

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**RENEWAL OF GENERAL CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
NO. R6T-2017-0033**

FOR

**GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED
(BRIDGEPORT VALLEY AND TRIBUTARIES) OF THE LAHONTAN REGION**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Discharger Description

This grazing Waiver is applicable to all private landowners and their operators conducting grazing operations on private lands in the Bridgeport Hydrologic Area (HU No. 630.30), which consists of the East Walker River above Bridgeport Reservoir in the Bridgeport Valley, and the East Walker Tributaries Hydrologic Area (HU No. 630.40), which consists of Clearwater Creek, Virginia Creek, Green Creek, Long Valley Creek, Summers Creek, Swauger Creek, and Robinson Creek. Grazing activities on federal land are not covered by this Waiver. This is the same area previously covered by Resolution Nos R6T-2007-0019 and its update R6T-2012-0041, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," which was adopted by the Water Board on July 11, 2012 (also referred to as the "2012 Waiver").

2. Regulatory Authority

This Waiver is a five year renewal of the 2012 Waiver with some minor modifications. The Water Board's authority to regulate grazing operations comes from California Water Code Section 13260, subdivision (a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, must file with the appropriate Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board. Livestock manure containing fecal coliform and nutrients, and sediment discharges from livestock grazing on private lands are wastes that could affect the quality of the waters of the State.

Water Code Section 13260 allows the Regional Water Boards to waive, pursuant to Water Code Section 13269, the requirements of filing a report of waste discharge and obtaining Waste Discharge Requirements (WDR) if the Regional Board determines that the Waiver is consistent with the applicable water quality control plan (Basin Plan) and is in the public interest (see Finding 20).

Water Code Section 13269 provides that any such Waiver of waste discharge requirements shall be conditional, must be updated every five years, and may be terminated at any time by the Water Board. Water Code Section 13269(a)(3), Waiver monitoring requirements, includes the following provisions:

- a. The Waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. Monitoring requirements shall be designed to support the development and implementation of the Waiver program, including, but not limited to, verifying the adequacy and effectiveness of the Waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.
- c. Monitoring results must be made available to the public.
- d. The Water Board may include as a condition of a Waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). At the time of this hearing, the State Water Board has not established annual fee regulations with respect to grazing operations.
- e. Inspections of management practices related to water quality shall be performed as given in the Monitoring and Reporting Program (MRP), Appendix D, Section 6,

The Basin Plan recommends a sample frequency of five times per month for improved data quality, as log-normalization of more than one value per month attenuates occasional high spikes in fecal coliform concentration common to this statistic, improving the probability of compliance with target fecal coliform concentrations.

However, consistent with Water Code Section 13269(a)(3)(b) above, this Waiver requires a sampling frequency of once per week in 2017, and once per month in subsequent years as detailed in Table 1 of Attachment C, the Monitoring and Reporting Program for this Waiver.

3. Basin Plan

On March 31, 1995, the Water Board adopted a Basin Plan that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Lahontan Region.

The Basin Plan pages 4.9-19 to 4.9-20 section titled "**Regional Board Control Actions for Livestock Grazing**" section states

"In addition to relying on the grazing management expertise of agencies such as the USFS, BLM or RMAC (Range Management Advisory Committee), the Regional Board can directly regulate grazing activities where voluntary implementation of BMPs (Best Management Practices) is deemed by the Regional Board or its Executive Officer to be inadequate to ensure protection of water quality and beneficial uses of water. Actions available to the Regional Board include:

- 1. Require that a Report of Waste Discharge be filed, that an AMP (Allotment Management Plan) be prepared, or that an Individual Rangeland Water Quality Management Plan (RWQMP) or Coordinated Resource Management Plan (CRMP) be adopted within one year of documentation of erosion problems, destruction or major impairment of vegetation, or significant addition of nutrients, pathogens and/or sediments to surface waters or ground waters resulting from grazing or grazing management activities. Such problems indicate impairment of beneficial uses or violation or threatened violation of water quality objectives.*
- 2. Require that all AMPs, RWQMPs and CRMPs contain BMPs necessary to correct existing water quality problems or to protect water quality so as to meet all applicable beneficial uses and water quality objectives contained in Chapters 2 and 3 of this Basin Plan. Corrective measures would have to be implemented within one year of submittal of the AMP, RWQMP or CRMP, except where staged BMPs are appropriate. Implementation of a staged BMP must commence within one year of submittal of the AMP, RWQMP or CRMP.*
- 3. Require that each AMP, RWQMP or CRMP include specific objectives, actions, and monitoring and evaluation procedures. The discussion of actions must establish the seasons of use, number of livestock permitted, grazing system(s) to be used, a schedule for rehabilitation of ranges in unsatisfactory condition, a schedule for initiating range improvements, and a schedule for maintenance of improvements. The schedule for initiating and maintaining range improvements must include priorities and planned completion dates. The discussion of monitoring and evaluation must propose a method and timetable for reporting of livestock forage conditions, watershed condition, and surface and ground water quality.*
- 4. Require that all AMPs and CRMPs be circulated to interested parties, organizations, and public agencies.*
- 5. Consider adoption of waste discharge requirements if an AMP, RWQMP or CRMP is not prepared or if the Executive Officer and the landowner do not agree on BMPs proposed in an AMP, RWQMP or CRMP.*
- 6. Decide that AMPs, RWQMPs and CRMPs prepared to address a documented watershed or water quality problem may be accepted by the Regional Board's Executive Officer in lieu of adoption of Waste Discharge Requirements.*

7. *Oversee monitoring of water quality variables and beneficial uses. Provide data interpretation.*"

The items discussed in Finding No. 3 above are required to be addressed in the RWQMP required of each grazing operation under this Waiver.

4. Nonpoint Source Implementation and Enforcement Policy

- a. Grazing activities can adversely impact water quality and impair beneficial uses by contributing excessive sediment, nutrients and pathogens. These nonpoint source discharges from agricultural grazing operations within the Lahontan Region are considered to be discharges of waste that could affect the quality of waters of the State, as defined in Section 13260 of the California Water Code. The State Water Resources Control Board, May 20, 2004, *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy)* requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDRs), Waivers to WDRs, or prohibitions, or some combination of these administrative tools (NPS Policy, p. 3).
- b. The NPS Policy encourages the Water Board "to be as creative and efficient as possible in devising approaches to prevent or control NPS pollution." This includes supporting the development of third-party programs, including coalitions of Dischargers, such as the Bridgeport Rancher's Organization (BRO). BRO members have been active in volunteer monitoring of surface water quality and assessment of management practice effectiveness in the Bridgeport Valley since April of 2006, with assistance provided by University of California Cooperative Extension (UCCE) staff and input from Water Board staff.
- c. The NPS Policy requires that Waiver enrollees prepare and execute a nonpoint source pollution control implementation program that does the following:
 - 1) States the purpose of the program such that nonpoint source pollution is addressed in a manner that ultimately achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
 - 2) Includes a narrative of the management practices and other program elements that are expected to be implemented to ensure attainment of the nonpoint source pollution control implementation program's stated purpose(s), the process to be used to select or develop management practices, and the process to be used to ensure and verify proper implementation of management practices.
 - 3) Includes a time schedule to achieve water quality objectives, and corresponding quantifiable milestones designed to measure progress

toward reaching the specified objectives. CWC Sections 13242 (b) and 13263 (c) and the NPS Policy recognize that there are instances where it will take time to achieve water quality objectives. The effort may involve all or some of various processes, including: identification of measurable long-term and interim water quality goals; a timeline for achieving these goals; identification and implementation of pollution control management practices; provision(s) for maintenance of the implementation actions; provision(s) for additional actions if initial actions are inadequate; and, in the case of third-party organizations, identification of a responsible third party to lead the efforts.

- d. Consistent with the NPS Policy, this Waiver of WDRs requires a nonpoint source pollution control implementation program in the form of prescribed management practices, or a RWQMP. Further, this Waiver establishes a time schedule to achieve the interim fecal coliform concentrations and for the Water Board to commence the review and appropriately revise the Basin Plan coliform bacteria objective.

5. Bacteria Water Quality Objective

The Water Board has set the Region-wide water quality objective for fecal indicator bacteria at 20 colonies per 100 ml, which is more stringent than the Federal *E.coli* standard and any other Region in California. The Water Board set these objectives in recognition of the generally high quality waters of the region, and the importance of protecting surface waters for water recreation uses.

The State Water Board is currently pursuing a project to amend Statewide bacteria objectives to protect recreational uses and have proposed a Statewide bacteria *E.coli* water quality objective which is currently undergoing the public review process. The Water Board will amend the Waiver to accommodate the Statewide *E. coli* standard, once it is adopted and amended into the Lahontan Basin Plan or supersedes the current fecal coliform water quality objective. In response to this regulatory uncertainty, a cross-walk correlation of fecal coliform and *E. coli* is to be developed by monitoring both fecal coliform and *E. coli* for the duration of the five-year Waiver.

6. Summary of Discharger Activity:

Enrollees have been engaged in an adaptive process, in accordance with requirements of the 2012 Waiver, of implementing grazing management practices and evaluating their effectiveness in controlling fecal coliform non-point source pollution from grazing activities. This adaptive process has resulted in evaluation of a number of management practices, including exclusion fencing, vegetated buffer strips, hardened livestock crossings, improved irrigation control structures, coordination of irrigation events and livestock rotation, and irrigation efficiency improvements on a site-by-site basis.

In addition, the BRO is actively engaged in an ongoing stakeholder process to develop plans for a watershed-based approach to grazing management practice implementation (see finding 8).

7. Existing Water Quality Impairments

Several water bodies within the Bridgeport Hydrologic Area and the Bridgeport Valley and the East Walker Tributaries Hydrologic Area are listed as water quality impaired for pathogens under Section 303(d) of the federal Clean Water Act. These water bodies include: Buckeye Creek, East Walker River above Bridgeport Reservoir, Robinson Creek, and Swauger Creek. These water bodies were placed on the 303(d) impaired water body list in 2001 based on water quality data that showed fecal coliform concentrations above the water quality objectives in these streams.

8. Rationale for Changes to the 2012 Waiver

The grazing Waiver approach establishes a framework of cooperative interaction between BRO members and Water Board staff that results in ongoing identification of effective grazing management practices and implementation of these improved grazing Management Practices. The grazing Waiver requires management practice implementation resulting in water quality improvements to proceed according to the schedule for management practice implementation and maintenance in Water Board-approved RWQMP consistent with Basin Plan Section 4.9 "*Regional Board Control Actions for Livestock Grazing.*"

At a May 17, 2016 meeting in Bridgeport with Lahontan Water Board staff, BRO members initiated efforts to explore use of a watershed approach to grazing management practice implementation rather than the individual ranch by ranch implementation approach to help improve efficiencies of implemented management practices in reducing bacteria concentrations in local surface waters. There have been four meetings of the BRO, Water Board staff, and other Bridgeport Valley Stakeholders with the purpose of developing plans for the implementation of a Bridgeport Valley watershed approach to grazing management practice implementation to achieve compliance with water quality objectives in local 303(d)-listed waters. The status of these efforts was discussed as an information item during the March 9, 2017 Water Board meeting.

Since the mid-1800's, the ranchers have coordinated water transfers within the Bridgeport Valley and have flood irrigated the pastures. The BRO members are currently irrigating under the conditions of the Walker River Decree. The BRO, as one organization, could collectively coordinate water quality improvement practices and grazing management within the Bridgeport Valley to minimize concentrations of coliform bacteria in surface waters flowing through multiple ranches, particularly during key summer and fall irrigation-related events.

The BRO is proposing construction of bottom-of-valley shared water quality improvement practices, essentially to improve water quality before release to

Bridgeport Reservoir. The BRO has done a preliminary field site assessment on lands near the reservoir, possibly on Walker River Irrigation District (WRID) property. This project is being developed with assistance from UC Davis Cooperative Extension and with the cooperation of WRID. The Natural Resource Conservation Service (NRCS) has also been invited to lend their expertise to this project, as they already have a number of five-year agreements with BRO ranchers for livestock grazing practice improvements.

The monitoring plan in this Waiver (Attachment C) has been refined to more effectively characterize compliance with water quality objectives at bottom-of-the-valley sites during the critical mid-summer months.

9. Maintenance of High Quality Waters in California

State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") finds:

"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste ...and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

This Waiver is addressing an existing discharge, and involves minimum change in use beyond that previously existing. Compliance with the terms of this Waiver should result in an improvement in water quality. Any degradation to water quality as a result of the renewal is not anticipated. If degradation of high quality waters was to occur, this Order is consistent with Resolution 68-16 because it requires implementation of Management Practices in an adaptive manner to arrive at the best practicable treatment or control of the discharge, to protect beneficial uses, and to attain the highest water quality possible. This Order requires compliance with an interim water quality target and Basin Plan water quality objectives in accordance with a time schedule. Further, this Order, in allowing for existing operators to continue in business and apply management practices in an adaptive manner to achieve improvements to water quality, is consistent with the maximum benefit to the people of the state. This Order requires Dischargers to implement additional grazing Management Practices to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the State.

Streams and rivers entering the Bridgeport Valley are high quality waters, arising directly from snowmelt or groundwater base flow from infiltrated direct precipitation. The Monitoring and Reporting Program (Attachment C of this Order) requires surface water quality monitoring and visual inspection of management practices which ensures that Best Management Treatment or Control is effective, water quality objectives will not be exceeded, and confirms that water quality will be maintained at a level that is protective of beneficial uses.

10. Receiving Water Beneficial Uses

Pursuant to the Basin Plan and State Board Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the activity include:

- a. Agricultural Supply (AGR)
- b. Cold Freshwater Habitat (COLD)
- c. Commercial and Sportfishing (COMM)
- d. Freshwater Replenishment (FRSH)
- e. Ground Water Recharge (GWR)
- f. Municipal and Domestic Supply (MUN)
- g. Water Contact Recreation (REC-1)
- h. Non-contact Water Recreation (REC-2)
- i. Spawning, Reproduction, and Development (SPWN)
- j. Wildlife Habitat (WILD)

11. California Environmental Quality Act

The Water Board is the lead agency for this project under the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.). Pursuant to Title 14, California Code of Regulations, section 15164(b) of the CEQA Guidelines, the Lahontan Water Board has prepared an Addendum (Attachment A) to its Negative Declaration, certified on June 13, 2007 in support of the 2007 Grazing Waiver. This 2017 addendum summarizes the changes to the Project as part of the second renewal of the 2007 Grazing Waiver.

Since June 13, 2007, there has been no expansion of the operations or the area covered by this Waiver. An addendum to the 2007 negative declaration was prepared for the 2012 and 2017 Waiver updates, pursuant to 14 CCR § 15164 to support the decision that a subsequent negative declaration was not necessary for the following reasons:

- (1) There have been no substantial changes in the projects covered by this Waiver that would result in new significant environmental effects or increases in the severity of previously identified significant effects;

- (2) There have been no changes with respect to the circumstances under which the projects are undertaken, which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (3) There has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted.

The addendum is provided in Attachment A.

12. Grazing Waiver Strategy

The Water Board is engaged in a collaborative stakeholder process with ranchers and other interested parties in the Bridgeport Valley with the purpose of a coordinated strategy to improved water quality in Bridgeport Valley surface waters and ultimately, in downstream Bridgeport Reservoir. Continuation of the grazing Waiver is the most appropriate regulatory option for facilitation of this cooperative process.

13. Grazing Operation Definition

The term "grazing operation" is defined as a facility where animals are fed or maintained on irrigated vegetation or rangeland forage for a total of 45 days or more in any 12 month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season.

14. Federal Lands

Activities on federal lands adjacent to or upstream of the Bridgeport Hydrologic Area as described in Finding 1 are not subject to this Waiver. Water Board staff will review US Forest Service (USFS) allotment management plans and the Water Board will use its regulatory authority to ensure activities on federal lands meet State water quality requirements.

15. Compliance Schedule

Consistent with Basin Plan Chapter 4 "*Regional Board Control Actions for Livestock Grazing*" (Finding 3), this Waiver requires Dischargers to develop a schedule for management practice implementation in their RWQMP that continues to reduce fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml). By 2028 dischargers are to comply with the State-wide or Basin Plan indicator bacteria water quality objectives in effect at that time.

If, at any time, the Water Board determines that enrollees do not make sufficient progress towards compliance with the interim bacteria water quality target, coverage under this Waiver may be revoked, and WDRs or enforcement action may be pursued.

16. Intent to Issue Renewed Waiver

California Water Code Section 13269 allows Water Boards to waive submission of Reports of Waste Discharge (ROWDs) and/or issuance of Waste Discharge Requirements (WDRs) if it finds that the Waiver is consistent with the Basin Plan and is in the public interest. The Water Board adopted Resolution No R6T-2012-0041, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," on June 13, 2012. This is a renewal of that Waiver with some minor modifications.

17. Public Notification and Meeting

The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to issue a renewed Waiver of Waste Discharge Requirements. The Water Board conducted a public hearing on July 12-13, 2017 in Bishop, California, and considered all testimony and evidence concerning this matter.

18. Monitoring Reports

Technical and monitoring reports specified in this Waiver are required. (Wat. Code, § 13267.) Failing to furnish the reports by the due date or falsifying information in the reports, are misdemeanors that may result in assessment of civil liabilities against the Discharger. Water Code section 13267 states, in part:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

The technical reports required by this Waiver and the MRP are necessary to assure compliance with this Waiver. The burden and cost of preparing the reports is reasonable and consistent with the interest of the state in maintaining water quality.

The Dischargers operate facilities that discharge waste subject to this Waiver. The wastes contain fecal coliform bacteria and discharges cause or contribute to exceedances of the Basin Plan water quality objective for fecal coliform bacteria. Therefore, the monitoring reports required by this Waiver and the Monitoring and Reporting Program are necessary to assure compliance and track grazing management practice implementation type, extent, and effectiveness.

19. Consideration of Water Code Section 13241 Factors

Water Code, section 13263 requires that the Water Board, when prescribing requirements, take into consideration six specific factors in Water Code, section 13241:

- a. Past, Present, and Probable Future Beneficial Uses of Water - The receiving waters are the surface waters of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area as described in Findings 1 and 10. The beneficial uses designated for these waters are described in Finding No. 10. The primary historic, present, and probable further beneficial use is Agricultural Supply (AGR) for irrigated pastures. Conditions of this Waiver require compliance with Basin Plan water quality objectives which protect the most sensitive beneficial uses: Water Contact Recreation (REC-1) or Municipal and Domestic Supply (MUN).
- b. Environmental Characteristics of the Hydrographic Unit under Consideration, Including the Quality of Water Available Thereto - Characteristics of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area are described in Finding No. 1 and 10.
- c. Water Quality Conditions that Could Reasonably Be Achieved Through the Coordinated Control of All Factors. Which Affect Water Quality in the Area - This Waiver requires implementation of management practices to attain the highest water quality reasonably achievable.
- d. Economic Considerations - This Order encourages Dischargers under the grazing Waiver to implement management practices with the potentially highest impact in achieving water quality improvements over the next five years through adaptive planning and implementation of management practices to meet water quality objectives. Upgrading the Discharger's Facility by implementation of management practices with their associated costs is at the discretion of the Discharger, but is subject to review by Water Board staff to assess consistency with the Basin Plan (Finding 3) and with the NPS policy (Finding 4). This Waiver further gives a long timeline for Dischargers to implement management practices and meet water quality objectives (2028), allowing the costs of implementation to be spread in a manner that is economically achievable.
- e. The Need for Developing Housing in the Region - Not applicable.

- f. The Need to Develop and Use Recycled Water - Not applicable for municipal supply, though tail water recycling is a desirable grazing MP to conserve water and improve water quality.

20. Public Interest

Water Code section 13269 requires that the Water Board determine that any Waiver of waste discharge requirements is in the public interest. The Water Board has considered all the comments of the public and finds that this Order waiving waste discharge requirements for dischargers of waste from irrigated lands is in the public interest as further described. The Water Board has many options to regulate discharges of waste, including through individual and general waste discharge requirements, prohibitions in the Basin Plan, and individual and general conditional Waivers of waste discharge requirements.

The Lahontan Water Board finds that allowing the use of a Coalition Group, such as the Bridgeport Rancher's Organization (BRO) is consistent with Agricultural Waivers of the Central Valley Water Board and Central Coast Water Board and the use of the BRO Coalition Group will continue to be a reasonable manner of regulation, as it has since the adoption of the first Bridgeport Grazing Waiver in 2007. The adoption of this Conditional Waiver is also in the public interest because: 1) it was adopted in compliance with Water Code Sections 13260, 13263, and 13269 and other applicable law; 2) it requires compliance prevent pollution and nuisance and protect the beneficial uses of the waters of the State; and 3) it provides reasonable flexibility for the Dischargers who seek coverage under the Conditional Waiver by providing them with the option of complying with the Water Code through participation in the BRO Coalition Groups.

THEREFORE:

IT IS HEREBY ORDERED that pursuant to Water Code sections 13263, subdivision (a), 13267, and 13269, the Regional Water Board waives the requirement to establish waste discharge requirements for grazing operations in the Bridgeport Valley and the East Walker Hydrologic Area pursuant to the following conditions:

1. Eligibility for Coverage

Operators of grazing lands that meet all of the following are eligible for coverage under this Waiver:

- a. Grazing operations are in existence as of April 11, 2017;
- b. Each Grazing operation or ranch (Discharger) shall submit a complete Grazing Waiver Application (Attachment B) by **September 12, 2017**.

2. Inventory and Plan

By September 12, 2017, each enrolled Discharger is required to submit a RWQMP to the Regional Water Board Executive Officer. Consistent with the "**Regional Board**

Control Actions for Livestock Grazing” as detailed in Basin Plan, Chapter 4.9 (Finding 3 of this Waiver), the RWQMP must address objectives, actions, and monitoring and evaluation. The RWQMP must establish:

- The seasons of use,
- Type of livestock consistent with the grazing Waiver application,
- Grazing system to be used,
- A schedule for rehabilitation of water body reaches impaired for fecal coliform,
- A schedule for implementing range management practices, structural and irrigation improvements, and
- A schedule for maintenance of range management practices, structural and irrigation improvements.

The Discharger will include a schedule to implement management practices in their RWQMP that (1) reduces fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml) or the State-wide *E. coli* standard, whichever is applicable, by 2022, and (2) attains the highest water quality reasonably achievable. The schedule for installing and maintaining range and watershed improvements must include a description and rationale of priorities and planned completion dates.

Monitoring shall be conducted as described in the monitoring and reporting program, Attachment C.

The RWQMP must contain:

- a. A scaled facility map including, as applicable: property perimeter, buildings, roads, fences, land use designations (crops, grazed areas, woodlands, paddocks, irrigation control structures, confined areas, feeding areas, water troughs, exclusion areas both permanent and seasonal etc.), topography, creeks, and livestock crossings.
- b. Objectives, including improvements in practices to reduce, and/or maintain fecal coliform concentrations in local surface waters so that the RWQMP achieves the interim water quality goal of 200 fecal coliform/100 mL or the State-wide *E. coli* standard, whichever is applicable, by the end of this Waiver and attains the highest water quality reasonably achievable.
- c. A description of all management practices currently implemented within the ranch facility and an implementation schedule for future Management Practices. In selecting which management practices to use at each pasture, the Discharger must take into consideration existing water quality, vegetation, terrain, type of livestock and general facility operation procedures. A list of possible management practices may be found in the NRCS Technical Guide. Commonly-used management practices include items i through viii, below.
 - i. Reducing to the maximum extent practicable, potential delivery of pathogens (using fecal coliform indicator bacteria as a surrogate) from ranching lands to surface waters by control of animal access to surface

waters, placement of animal crossings to minimize potential pathogen runoff into surface waters, and development of vegetative filter strip buffers to treat sheet flow runoff.

- ii. Implementing newly selected water quality management practices (e.g. buffer strips, fences) at all identified points of discharge.
 - iii. Implementing grazing management structural improvements.
 - iv. Implementing changes in livestock management methods (e.g. herding, riparian rotation).
 - v. Implementing erosion control and prevention actions along ranch roads.
 - vi. Implementing actions to avoid or reduce management-related increases in erosion of unstable areas.
 - vii. Implementing manure management and disposal operations to prevent runoff containing wastes from entering surface waters, if applicable.
 - viii. Improved irrigation practices.
- d. A plan for Discharger inspections and reporting to demonstrate that proposed management practices are being implemented.

3. Implementation

The Discharger must implement the RWQMP as accepted by the Water Board beginning upon acceptance of the RWQMP by Water Board staff. The Discharger must have a copy of the RWQMP at the ranch office. The Discharger must modify the RWQMP where necessary to achieve improved water quality (specifically achieving the 200 cfu/100 mL interim target), and annually report on the implementation of the RWQMP by **March 15** of the following year.

4. Compliance Reporting

All Dischargers must conduct visual inspections and submit annual reports in accordance with Attachment C, Monitoring and Reporting Program No. R6T-2017-0033. By **March 15, 2022**, the Discharger must submit a report demonstrating fecal coliform concentrations downstream of operations is meeting the interim water quality target of 200 fecal coliform/100 mL or provide substantiation that all feasible management practices have been implemented and that no further improvement in water quality is possible.

5. General Waiver Conditions

- a. The Discharger must implement measures identified in the RWQMP and make annual management practice adaptive management adjustments to the RWQMP to reduce fecal coliform indicator bacteria concentrations in surface waters to achieve the 30-day log mean 200 cfu/100 mL interim target.

In accordance with the time schedule developed in the RWQMPs, the following conditions apply:

- i. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in California Water Code Section 13050.
 - ii. The Discharger must comply with all requirements of The Lahontan Water Quality Control Plan.
 - iii. The Discharger shall not cause or contribute to exceedances of any regional, state, or federal numeric or narrative water quality standard. The water quality fecal coliform interim target is a 30-day log mean concentration of 200 cfu/100 mL covering the term of this Waiver (2017 through 2022).
 - iv. This Conditional Waiver does not authorize the discharge of any waste not specifically regulated under this Waiver. Waste specifically regulated under this Waiver includes: livestock wastes and fecal coliform bacteria. Examples of wastes not specifically regulated under this Waiver include hazardous materials and human wastes.
 - v. Groundwater influenced by irrigation activities and livestock management shall be of such quality so as to assure protection of all actual or designated beneficial uses.
- b. Water Board Inspections – Pursuant to Water Code section 13267(c), which states:

“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”

The Lahontan Water Board staff or its authorized representatives may investigate the property of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Discharger is complying with the conditions of this Order. For purposes of this Order, the following two conditions apply:

- i. The term "possessor" is understood to include lessees and/or operators when the owner is absentee and not involved actively in the grazing operation.
- ii. Enrollees under the Waiver shall allow Regional Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with this Order. If entry or consent to access to property is unreasonably withheld, the Executive Officer may terminate the applicability of the Order and a Report of Waste Discharge shall be submitted to the Regional Water Board pursuant to Water Code section 13260. Unauthorized discharges may result in enforcement action pursuant to Water Code section 13261.

6. Water Quality Monitoring

Pursuant to water code Section 13267 and 13269, water quality monitoring and reporting of wastes discharged must be performed on a site specific or watershed basis. The Discharger may do so individually, or in cooperation with other similar Dischargers in the watershed with acceptance from the Water Board Executive Officer, in accordance with Attachment C – Monitoring and Reporting Plan for East Walker River Watershed.

7. Termination Procedures

- a. In the event of closure or change in land use of the Discharger's facility, the Discharger shall notify the Water Board, in writing.
- b. In the event of any change in operation control, or ownership of land or waste discharge facilities, the Discharger shall immediately notify any succeeding Discharger of its responsibility to comply with this Waiver. A copy of such notice shall be submitted to the Water Board in order for the original Discharger to be relieved of its responsibility to comply with this Waiver. In order to continue the discharge pursuant to this Waiver, the succeeding Discharger must submit a completed Notice of Intent (NOI), a grazing Waiver application and a RWQMP to the Water Board within 21 days of receipt of such change, and receive approval by the Water Board Executive Officer.

8. Failure to Comply with Terms and Conditions of this Waiver

Dischargers who fail to comply with the terms and conditions of this Waiver shall be subject to appropriate enforcement action. Discharges that could affect the quality of the waters of the State may commence only in accordance with Water Code Section 13264(a). The Water Board Executive Officer reserves the right to terminate individual's coverage under the Waiver and the Water Board can impose individual Waste Discharge Requirements after proper notice and hearing (Water Code Section 13263).

9. **This Waiver expires July 13, 2022.**

I, Patricia Z Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Waiver adopted by the California Regional Water Quality Control Board, Lahontan Region, on **July 13, 2017**.



PATRICIA Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

- Attachments:
- A. CEQA Addendum
 - B. Grazing Waiver Application
 - C. Monitoring and Reporting Program

Attachment A: CEQA Addendum

Pursuant to Title 14, California Code of Regulations, section 15164(b) of the CEQA Guidelines, the Lahontan Water Board has prepared this addendum to its Negative Declaration, certified on June 13, 2007 in support of the 2007 Grazing Waiver. This 2017 addendum summarizes the proposed changes to the Project as part of the second renewal of the 2007 Grazing Waiver, as follows:

- 1) Three changes of ownership with a resultant change of livestock management: Park Livestock, LDP Ranch Trust, and Strosnider Ranch properties were acquired by Centennial Ranches and will be covered under their Waiver.
- 2) Two ranches were determined to not meet the criteria of a grazing operation as defined in the Waiver: Sario Ranch and Sierra Land and Sheep Co. do not graze livestock over a long enough duration to qualify as a grazing operation and their impact is minimal.
- 3) Minor changes to the Monitoring and Reporting Program to provide optimized water quality monitoring data better suited for the adaptive stakeholder process towards development of a watershed approach to grazing management practice implementation.

Based on the information in the record and the changes summarized in this Addendum, the Water Board finds that none of the circumstances set forth in Public Resources Code section 21166 or CEQA Guidelines section 15162, subdivision (a) requiring the preparation of a subsequent MND are present for this Project. Specifically, the Water Board finds (i) no substantial changes are proposed in the Project that will require major revisions to the previous CEQA analyses done by the Water Board in 2007 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken that will require major revisions to the previous CEQA analyses due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the CEQA analyses were adopted, that shows new significant effects, substantially more severe significant effects, or additional feasible mitigation measures. Therefore, the Water Board finds that this Addendum is appropriate to address the minor changes associated with the renewal of the 2007 and updated 2012 Grazing Waivers.

SECTION IV. ADDRESS FOR CORRESPONDENCE

Send Correspondence to : Facility Operator Mailing Address (Section I) Owner Mailing Address (Section II)

SECTION V. RECEIVING WATER INFORMATION

Does your facility's storm water flow directly and/or eventually into waters of the State such as a stream, river, lake, irrigation flows, etc? _____ Yes _____ No

If yes, name the receiving waterbodies: _____

SECTION VI. IMPLEMENTATION OF WAIVER CONDITIONS

CONDITIONS OF WAIVER FOR DISCHARGES FROM GRAZING LANDS
(check if true)
 Facility is currently operating in compliance with Conditions of Waiver for Discharges from Grazing Lands

SECTION VII. Rangeland Water Quality Management Plan (RWQMP)

(check if true)
 A Ranch Water Quality Plan is maintained at ranch offices.

I have enclosed a RWQP YES I have previously submitted a RWQP YES DATE: _____

SECTION VIII. OWNER NOTIFICATION

If the OPERATOR is not the owner of the facility, the OPERATOR must certify that the owner of the facility has been notified of this waiver and its requirements.
Discharger's Printed Name: _____ Signature: _____
Title: _____ Date: _____

SECTION VII. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the waiver, including the implementation of a Ranch Water Quality Plan, will be complied with."

Printed Name: _____ Signature: _____
Title: _____ Date: _____

ORDER NO. R6T-2017-0033

MONITORING AND REPORTING PROGRAM
FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

DISCHARGES RELATED TO GRAZING ACTIVITIES IN THE
EAST WALKER RIVER WATERSHED (BRIDGEPORT VALLEY AND TRIBUTARIES)

I. Surface Water Sampling and Analysis

Sampling for Water Quality Constituents in the East Walker River Watershed, comprising the Bridgeport Valley and its tributaries, will be performed cooperatively by members of the Bridgeport Rancher's Organization (BRO), following the plan developed by the BRO, University of California Cooperative Extension (UCCE) staff, and Water Board staff.

1. Objectives of Surface Water Monitoring

Waiver enrollees shall conduct water quality sampling during critical summer months at bottom of the valley point-of-compliance monitoring sites for assessment of effectiveness of watershed approach cooperative grazing management practice implementation.

2. Surface Water Sites

Sample collection sites have been selected to monitor point-of-compliance sites at the bottom of the Bridgeport Valley. These are BRO historic monitoring sites 8 (Buckeye Creek at confluence with Bridgeport Reservoir; BRO 10 (Robinson Creek at confluence with Bridgeport Reservoir); and BRO 11 (East Walker River immediately above the town of Bridgeport).

3. Sample Collection Season, Frequency, and Type

The Monitoring Schedule for grazing seasons 2017 through 2021 is given in Table 1.

Table 1: Five-year sampling schedule for the Bridgeport grazing Waiver

Year ¹	Months Sampled	Frequency of Samples	Sites Sampled ²	Laboratory Determinations ^{3, 4}
2017	Jul – Aug	1 per week	BRO 8, 10, 11	fecal coliform and generic <i>E. coli</i> concentrations
2018	Jul – Aug	1 per month	BRO 8, 10, 11	<i>E. coli</i> and/or fecal coliform and generic <i>E. coli</i> concentrations
2019	Jul – Aug	1 per month	BRO 8, 10, 11	generic <i>E. coli</i> and/or fecal coliform and concentrations
2020	Jul – Aug	1 per month	BRO 8, 10, 11	generic <i>E. coli</i> and/or fecal coliform and concentrations
2021	Jul – Aug	1 per month	BRO 8, 10, 11	generic <i>E. coli</i> and/or fecal coliform and concentrations

4. Water Sample Collection

Sample collections will be conducted by members of the BRO, or by their designee, at sample sites located on or near their property. All participants shall be trained in sample collection (e.g., sub-sampling, bottle labeling, sample handling) to assure consistency and data quality. Note that additional water quality parameter analysis may be performed by BRO at their discretion in cooperation with UCCE. This is encouraged, but only fecal coliform and/or *E.coli* is required under this waiver of WDRs.

-
- ¹ During 2017, weekly samples will be collected and processed as part of a microbial source identification study conducted by Drs. Tate and Atwill, UC Davis. Laboratory selection following that will depend upon annual resources, but consistent laboratory determination methodology will be used across years.
- ² Compliance sample locations below irrigated pasture and livestock management will be the focus for this waiver period. BRO 8 = Buckeye Creek at confluence with Bridgeport Reservoir, BRO 10 = Robinson Creek at confluence with Bridgeport Reservoir, and BRO 11 = East Walker River immediately above the town of Bridgeport. These sites represent points at which contact recreation beneficial uses occur, where FIB standards should be met, and have a consistent set of baseline data collected between 2006 and 2016 to serve as a reference for change over the span of this pending waiver period.
- ³ Fecal coliform and generic *E. coli* concentrations will be determined by direct membrane filtration (0.45 µm) and incubation on selective agars (SM 9222). Generic *E. coli* determinations previously conducted at these locations in Bridgeport Valley (2006 through 2016) have been based upon a commercially available selective agar (CHROMagar). This agar will be used in 2017, and compared with other agars approved by USEPA. Selection of generic *E. coli* agar for subsequent years will be determined based upon these comparisons, and guidance from the CA SWRCB.
- ⁴ Laboratory determinations for fecal coliform will be dropped starting in 2019, in anticipation of the formal adoption of a generic *E. coli* standard by CA SWRCB and LRWQCB by that time. Monitoring parameters may be adjusted to require only *E. coli*, pending action by the State Water Board.

Sample collection dates will be established in coordination between BRO and the analytical laboratories. Samples from all sites will be collected in the early morning on the same day, brought to a central collection point, and the one complete set of samples will be transported to a local laboratory for fecal coliform analysis as soon as possible following collection (same day). Sampling dates may be rescheduled to avoid sampling during heavy precipitation events.

Water sample collection will occur at a flowing, well mixed transect at each sample site. Water samples will be collected into 125 mL sterile plastic bottle for indicator bacteria analysis. All samples will immediately be placed on ice. The sample will be transported to a local laboratory for fecal coliform concentration analysis.

5. Analytical Determination of Fecal Coliform and *E. coli*

For the 2017 monitoring season only, samples will be processed by UC Davis Cooperative Extension, analytical protocol of Tate, 2010⁵ will be used. Fecal Coliform will be determined by Standard Method 9222D and *E. coli* will be determined using CHROMagar selective media or other US EPA-approved method given in 40CFR 136.3, Table IH. The CHROMagar *E. coli* method is not listed in 40CFR 136.3, Table IH. In the interest of having consistency of data for indicator bacteria *E. coli* in the Bridgeport Valley, UC Davis Cooperative Extension will develop a crosswalk comparison with fecal coliform and another USEPA-approved *E. coli* method.

Fecal coliform and *E. coli* concentrations will be determined by direct membrane filtration (0.45 µm) and incubation on a selective agar (SM 9222) or equivalent. If a commercial laboratory is utilized, fecal coliform and *E. coli* analyses will be performed at a laboratory certified in bacteriological analysis by the California Department of Public Health (CDPH), Environmental Laboratory Assessment Program (ELAP) within the prescribed holding times of eight hours total (typically six hours from sampling till laboratory receipt of samples to allow adequate time for processing, 40CFR 136.3 Table II).

6. Inspections

At a minimum, all the individual Dischargers must conduct visual inspections during the grazing season to verify that chosen management practices are being implemented, and the Grazing Conditions for Waiver, are being met. The Discharger shall:

- a. Visually inspect the closest receiving water, upstream and downstream of each pasture, to note any change in water quality resulting from facility operations. This inspection is needed to determine the effectiveness of the

⁵ Tate, K. 2010. Comparison of *E. coli* and Fecal Coliform Concentrations in Natural Waters of the LRWQCB: Final Report, University of California Davis, SWRCB Agreement No. 08-076-160.

management practices implemented at the ranch facility. Examples of changes in visual characteristics in water that may be indicative of the effects of grazing and/or grazing management practices include, but are not limited to: color, turbidity, floating material, algae concentration, bank stability, etc.

- b. Inspect facilities and management practices at the beginning of the grazing season and at least bimonthly during the grazing season. Any problems noted should be documented and corrected as soon as practicable.
- c. Problems noted, corrective actions taken, and any recommendations for improvements in management practices are to be reported in the annual report.

II. Reporting Requirements

(1) Annual Reports:

- (a) All water quality monitoring data collected during the prior sampling season will be summarized and reported to the Water Board by **March 15** of each year, beginning no later than March 15, 2018. This will, at a minimum, include fecal coliform data, copies of lab results, chain of custody forms, and quality assurance/quality control documentation.

(2) Annual Rangeland Water Quality Management Plan Update

- (a) Annual Rangeland Water Quality Management Plan (RWQMP) updates must be submitted by **March 15** of each year, beginning March 15, 2018.
- (b) Information provided in the Annual RWQMP shall include at a minimum:
 - (i) Attachment 1, Grazing Management Practice Implementation Annual Report. Include photographic documentation of all physical structures installed, if any, and a scaled site map showing the approximate location of each structure.
 - (ii) Problems encountered during monitoring or implementation, if any.
 - (iii) Management practices which may include irrigation improvements or animal management improvements considered for implementation next season.

7. General Provisions

The Discharger shall comply with the applicable "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program (Attachment 2).

II. Compliance Reporting

1. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate potential sources of pathogens.
2. By March 15 each year beginning March 15, 2018, the Discharger must submit an annual certification to the Water Board that its facility is in compliance with the Rangeland Water Quality Management Plan as verified by records of inspections above. This can be done on the Grazing Management Practice Implementation Annual Report (Attachment 1).

Ordered by:


PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Dated:

July 13, 2017

Attachments:

1. Annual Management Practice Reporting Forms
2. General Provisions for Monitoring and Reporting

Attachment 1 – Grazing Management Practice Implementation Annual Report for Grazing Season Year _____

Parcel/Ranch Location: _____

Owner/Operator/Authorized Agent: _____ / _____ / _____

Date Form Completed: _____ Form Completed By: _____

This form is to be submitted annually with the Ranch Water Quality Management Plan (RWQMP).

GRAZING OPERATIONS

1. Operation type (during last grazing season):

- Cattle
- Horse
- Sheep
- Goat
- Other (list below) _____

2. Did livestock have access to surface water during last grazing season? yes no

3. Were pastures irrigated after grazing? yes no

Approximately how many days were there (on average) between the end of grazing and the beginning of irrigation? _____ days.

4. Were livestock brought back onto the pastures after irrigation? yes no

Approximately how many days after irrigation (on average) were livestock brought back onto the pastures? _____ days.

IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES (Minimum 2017 through 2021 seasons)

(Please check all that apply. Include month/year and estimated cost where applicable)

ACTIVITY	MONTH/YEAR	COST \$	ACTIVITY	MONTH/YEAR	COST \$
<input type="checkbox"/> Rotation	_____	_____	<input type="checkbox"/> Increased Herding	_____	_____
<input type="checkbox"/> Exclusion	_____	_____	<input type="checkbox"/> Limited Pasture	_____	_____
<input type="checkbox"/> Salt Placement	_____	_____	<input type="checkbox"/> Stream Crossings	_____	_____
<input type="checkbox"/> Restoration	_____	_____	<input type="checkbox"/> Off-Stream Watering	_____	_____
<input type="checkbox"/> Improved Fencing Linear feet: _____	_____	_____	<input type="checkbox"/> Stream Exclusion Fencing Linear feet: _____	_____	_____
<input type="checkbox"/> Filter Strips	_____	_____	<input type="checkbox"/> Wetland Enhancement	_____	_____
<input type="checkbox"/> Spring Development	_____	_____	<input type="checkbox"/> Irrigation Tailwater Recovery	_____	_____
<input type="checkbox"/> Micro-irrigation	_____	_____	<input type="checkbox"/> Irrigation Reservoir	_____	_____
<input type="checkbox"/> Irrigation Pipeline	_____	_____	<input type="checkbox"/> Irrigation Land Leveling	_____	_____
<input type="checkbox"/> Field Border	_____	_____	<input type="checkbox"/> Contour Border	_____	_____

NARRATIVE SUMMARY OF IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES _____

Please submit this checklist electronically, by mail, by fax or through email to:

Dr. Bruce Warden, 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150

FAX: (530) 544-2271 EMAIL: BWarden@waterboards.ca.gov PHONE: (530) 542-5416

Please submit this form by MARCH 15th of every year up to and including 2021. Thank you!

ATTACHMENT 2
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. SAMPLING AND ANALYSIS

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
 - i. Standard Methods for the Examination of Water and Wastewater
 - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

Pursuant to California Water Code Section 13267(b), the discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.

b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.

d. Monitoring reports shall be signed by:

i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;

ii. In the case of a partnership, by a general partner;

iii. In the case of a sole proprietorship, by the proprietor; or

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
 - i. Name and telephone number of individual who can answer questions about the report.
 - ii. The Monitoring and Reporting Program Number.
 - iii. WDID Number.
- f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation.