Order, or for constituents not required to be tested by the General Order, do I need to report the results of the monitoring to the Regional Board? What if I'm doing major soil sampling because of a crop deficiency or because I agreed to participate in a research project? Do I still need to submit that information? Do I submit it as a table or do I also have to submit the laboratory analysis sheets?**

You need to submit the results of additional monitoring only if the extra monitoring is being conducted at locations that you are already required to monitor under the General Order, and the monitoring is for constituents that you are already required to monitor under the General Order. The General Order does not require reporting of results of monitoring of additional constituents or additional locations. If you do have results of additional monitoring that need to be submitted, be sure to submit all the information required in the General Order, such as sampling dates and detection limits (see page MRP-13, #16), and submit lab sheets if required by the General Order (see page MRP-13, #15).

- 29. Normal reports are the Existing Conditions Report/PDFA due 31 December 2007 and Annual Reports due 1 July of each year. When do I need to submit a special report to the Regional Board?**

A number of special situations trigger reports to the Regional Board:

- A material change in the nature of the waste discharged at the dairy
- A change in facility owner or operator
- Closure of the facility
- An unauthorized discharge from the facility or a noncompliance event that endangers human health or the environment or violates one of the prohibitions listed on MRP-10
- Exceeding groundwater limits or surface water quality objectives or criteria

30. Does the requirement for the APNs and maps for the land application area only apply to lands where manure is currently being applied? What about land that is currently in alfalfa, so manure is not being put on it this year, but which will get manure when a crop other than alfalfa is planted on it?

You need to submit APN and map information for all land where waste has been applied, is being applied, or will be applied in the future. In the Existing Conditions Report (in the screen "California Central Valley Dairy Waste and Nutrient Management Existing Conditions: Application Area Parcels") include APNs for all land application areas where wastes are applied, including land that is not currently receiving waste. When you get to the PDFa (screen "California Central Valley Dairy Waste and Nutrient Management Existing Conditions: Land Area Estimates"), you should include only the "Size of the crop land currently used for manure (lagoon and solids) application." This way, the PDFa will represent the current or existing land areas where wastes are being applied, and the ECR will actually list all land where you have or expect to apply wastes.

Also, note that the technical standards for Nutrient Management require the NMP be updated prior to any anticipated changes that would affect the overall nutrient budget, such as, but not limited to, a crop rotation change, changes in available cropland, etc. You don't need to submit this updated NMP to us unless requested by the Regional Board's Executive Officer.

QUESTIONS ABOUT SAMPLING AND ANALYTICAL METHODS

31. Do all of my samples need to be analyzed by a certified lab?

No. Groundwater (including subsurface [tile] drainage), irrigation water, storm water, and unauthorized discharge samples need to be analyzed by a certified lab. Solid manure, plant tissue, and soil samples do not need to be analyzed by a certified lab, but can be analyzed by an agricultural laboratory. However, note that solid manure testing must be conducted by methods used by the Manure Analyses Proficiency Testing Program or other accepted test, and plant tissue analyses and soil analyses must be conducted by methods used by the North American Proficiency Testing Program or other accepted test. Be sure that whatever lab analyzes your manure, plant, or soil samples uses these methods. Refer to the "Approved Sampling Procedures for Nutrient and Groundwater Monitoring at Existing Milk Cow Dairies" posted on the Regional Board website at http://www.waterboards.ca.gov/centralvalley/water_issues/dairies/sampling_procedures.pdf for more information. Staff is continuing to evaluate appropriate laboratories for testing of wastewater.

32. Can I substitute a lab Electrical Conductivity (EC) test for a field EC test?

No.

33. *How do I sample a well that no longer gets electricity or does not have a pump?*

Identify the well but indicate that it could not be sampled and why.

34. *What test method should be used to test soil for total Phosphorous? What method should be used to analyze general minerals in manure?*

Staff is continuing to research appropriate methods for testing these materials.

ATTACHMENT TO FAQs

CENTRAL VALLEY LANDFILL ANIMAL ACCEPTANCE
Normal operating conditions (i.e. routine, non-emergency)

Landfill	Large animals accepted? (e.g. cattle)	Small animals accepted? (e.g. poultry)	Approximate permitted capacity available for animal mortalities (tons per day)	Landfill Contact Information
Fresno County				
American Ave Disposal Site ¹	No	No	NA	NA
City of Clovis Landfill ²	No	No	NA	NA
Coalinga Disposal Site ³	No	No	NA	NA
Orange Ave Disposal Site	No	No	NA	NA
Kern County				
Bakersfield Metropolitan (Bena) SLF ⁴	Yes	Yes	25	Doug Landon (661) 862-8936
Boron Sanitary Landfill ⁵	Yes	Yes	None	Doug Landon (661) 862-8936
Edwards AFB-Main Base Landfill	Yes	Yes		
McKittrick Waste Treatment Site	No	No	NA	NA
Mojave-Rosamond Sanitary Landfill ⁵	Yes	Yes	None	Doug Landon (661) 862-8936
Ridgecrest-Inyokern Sanitary Landfill ⁵	Yes	Yes	None	Doug Landon (661) 862-8936
Shafter-Wasco Sanitary Landfill ⁴	Yes	Yes	25	Doug Landon (661) 862-8936
Taft Sanitary Landfill ⁵	Yes	Yes	None	Doug Landon (661) 862-8936
Tehachapi Sanitary Landfill ⁵	Yes	Yes	None	Doug Landon (661) 862-8936
Kings County				
Avenal Regional Landfill	No	No	NA	NA
CWMI, KHF (MSW Landfill B-19)	Yes	Yes	200	Bob Henry (559) 386-9711
Madera County				
Fairmead Solid Waste Disposal Site	No	No	NA	NA
Mariposa County				
Mariposa County Sanitary Landfill	Yes	Yes		
Merced County				
Billy Wright Disposal Site	No	Yes	100	Scott Johnston (209) 385-7388
Highway 59 Disposal Site	No	Yes	200	Scott Johnston (209) 385-7388

¹ Accepts occasional small domestic pets only.

² Accepts waste from the City of Clovis only.

³ Privately owned, unlined landfill.

⁴ Accepts single large dead animals. Accepts multiple large dead animals due to special needs. Customer must receive pre-authorization from the landfill.

⁵ Accepts single large dead animals only.

Landfill	Large animals accepted? (e.g. cattle)	Small animals accepted? (e.g. poultry)	Approximate permitted capacity available for animal mortalities (tons per day)	Landfill Contact Information
Sacramento County				
Sacramento County Landfill (Kiefer) ⁶	Yes	Yes		
San Joaquin County				
Foothill Sanitary Landfill	Yes	Yes	10-12	Jess Padilla (209) 887-3969
Forward Landfill, Inc.	No	Yes	150-175	Ruben Ramirez (209) 982-4298
North County Landfill ⁷	No	Yes	8-10	Marcus Davenport (209) 887-3868
Stanislaus County				
Fink Road Landfill ⁸	No	Yes	200-225	Michael Franck (209) 837-4804
Tulare County				
Teapot Dome Disposal Site	No	No	NA	NA
Visalia Disposal Site	No	No	NA	NA
Woodville Disposal Site	No	No	NA	NA

Notes:

- A. It is a good idea to provide advanced notice to the landfill operator even if not required.
- B. For trucks typically used to transport animal carcasses, assume a 20 tons/load payload capacity.

⁶ Accepts dead animals Tuesdays and Thursdays only. Customer must receive pre-authorization from the landfill.

⁷ Accepts dead animals by appointment only. Customer must receive pre-authorization from the landfill.

⁸ Acceptance of large dead animals prohibited unless requested by the County Director of Emergency Services.