

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**REVISED TENTATIVE RESOLUTION NO. R2-2011-XXXX**

**CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR GRAZING OPERATIONS  
IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS**

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

**1) Waste Discharge Requirements**

- a) California Water Code (CWC) section 13260, subdivision (a) 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, shall file with the appropriate Water Board a report of the discharge containing such information and data as may be required by the Water Board, unless the requirement is waived pursuant to CWC section 13269.
- b) The Water Board prescribes waste discharge requirements (WDRs) except where the Water Board finds that a waiver of waste discharge requirements (waiver of WDRs) for a specific type of discharge is consistent with any applicable State or regional water quality control plan and is in the public interest pursuant to CWC section 13269.
- c) CWC section 13269 provides that any such waiver of WDRs shall be conditional, may not exceed five years but may be renewed, and may be terminated at any time by the Water Board.
- d) The Water Board may include as a condition of a waiver of WDRs the payment of an annual fee established by the State Water Resources Control Board.

**2) Basin Plan**

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law, and the U.S. EPA, where required.

**3) Receiving Water Beneficial Uses**

Pursuant to the Basin Plan, the existing and potential beneficial uses of San Pablo Bay and its tributary creeks, Napa River, and Sonoma Creek, include:

Beneficial Use	San Pablo Bay	Napa River	Sonoma Creek
Agricultural Supply (AGR)		X	
Cold Freshwater Habitat (COLD)		X	X
Ocean, Commercial, and Sport Fishing (COMM)	X		
Estuarine Habitat (EST)	X		
Industrial Service Supply (IND)	X		
Fish Migration (MIGR)	X	X	X
Municipal and Domestic Supply (MUN)		X	
Navigation ( NAV)	X	X	
Preservation of Rare and Endangered Species (RARE)	X	X	X
Water Contact Recreation (REC-1)	X	X	X
Non-contact Recreation (REC-2)	X	X	X
Shellfish Harvesting (SHELL)	X		
Fish Spawning (SPWN)	X	X	X
Warm Freshwater Habitat (WARM)		X	X
Wildlife Habitat (WILD)	X	X	X

**4) Total Maximum Daily Loads and Associated Implementation Plans**

- a) Napa River and Sonoma Creek have been identified as impaired for pathogens, sediment, and nutrients and are on the State’s Clean Water Act 303(d) list.
- b) Napa River Watershed

The Water Board adopted a Napa River pathogen total maximum daily load (TMDL) on November 15, 2006, approved by U.S. EPA on February 29, 2008, and a Napa River sediment TMDL on September 9, 2009, approved by U.S. EPA on January 21, 2011. The TMDLs address high pathogen levels above numeric standards for recreational activities and water quality objectives for sediment, settleable material, and population and community ecology that have been impaired due to excess erosion and sedimentation.

The Napa River pathogen TMDL establishes density-based water quality bacteria concentrations and prohibits the discharge of human waste. The Napa River sediment TMDL establishes a numeric target of 185,000 metric tons/year (approximately 125 percent of natural background load). Both TMDLs have an Implementation Plan that specifies the actions necessary to protect and restore beneficial uses.

- c) Sonoma Creek Watershed

The Water Board adopted a Sonoma Creek pathogen TMDL on June 21, 2006, approved by U.S. EPA on February 29, 2008, and a Sonoma Creek sediment TMDL on December 10, 2008, approved by U.S. EPA on September 8, 2010. The TMDLs address high pathogen levels above numeric standards for recreational activities and water quality objectives for sediment, settleable material, and population and community ecology that have been impaired due to excess erosion and sedimentation.

The Sonoma Creek pathogen TMDL establishes density-based water quality bacteria concentrations and prohibits the discharge of human waste. The Sonoma Creek sediment TMDL establishes a numeric target of 65,400 tons/year (approximately 125 percent of natural background load). Both TMDLs have an Implementation Plan that specifies the actions necessary to protect and restore beneficial uses.

- d) The TMDL Implementation Plans require actions consistent with the CWC, the State's *Nonpoint Source Pollution Control Program Plan*, the State's 2004 *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (Nonpoint Source Enforcement Policy), and human waste discharge prohibitions (prohibitions 5 and 15, Table 4-1) of the Basin Plan.
- e) Grazing lands in the Napa River and Sonoma Creek watersheds are identified in their respective TMDLs as a categorical pollutant sources. The TMDL Implementation Plans specify required implementation measures for each categorical pollutant source. The required implementation measures for grazing operations include evaluating operating practices; developing comprehensive site-specific pathogen and sediment control measures; developing an implementation schedule for such management measures; and submitting progress reports documenting actions undertaken.
- f) To comply with the TMDL Implementation Plans and pursuant to this waiver of WDRs, grazing lands' landowners and lessees must submit to the Water Board a Report of Waste Discharge (ROWD), or other submittal in lieu of a ROWD such as a Notice of Intent, that includes a description of their facility; identification of necessary site-specific grazing management measures to reduce animal waste and sediment runoff; and a schedule to implement identified management measures. Grazing lands' landowners and lessees must also comply with all applicable WDRs or waivers of WDRs, and report progress on implementation of grazing management measures that reduce or eliminate animal waste runoff. These reports must be submitted individually, jointly, or through a third party.
- g) Pollutant control measures for the grazing lands portion of dairy facilities must be implemented consistent with this waiver regardless of whether the dairy is regulated under existing WDRs or waiver of WDRs for confined animal facilities; however, those dairy facilities already fully covered under existing General Waste Discharge Requirements for Confined Animal Facilities, Resolution No. R2-2003-0093, or under a Waiver of Waste Discharge Requirements for Confined Animal Facilities, will not need to submit a Notice of Intent under this waiver of WDRs.

## 5) **Nonpoint Source Implementation and Enforcement Policy**

- a) The discharge of pollutants from agricultural grazing operations within the San Francisco Bay Region is a nonpoint source discharge of waste that could affect the quality of waters of the State under CWC section 13260. The Nonpoint Source Enforcement Policy requires that all nonpoint source pollution be regulated through WDRs, waivers to WDRs, or discharge prohibitions.

- b) The Nonpoint Source Enforcement Policy, adopted by the State Water Board on May 20, 2004, encourages the Water Boards to “be as creative and efficient as possible in devising approaches to prevent or control nonpoint source pollution.” This includes development of third-party programs to assist dischargers in complying with requirements and assure the Water Board and the public that actions are being taken to reduce nonpoint source pollution. The third party role is restricted to entities that are not actual dischargers under State Water Board/Regional Water Board permitting and enforcement jurisdiction.
- c) The Nonpoint Source Enforcement Policy requires that waiver enrollees prepare and execute a nonpoint source pollution control implementation program that does the following:
  - i) 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.
  - ii) Includes a narrative of the management practices (MPs) 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 management practices implementation.
  - iii) 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 Nonpoint Source Enforcement 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 Nonpoint Source Enforcement Policy, this waiver of WDRs requires development of and compliance with a nonpoint source pollution control implementation program (as described in Finding 5.c above) in the form of a Ranch Water Quality Plan.

**6) 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 the 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 WDRs 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 of WDRs is consistent with Resolution 68-16 because it requires management practices to be implemented in an iterative manner to arrive at the best practicable treatment or control of the discharge to protect beneficial uses, to prevent pollution or nuisance, and to attain the highest water quality possible, providing maximum benefit to the people of the State.

## **7) California Environmental Quality Act**

The Water Board is the lead agency for this waiver of WDRs (Project) under the California Environmental Quality Act (Public Resources Code section 21000 et seq.; CEQA). The Water Board prepared, circulated and adopted a Mitigated Negative Declaration for the Project on September 14, 2011. The Water Board has considered the Mitigated Negative Declaration, as well as all comments, and finds that this waiver of WDRs will not have a significant effect on the environment. The Water Board further finds that the mitigation measures identified in the Mitigated Negative Declaration to keep impacts to less-than-significant levels, as well as a program for monitoring and reporting on such mitigation measures, have been required as conditions of this waiver of WDRs. The Water Board's decision is based on the record as a whole for the Project, which is available at the Board's offices.

## **8) Monitoring Under Waivers of Waste Discharge Requirements**

CWC section 13269 was amended effective January 1, 2005. CWC section 13269 now includes the following provisions:

- a) The waiver of WDRs 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.

This waiver of WDRs requires compliance with monitoring conditions consistent with the amendments to CWC section 13269.

## **9) Grazing Lands/Grazing Operations**

For purposes of this waiver of WDRs, the term ‘Grazing Lands’ shall be defined as all lands grazed by livestock or where livestock have access, including ranchlands, riparian areas, and pasturelands.

For the purposes of this waiver of WDRs, the term ‘Grazing Operation’ will refer to those facilities 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. The Grazing Operation includes auxiliary facilities such as roads, reservoirs, etc.

## **10) Dischargers**

Discharges, including stormwater runoff, from Grazing Operations on Grazing Lands can affect water quality by transporting pollutants including sediment, pathogens, and nutrients into surface waters. Grazing Lands are identified in their respective sediment and pathogen TMDLs as sediment and pathogen pollutant sources to the Napa River and Sonoma Creek watersheds. Landowners and operators conducting Grazing Operations on Grazing Lands are dischargers as they discharge or propose to discharge waste that could affect the quality of waters of the State.

This waiver of WDRs is applicable to landowners and operators conducting Grazing Operations on Grazing Lands in the Napa River and Sonoma Creek watersheds.

## **11) Intent to Issue Waiver**

CWC section 13269 allows Water Boards to waive submission of ROWDs and/or issuance of WDRs if it is in the public interest. CWC section 13269 authorizes the Water Board to waive WDRs for a specific discharge or specific types of discharges if the following conditions are met:

- 1) the waiver is in the public interest,
- 2) the waiver is conditional,
- 3) waiver conditions include performance of individual, group, or watershed-based monitoring,
- 4) compliance with waiver conditions is required, and
- 5) a public hearing has been held.

The term of the waiver cannot exceed five years, but the Water Board can renew a waiver after holding a public hearing. The Water Board may terminate a waiver at any time. Relevant factors in determining whether a waiver is in the public interest include the following: whether the discharger is implementing reasonable practices to minimize the deleterious effects of the discharge; whether a feasible treatment method or set of management practices exist to control the pollutants in the discharge; and whether waiving ROWDs and/or WDRs will adequately protect beneficial uses while allowing the Water Board to focus its limited resources to conduct field oversight, public outreach, and, where necessary, enforcement.

The adoption of this waiver of WDRs is in the public interest because:

- 1) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect beneficial uses of the waters of the State,
- 2) it contains more specific conditions for the protection of water quality compared to other regulatory options,
- 3) it provides a more efficient and more timely mechanism of complying with water quality objectives than other regulatory options,
- 4) it provides for an efficient and effective use of limited Water Board resources,

- 5) it provides flexibility for Landowners/Operators by providing an option of complying through a third-party entity,
- 6) it enhances beneficial uses of water and enhances sustainability of ranching operations, and
- 7) the Water Board does not currently regulate discharges of waste from grazing operations in the Napa River and Sonoma Creek watersheds. This waiver of WDRs will result in regulation of nonpoint source discharges from these operations. The Water Board has notified the Landowners/Operators and all known interested agencies and persons of its intent to issue a waiver of WDRs.

The Water Board is pursuing the use of a conditional waiver of WDRs for Grazing Operations in the Napa River and Sonoma Creek watersheds, as it is still protective of beneficial uses while providing the most efficient permitting route given limited staff resources. The Water Board still retains the right to issue individual WDRs on an as-determined basis.

## 12) Public Meeting

Water Board staff conducted two public meetings at the Schellville Fire Station in Sonoma. The first meeting was held on January 12, 2011, and the second meeting was held on July 19, 2011. The Water Board conducted a public hearing on September 14, 2011, in Oakland and considered all testimony and evidence concerning this matter.

**THEREFORE BE IT RESOLVED** that, pursuant to CWC section 13269 subdivision (a), waste discharge requirements are waived for Grazing Operations on Grazing Lands in the Napa River and Sonoma Creek watersheds provided the conditions listed below are met.

BE IT FURTHER RESOLVED that this waiver of WDRs is for a period of five years unless terminated sooner.

### Eligibility for Coverage

Grazing Operations on Grazing Lands that meet the following conditions are eligible for coverage under this waiver of WDRs:

- a) Are in existence as of the date of adoption of this waiver of WDRs, or start or resume operations within the life of this waiver of WDRs, and either:
  - b1) Encompass an area of 100 acres or more, or
  - b2) Encompass an area smaller than 100 acres, and are identified by Water Board staff as posing a threat to water quality.

A Landowner/Operator conducting Grazing Operations on Grazing Lands that meet the above conditions shall submit a completed Notice of Intent (NOI) (Attachment A), as well as documentation that demonstrates how the Landowner/Operator is satisfying, or intends to satisfy, all the conditions of this waiver. These submittals shall be sent to the Water Board no later than **November 15, 2011**, to the following address:

San Francisco Bay Regional Water Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
ATTN: Grazing Operations Waiver Program

### **May Be Excluded from Coverage**

A Landowner/Operator conducting Grazing Operations on Grazing Lands that meet any of the following conditions may be excluded for coverage under this conditional waiver of WDRs:

- a) Encompass an area smaller than 100 acres and do not pose a threat to water quality.  
These grazing operations are still expected to follow best management practices for their facilities, and may be required to obtain WDRs on a case-by-case basis if the potential for water quality impacts are found.
- b) Dairy facilities already fully covered under existing General Waste Discharge Requirements or Waiver of Waste Discharge Requirements for Confined Animal Facilities, Resolution Nos. R2-2003-0093 and R2-2003-0094, respectively.

### **Conditions**

In order to receive the benefit of this waiver of WDRs in lieu of individual regulation, an eligible Landowner/Operator shall comply with the terms and conditions specified herein:

#### **1) Ranch Water Quality Plan**

- a) The Landowner/Operator is required to have a completed Ranch Water Quality Plan by **November 15, 2012**. The Ranch Water Quality Plan shall be kept on site and available for review by Water Board staff at all times. Elements of the Ranch Water Quality Plan shall include:
  - i) a ranch facility map, or aerial photo on a 1:12,000 scale;
  - ii) an inventory of resources based on visual observations and/or existing reports;
  - iii) an assessment of the ranch facility conditions, per the checklist titled *Checklist Form For Assessing Grazing Operations in the Napa River/Sonoma Creek Watershed* (Attachment B), identifying controllable discharge points for pathogens, nutrients, and sediment;
  - iv) identification of sediment legacy discharge points, if appropriate;
  - v) assessment of residual dry matter (RDM) as specified in the University of California 2002, California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring Series Publication 8092; and
  - vi) description of the of the Ranch Water Quality Plan's objectives.

The checklist is intended to guide the Landowner/Operator in the inventory of resources and the preparation of the Ranch Water Quality Plan. Alternative checklists may be used, provided Water Board staff approve of them in writing.



- b) The Ranch Water Quality Plan shall also include:
- i) all management practices currently implemented at the ranch facility;
  - ii) a schedule for implementation of newly selected management practices to comply with the standards of this waiver of WDRs;
  - iii) an implementation schedule for management of grazing activities, structural improvements, livestock management, and land treatments to comply with the standards of this waiver of WDRs; and
  - iv) an implementation schedule for road-erosion control and prevention actions and actions to avoid increases in erosion of existing unstable areas due to grazing practices to comply with the standards of this waiver of WDRs.

The implementation schedule shall be completed and included in the Ranch Water Quality Plan by **November 15, 2012**, and may be updated yearly thereafter.

- c) The Ranch Water Quality Plan shall also include a Plan for Compliance Monitoring and Reporting that describes the measures, protocols, and associated frequencies that will be used to verify the degree to which the management practices are being implemented and are achieving the waiver conditions and/or to provide feedback for use in modifying and updating the Ranch Plan.

The Plan for Compliance Monitoring and Reporting shall be completed and included in the Ranch Plan by **November 15, 2012**.

## 2) Compliance Schedule

Each Landowner/Operator shall comply with the implementation timelines proposed in the Ranch Water Quality Plan, a plan whose elements are described on Condition 1 of this waiver of WDRs. Initial implementation of the Ranch Water Quality Plan shall occur during the timeframe of this waiver of WDRs. The overall implementation of the Ranch Water Quality Plan may extend beyond the life of this waiver of WDRs and will be reviewed upon renewal of this waiver.

## 3) Waiver Standards

Management practices identified in the Ranch Water Quality Plan shall be implemented so as to achieve the following waiver standards (Waiver Standards):

- a) Minimize delivery of **sediment** from ranching lands to surface waters.
- b) Minimize delivery of **pathogens and nutrients** from ranching lands to surface waters.
- c) Establish manure management operations designed to minimize runoff from entering watercourse.
- d) Manage animal use areas to minimize sediment/pathogen/nutrient runoff to water course(s).
- e) Construct and maintain access and ranch roads to minimize erosion.
- f) Manage existing grazing operations to prevent additional erosion of legacy sediment delivery sites.

- g) Manage and design animal crossings to minimize pathogen/sediment/nutrient runoff into watercourses.

#### **4) Implementation of Management Practices**

- a) The Landowner/Operator shall meet the Waiver Standards by implementing site-specific management practices that reduce water pollution due to grazing and protect water quality. In selecting what management practices to use at the ranch facility, the Landowner/Operator shall take in consideration the vegetation, terrain, kind of livestock and general ranch facility operation procedures.
- b) A list of potential management practices may be found in the Natural Resource Conservation Service Field Office Technical Guide, the California EPA grazing management guidelines guidance found at [www.waterboards.ca.gov/water\\_issues/programs/nps/encyclopedia/1e\\_graz.shtml](http://www.waterboards.ca.gov/water_issues/programs/nps/encyclopedia/1e_graz.shtml), or equivalent rangeland management guidance documents. The Conservation Service Field Office Technical Guide can be obtained at local offices of the USDA Natural Resources Conservation Service or the Conservation District office.

#### **5) Implementation of Mitigation Measures**

Mitigation measures identified in the Mitigated Negative Declaration for this waiver of WDRs shall be implemented as follows:

- a) Air Quality and Greenhouse Gas Emissions  
For projects that pose the potential to exceed applicable air quality standards, the Landowner/Operator shall implement dust abatement and greenhouse gas measures as required by the Bay Area Air Quality Management District.
- b) Geology and Soils  
For proposed projects involving large-scale grading and construction that disturb one acre or more, the Landowner/Operator shall obtain coverage under State Water Board Order No. 2009-0009-DWQ (Construction General Permit) and shall implement erosion control practices as required by the Construction General Permit.

Routine property maintenance of original line and grade, hydraulic capacity, or disturbances on land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation, are not construction activities covered by the Construction General Permit.

- c) Biological Resources/Hydrology/Water Quality  
For proposed projects that involve construction activities in or adjacent to waters of the state, or projects that substantially impact a sensitive species, or other sensitive natural communities (identified in local or regional plans or by wildlife agencies), the Landowner/Operator who proposes the project shall obtain all applicable and necessary permits from the Water Board, the U.S. Army Corps of Engineers, and/or the California Department of Fish and Game. Landowners/Operators shall comply with the specified

conditions and mitigation requirements set forth in the respective permits to mitigate for any identified significant environmental impacts to biology, hydrology, and water quality.

## **6) Compliance Monitoring and Reporting**

- a) The Landowner/Operator shall conduct visual inspections of the ranch facility to verify that chosen management practices are being implemented and that the Waiver Standards are being met.
- b) The Landowner/Operator shall, in addition to inspecting the ranch facility, visually inspect the closest receiving water, upstream and downstream of the ranch facility, to monitor any change in water quality resulting from facility operations. These inspections are needed to determine the effectiveness of the management practices implemented at the ranch facility.
- c) Inspections shall occur twice during the dry season; and at least monthly during the rainy season, preferably before and after a forecasted storm event. One of the dry season inspections shall be conducted in the month of September, prior to the beginning of the rainy season, and shall encompass the entire ranch facility to ensure the facility's readiness for the rainy season. A Landowner/Operator is not required to perform inspections during dangerous weather conditions or when a storm begins after scheduled facility operating hours.
- d) Pre-storm inspections of the entire ranch facility shall ensure that appropriate management practices are properly installed and maintained; post-storm inspections are to evaluate whether management practices have functioned adequately and whether additional measures or maintenance work is needed.
- e) The Landowner/Operator shall maintain records of inspections, monitoring observations, and any response taken to eliminate potential sources of sediment, nutrients, and pathogens from the ranch facility. If a water quality problem is found during the inspection, the Landowner/Operator shall record the nature of the problem, and the management practices taken to correct it, and report it in the annual certification document.
- f) The Landowner/Operator shall measure and record measurements of RDM<sup>1</sup> as specified in the University of California 2002, California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring Series Publication 8092. These measurements shall be included in the Annual Certification of Compliance document (see 6 (g) below). If minimum RDM targets are not met, the Landowner/Operator shall provide an explanation for not meeting the targets in the Annual Certification of Compliance document.
- g) The Landowner/Operator shall submit an annual certification to the Water Board that its facility meets the conditions of this waiver of WDRs, documenting any required mitigation measures, management practices implemented, an evaluation of the effectiveness of management practices, and records of any inspections where a water quality problem was identified, as well as the management practices taken to correct these problems. These certifications are due November 15, 2012, and annually thereafter.
- h) The Landowner/Operator shall report any spills or discharges that threaten human health or water quality, within 24 hours of becoming aware of its occurrence. The incident shall be

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<sup>1</sup> As cited in Napa River Sediment TMDL and Sonoma Creek Sediment TMDL.

reported to the Water Board and to the California Emergency Management Agency (CalEMA). The Landowner/Operator shall leave a message on the Water Board's spill hotline at 510.622.2369. The message shall include the time, date, and place of the discharge and shall be recorded in writing by the Landowner/Operator. CalEMA is operational 24 hours a day. A written report shall be submitted to the Water Board office within five (5) business days of the Landowner/Operator becoming aware of the incident. The written submission shall contain:

- i) The approximate date, time, and location of the discharge;
- ii) A description of the noncompliance event and its cause;
- iii) The rate, volume, and duration of the discharge;
- iv) The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- v) The steps taken to correct discharge and/or a time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such discharges.

## **7) Third-Party Program**

If a Third Party Program, as described in Finding 5 (b) above, is developed, the entity providing the third party role shall be approved by the Executive Officer.

## **8) Termination Procedures**

### **a) Ranch Closure or Change in Land Use**

In the event of closure or change in land use of the ranch facility, the Landowner/Operator shall file a Notice of Termination with the Water Board.

### **b) Noncompliance With Waiver Conditions**

The Landowner/Operator shall, within 21 days of receiving notice from the Water Board that its facility no longer qualifies for coverage under this waiver of WDRs for failure to comply with its terms and conditions, file an updated ROWD. The ROWD shall be submitted with the applicable filing fee in order to obtain coverage under WDRs. Discharges that could affect the quality of the waters of the State may commence only in accordance with CWC section 13264 (a).

### **c) Change of Control or Ownership of Land**

In the event of any change in control or ownership of land, the Landowner/Operator shall immediately submit a notice of termination to the Water Board. The notice shall include the contact information of the succeeding Landowner/Operator in order for the original Landowner/Operator to be relieved of its responsibility to comply with this waiver. The Water Board will request an NOI for coverage under this waiver of WDRs from the succeeding Landowner/Operator and must receive a completed NOI within 45 days of receipt of such request.

## **9) Failure to Comply with Terms and Conditions of this Waiver**

A Landowner/Operator who fails to comply with the terms and conditions of this Waiver is subject to an enforcement action, including but not limited to, administrative civil liabilities. Discharges that could affect the quality of the waters of the State may commence only in accordance with CWC section 13264(a). The Water Board's Executive Officer reserves the right to terminate a Landowner/Operator's coverage under this waiver of WDRs, and the Water Board can impose individual WDRs after proper notice and hearing (CWC section 13263).

**This Waiver Expires on September 14, 2016.**

*I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the waiver of WDRs adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **September 14, 2011**.*

Bruce H. Wolfe  
Executive Officer

**Attachments:**

**Attachment A:** Notice of Intent

**Attachment B:** Checklist Form for Assessing Grazing Operations in the Napa River/Sonoma Creek Watershed