



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason Building 201
San Francisco, California 94123

IN REPLY REFER TO:

N36 (GOGA-ER)

April 27, 2016

Laurie Taul
Environmental Scientist
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland CA 94612

Subject: *Tentative Order No. R2-2016-00XX, General Waste Discharge Requirements for Confined Animal Facilities*

Dear Ms. Taul:

Thank you for the opportunity to provide comments on *Tentative Order No. R2-2016-00XX, General Waste Discharge Requirements for Confined Animal Facilities*.

The Golden Gate National Recreation Area encompasses over 80,000 acres of National Park lands within the San Francisco Bay Area and welcomes over 17 million visitors a year. Within these lands are numerous recreational and educational opportunities, managed under a variety of business arrangements. These include several horse boarding facilities that are managed through leases with the facility operators.

We appreciate the effort that the RWQCB is taking to protect and improve water quality in the park, including the recent development of the Water Quality Improvement Plan for San Vicente Creek and this Confined Animal Facility (CAF) Order. Together, both of these will help to address potential contamination from the animal facilities in that watershed.

We are providing the attached review comments for your consideration. Please feel to contact me if you have any questions or if you would like to discuss any of the comments in greater detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Ullensvang". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Brian Ullensvang
Chief, Environmental and Safety Programs Office

Comments on *Tentative Order No. R2-2016-00XX, General Waste Discharge Requirements for Confined Animal Facilities*

Provided by the Golden Gate National Recreation Area
April 27, 2016

1. We request that the language of the order be clarified with respect to the roles of the land owner and facility operator, when these two are not the same organization. We believe that the current draft order does not provide clear direction as to the regulatory intent regarding the compliance responsibilities between the facility operator and land owner. Currently, for most requirements, the discharger is clearly identified as the responsible party; however, there are several places the order refers to the responsible party as the “owner/operator”; and other places where the discharger is defined, such as in both Attachment A and Attachment J, to include both the owner and operator.

We recommend that the discharger be defined as the operator, as they are in the best position to control the facility operations and perform the required pollution control activities, such as daily inspections and plan preparation. To the extent that the RWQCB desires to work with the land owner as a responsible party, the land owner can be engaged in discussions when, or if, the operator fails to meet the requirements as the discharger.

In addition to the changes to the definitions of the discharger, this clarification may require the addition of a new definition to address the role of the non-operator landowner. The proposed NOI form provided in Attachment F currently allows either party (owner or operator) to file without signed acceptance by the other party. This should be revised to better reflect any changes that the RWQCB chooses to make to the definitions of the discharger, operator, and land owner.

2. Some provisions regarding the specific requirements of the discharger are not well defined and greater specificity regarding the requirements may help to avoid confusion and promote compliance. For example, Attachment A describes pre-storm event inspection requirements, but does not identify the criteria to use for determining when a storm event is ‘anticipated’ or even how much rain is needed to determine a storm event. The Construction General Permit for Stormwater identifies very specific criteria to define a storm event and to define the conditions that require a pre-storm event inspection and the timelines and frequencies of such inspections. And while it may not be necessary to be as detailed in this order, some similar criteria could be helpful here.