PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE **AGENDA DATE: May 14, 2020**

FROM: PLANNING & DEVELOPMENT SERVICES **AGENDA TIME 1:30 PM / No. 1**

PROJECT TYPE: **(Continued)** ZC #18-0006 (ETX), LLC SUPERVISOR DIST # 2

LOCATION: 96 Fawcett Road APN: 054-250-012 & 014-000

Heber, CA PARCEL SIZE: 71.3 & 82.2 acres (±)

GENERAL PLAN (existing) Specific Plan Area (SPA) GENERAL PLAN (proposed) N/A

ZONE (existing) Conditional Heavy Ag. A-3 ZONE (proposed) Heavy Ag. A-3

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 05/14/2020

INITIAL STUDY: #18-0023

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	☐ NONE	☒ ATTACHED
AG	☒ NONE	☐ ATTACHED
APCD	☐ NONE	☒ ATTACHED
E.H.S.	☐ NONE	☒ ATTACHED
FIRE / OES	☒ NONE	☐ ATTACHED
SHERIFF	☒ NONE	☐ ATTACHED
OTHER	See Attached	

REQUESTED ACTION:

(See Attached)

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☐ NEGATIVE DECLARATION
☑ MITIGATED NEGATIVE DECLARATION

Initial Study & Environmental Analysis
For:

El Toro Cattle
Conditional Zone Change #18-0006
INITIAL STUDY IS 18-0023

Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
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February 2020

EEC ORIGINAL PKG

TABLE OF CONTENTS

PAGE

SECTION 1

I. INTRODUCTION 3

SECTION 2

II. ENVIRONMENTAL CHECKLIST 8
PROJECT SUMMARY 10
ENVIRONMENTAL ANALYSIS 13

I. AESTHETICS 14
II. AGRICULTURE AND FOREST RESOURCES 14
III. AIR QUALITY 15
IV. BIOLOGICAL RESOURCES 17
V. CULTURAL RESOURCES 17
VI. ENERGY 19
VII. GEOLOGY AND SOILS 19
VIII. GREENHOUSE GAS EMISSION 20
IX. HAZARDS AND HAZARDOUS MATERIALS 21
X. HYDROLOGY AND WATER QUALITY 21
XI. LAND USE AND PLANNING 23
XII. MINERAL RESOURCES 23
XIII. NOISE 23
XIV. POPULATION AND HOUSING 24
XV. PUBLIC SERVICES 24
XVI. RECREATION 25
XVII. TRANSPORTATION 25
XVIII. TRIBAL CULTURAL RESOURCES 25
XIX. UTILITIES AND SERVICE SYSTEMS 26
XX. WILDFIRE 27

SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE 29
IV. PERSONS AND ORGANIZATIONS CONSULTED 30
V. REFERENCES 31
VI. NEGATIVE DECLARATION - COUNTY OF IMPERIAL 32
27 FINDINGS 34

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY) 35
IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY) 36

EEC ORIGINAL PKG

SECTION 1
INTRODUCTION

A. PURPOSE

This document is a ☐ policy-level; ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed El Toro Cattle, LLC project (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☐ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☒ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope,

EEC ORIGINAL PKG

the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND EVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section

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15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.

2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.

3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".

4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a ☐ policy-level, ☒ project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

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1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this

EEC ORIGINAL PKG

document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.

- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

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II. Environmental Checklist

1. **Project Title**: ETX, LLC (ZC18-0006)
2. **Lead Agency**: Imperial County Planning & Development Services Department
3. **Contact person and phone number**: David Black, Planner IV, (442)265-1736, ext. 1746.

   Address: 801 Main Street, El Centro CA, 92243
5. **E-mail**: davidblack@co.imperial.ca.us
6. **Project location**: This project is located at 96 E. Fawcett Road, Heber, lying west along Pitzer Road and Fawcett Road and boarding the east & west side of the Southern Pacific Railroad. Additionally, the parcels is describe as Lot 28, Map No. 361, as the Portion of Tract 48, Township 16 South, Range 14 East, SBM, 160 acres. The parcels identified as APN's 054-250-012-000 and 054-250-014-000.
7. **Project sponsor's name and address**: William Plourd on behalf of ETX, LLC, P.O. Box 1109, El Centro, CA 92244
8. **General Plan designation**: Specific Plan Area ("SPA") "Heber "SPA" area
9. **Zoning**: A-3/G/SPA (Heavy Agriculture/Geothermal Overlay/Specific Plan Area)
10. **Description of project**: The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007, El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. The current request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently being used for the composting operations. The Composting operation will be re-located locally in the Imperial County vicinity. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".
11. **Surrounding land uses and setting**: Surrounding parcels are zoned Medium Agriculture (A-2) on the east, west and south sides of project area and Light Industrial on the north side of the existing feedlots.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): A) Planning Commission B) Board of Supervisors
13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentially, etc.?

    The County Planning Department received a response from the Augustine Band of Cahuilla Indians stating they were unaware of any specific cultural resources that may be affected by the proposed project.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology /Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: ☒ Yes ☐ No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	☑	☐	☐
ENVIRONMENTAL HEALTH SVCS	☐	☐	☑
OFFICE EMERGENCY SERVICES	☑	☐	☐
APCD	☑	☐	☐
AG	☑	☐	☐
SHERIFF DEPARTMENT	☐	☐	☑
ICPDS	☑	☐	☐

for [signature]

Jim Minnick, Director of Planning/EEC Chairman

5-14-2020

Date:

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PROJECT SUMMARY

A. **Project Location**: The project site (Site) is located along Fawcett Road, Pitzer Road and east along Ware Road. The parcels are identified as Assessor's Parcel Numbers APN 054-250-012-000 and APN 054-250-014-000, and are legally described as Lot 28 & 29, of Subdivision of Tract 48, Township 16 South, Range, 14 East, SBB&M, in an unincorporated area of the County of Imperial, CA.

B. **Project Summary**: The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007 El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. This new request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently used for composting operations. The Composting operations will be re-located. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".

C. **Environmental Setting**: The surrounding area consists mostly agricultural farmland and to the north of the existing feedlots are industrial activities.

D. **Analysis**: The Land Use Element of the Imperial County General Plan designates the project site as "Specific Plan" and the parcel are currently zoned "A-3" (Heavy Agriculture) per Zoning Map #12 under Title 9 Land Use Ordinance. The surrounding lands are zoned A-2 (Medium Agriculture) and M-1 (Light Industrial).

D. **General Plan Consistency**: The proposed Zone Change application with supporting document was reviewed and found to meet the minimum requirements for processing per Title 9, Land Use Ordinance, Division 2, Chapter 4 and 5. The proposed expansion of the current feedlot project is proposed on the existing parcels currently being used for cattle feed operations and these parcels are currently zoned A-3 "Conditional". Approval of the requested entitlements are consistent with Imperial County's General Plan.

The applicant shall show compliance with California Code of Regulations. Title 9, Division 5, Section 90509.01(d) allows uses include Cattle feed lot operations, if entitlements were to be approved and prior to permit and license submittal.

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Exhibit "A"
Vicinity Map

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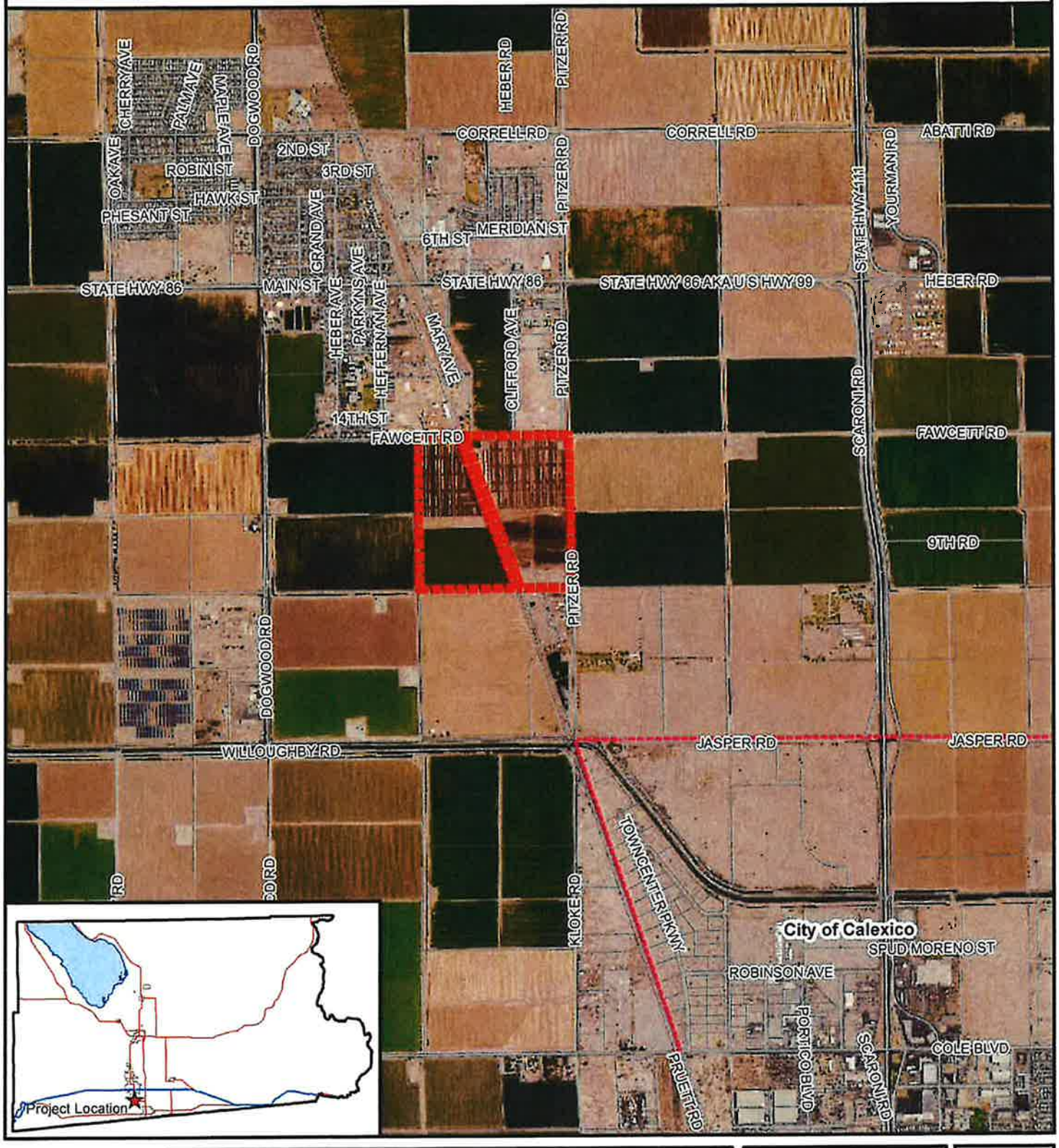
PROJECT LOCATION MAP



EL TORO EXPORT
ZONE CHANGE (CONDITIONAL) #18-0006
APN 054-250-012 & 014-000

Project Location
Centerline
City Limit
Parcels

N

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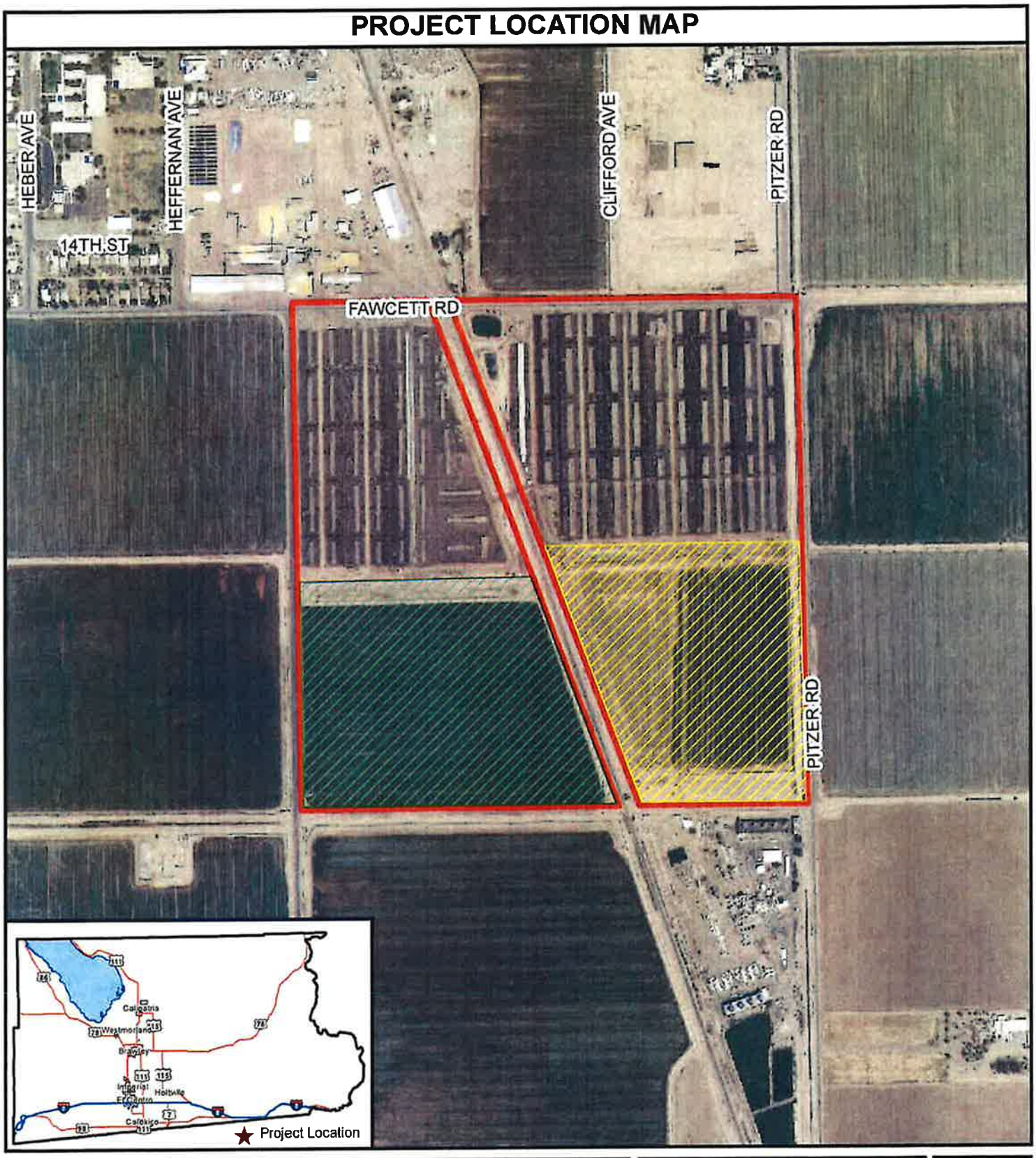
PROJECT LOCATION MAP



ETX, LLC
ZC #18-0006/IS #18-0023
APN #054-250-012 & 014

Project Parcels
Phase 1 Expansion
Phase 2 Expansion
Roads

N

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EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

I. *AESTHETICS*

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista or scenic highway? ☐ ☐ ☒ ☐

a) The proposed project is an agricultural related use and located in an agriculture area; the proposed use appears have a less than significant negative visual impact to public along Fawcett Road. There is an existing feedlot operation west and north of proposed expansion site along Fawcett Road and Ware Road; the composting operation will be located directly to the south of feedlot pens currently used and the expansion will be located on the existing parcels currently zoned for A-3 Heavy Agriculture. There are no scenic vistas or highways near project area. The expansion of current operations would appear to less than significant impacts.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒

b) There are no scenic resources such as trees, rock outcroppings or historic buildings surrounding or near the project site; therefore, no impacts are expected.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ☐ ☐ ☒ ☐

c) The existing visual character of the site is mostly agriculture farming and industrial uses will not degrade the existing visual character. The expansion of current operations would appear to less than significant impacts.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☐

d) The proposed project is an agricultural related use and located in an agriculture area; the proposed use appears have a less than significant negative glare impacts to public along Fawcett Road, Ware Road and Pitzer Road. There is an existing feedlot operation west and north of proposed expansion site along Fawcett Road and Ware Road; the composting operation will be located directly to the south of feedlot pens currently used and the expansion will be located on the existing parcels currently zoned for A-3 Heavy Agriculture. The project site will be directly north of a geothermal operation. The expansion of current operations would appear to less than significant impacts.

II. *AGRICULTURE AND FOREST RESOURCES*

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☐ ☐ ☒ ☐

a) There are no conversion of currently agriculture uses to non-agricultural uses. The Phase I will replace a grass crop with an expansion of a cattle feedlot. Therefore, less than significant impacts are expected.

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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? ☐ ☐ ☒ ☐

b) The expansion of current feedlot operations on the existing A-3 Heavy Agriculture zoned parcels is consistent with uses allowed under Title 9 Division 5 A-3 uses and is not under a Williamson Act Contract. Less than significant impacts are expected.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ☐ ☐ ☐ ☒

c) Neither the project site nor surrounding areas are used for timber production or are defined as forestlands. The proposed project would not conflict with any zoning designations designed to preserve timber or agricultural resources. Therefore, no impacts are expected.

d) Result in the loss of forest land or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

d) The project site is not within or close to any forestland; therefore, no impacts are expected.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use? ☐ ☐ ☒ ☐

e) Since the project site is not classified as "Prime", "of Statewide Importance" nor "Unique", less than potentially significant impacts are expected to occur with the cattle feedlot expansion.

III. *AIR QUALITY*

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☒ ☐

a) The proposed project is not expected to conflict with or obstruct implementation of the applicable Imperial County air quality plan and the applicants will need to update their Imperial County Air Pollution Control District (ICAPCD) permits for the expanded cattle feed-yard based on the ICAPCD requirements. The applicant currently has Permits for the existing operation; however, the expansion will trigger a modification to the Best Management Practices, which will contribute to modification of the air mitigation plan and PM10 Plan. With the adherence to the revised mitigation plan and PM plan, as well as Rule 207 and Regulation VIII, impacts would be maintained at a level less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ☐ ☒ ☐ ☐

b) The proposed project entails a Zone Change will not result in a cumulative consideration net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard as there are no other feedlots located within a 2 mile radius. As mentioned in item a) above, the applicant will be required to modify their existing AIR Quality Permit with ICAPCD. Adherence to the mitigation measures MM AQ-1 and MM AQ-2, along with the adherence to the ICAPCD revised plans including Regulations VIII Fugitive Dust Control Measures & mitigations (conditions) as shown in the completed Air Quality and Greenhouse Gas Emissions Study dated October 2019 for this project which includes Rules 800, 802, 803,804, & 805, Rule 217 required permits and Rule 820 compliance.

EEC ORIGINAL PKG

MM AQ-1. The operator will require that employees and cattle trucks drive only on paved roads.

MM AQ-2.

Standard Mitigation Measures for Fugitive PM10 Control

a. **All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.**

b. **All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.**

c. **All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.**

d. **The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.**

e. **All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.**

f. **Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.**

g. **The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.**

Discretionary Mitigation Measures for Fugitive PM10 Control

a. **Water exposed soil with adequate frequency for continued moist soil.**

b. **Replace ground cover in disturbed areas as quickly as possible**

c. **Automatic sprinkler system installed on all soil piles**

d. **Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.**

e. **Develop a trip reduction plan to achieve a 1.5 AVR for construction employees**

f. **Implement a shuttle service to and from retail services and food establishments during lunch hours**

Standard Mitigation Measures for Construction Combustion Equipment

a. **Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.**

b. **Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.**

EEC ORIGINAL PKG

c. **Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use**

d. **Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)**

Enhanced Mitigation Measures for Construction Equipment

a. **Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.**

b. **Implement activity management (e.g. rescheduling activities to reduce short-term impacts)**

c) Expose sensitive receptors to substantial pollutants concentrations? ☐ ☒ ☐ ☐

c) Sensitive receptors are identified in the Ultrasystems Air Quality and Greenhouse Gas Emissions study dated October 2019. Receptors can be found within a two (2) mile radius of the project site and the applicant shall show compliance with APCD's requirements during the permitting process and during construction and operation phases to assure that emissions or pollutants are maintained at minimum levels through implementation of mitigation plan related to air quality. Compliance with MM AQ-1, MM AQ-2, state and local agencies would lessen impacts on sensitive receptors to less than significant levels which includes Rules 800, 802, 803,804, & 805, Rule 217 required permits and Rule 820 compliance. Additionally, the operator shall maintain an updated air permit from ICAPCD and adhere to all Regulation VIII Fugitive Dust Control Measures requirements shown in the Air Quality Study.

(See Mitigation Measure AQ-1 and AQ-2 in item b)

d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? ☐ ☒ ☐ ☐

d) Mitigation Measure AQ-3

1. Cattle manure has been identified as a source of odor. Accelerated manure removal has been identified as a mitigation strategy. Please see chart below for details. This practice will be applied to all occupied pens on site during each expansion phase and will result in a net reduction of manure at the facility.

2. Before the start of construction on phase 2, the compost yard will be moved to another facility not less than 2 miles from a substantial number of people.

	Estimated Head Count	Manure Removal from Pens	Other Measures
Current Practice	18,000	18 Months	
Proposed Phase 1 expansion	9,000	9 Months	
Proposed Phase 2 expansion	8,000	12 Months	*Relocation of Compost Yard
Ongoing		12 Months	*Relocation of Compost Yard

IV. ***BIOLOGICAL RESOURCES*** ***Would the project:***

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish ☐ ☐ ☒ ☐

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

and Wildlife or U.S. Fish and Wildlife Service?

a) These two parcels of land has been disturbed with cattle feeding operations and farming since the early 1960's, there are no known biological resources to exist on these area of land, conversion of the grass crop farming to an expansion of cattle feeding operation would appear to less than significant impacts.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ☐ ☐ ☒ ☐

b) As mentioned under item a) above, these two parcels have been used for farming and cattle feed lot operations since the early 1960's and the project in itself would not appear to create a substantially effect; therefore, less than significant impacts are expected.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ☐ ☐ ☐ ☒

c) The proposed project will not interfere with the Clean Water Act, Section 404, since there is not plan on discharging dredge, fill or any kind of material into the waters of the United States. Therefore, no impacts are expected.

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ☐ ☐ ☒ ☐

d) These parcels of land have been disturbed with cattle feeding and farming operations since the early 1960's, there are no known biological resources known to exist on this area of land, and the conversion of the existing composting and grass crop to feedlot operations wold appear to be less than significant impacts.

e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance? ☐ ☐ ☐ ☒

e) These parcels of land has been disturbed with cattle feeding and farming operations since the early 1960's and would not conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance; therefore, no impact would be expected.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ☐ ☐ ☐ ☒

f) There are no Habitat Conservation plans or Natural Community Conservation Plans within the project area; therefore, no impacts are expected.

V. ***CULTURAL RESOURCES*** ***Would the project:***

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☒ ☐

a) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☐ ☒ ☐

b) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

c) Disturb any human remains, including those interred outside of dedicated cemeteries? ☐ ☐ ☒ ☐

c) The project site has been used for farming and feedlot operations for the past 50-60 years and is not expected to disturb any remains, including those interred outside of dedicated cemeteries. Therefore, less than significant impacts are expected.

VI. ***ENERGY Would the project:***

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? ☐ ☐ ☐ ☒

a) The proposed project would not appear to result in any potentially significant impact due to the wasteful, inefficient, or unnecessary consumption of energy resources, during the construction or operation of the project. Therefore, no impacts are expected.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒

b) The proposed project does not appear to conflict with or obstruct a state or local plan for Renewable energy or energy efficiency. Therefore, no impacts are expected.

VII. ***GEOLOGY AND SOILS Would the project:***

a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving: ☐ ☐ ☒ ☐

a) The proposed project will not expose people to potential substantial impacts including loss, injury or death involving the following effects; therefore, less than significant impacts are expected.

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? ☐ ☐ ☒ ☐

1) According to the State of California's Alquist-Priolo Earthquake Fault Zone Map, Revised January 1, 1990, the propose project site is not located in a Special Studies boundary. The areas will be mostly filled with cattle and therefore, less than signficant are expected.

2) Strong Seismic ground shaking? ☐ ☐ ☒ ☐

2) The proposed project for the expansion of feeding pens for cattle would not appear to be impacted from the result in strong seismic ground shaking; therefore, less than significant impacts are expected.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

3) Seismic-related ground failure, including liquefaction and seiche/tsunami? ☐ ☐ ☒ ☐

3) The site is not located near any large bodies of water; the threat of tsunami, seiches or other seismically-induced flooding is unlikely. The project site will be mostly cattle pens with feeding of cattle and impacts would appear to be less than significant.

4) Landslides? ☐ ☐ ☒ ☐

4) The hazard of land sliding is unlikely. No ancient landslides are shown on geologic maps of the regions and no indication of landslides were observed during site inspection. Therefore, the impacts from liquefaction and seiche/tsunami appears to be less than significant.

b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

b) The project is not located within an area of substantial soil erosion according to Imperial County Seismic and Public Safety Element, Figure 3 (Erosion Activity). Less than significant impacts are expected.

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☒ ☐

c) The project site is not located on a geological unit that would become unstable or collapse as a result of the project; compliance with California Building Code (CBC) for any future construction would make any impact less than significant.

d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? ☐ ☐ ☒ ☐

d) The proposed expansion lies within existing composting and farming operations and will involve expansion of pens for cattle feeding purposes. Impacts due to expansive soils with a risk to life and property would appear to be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒

e) The proposed project is for the expansion of an existing feedlot operation and will not require a septic or wastewater disposal system. No impacts are expected.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☒ ☐

f) The proposed project is located on land that has been used for farming and feedlot operation for the past 50-60 years and is not expected to directly or indirectly destroy a unique paleontological resource or site of unique geologic feature. Less than significant impacts are expected.

VIII. ***GREENHOUSE GAS EMISSION*** ***Would the project:***

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☒ ☐

a) As seen on Table 5.3-1, of the Air Quality and Greenhouse Gas Emissions Study dated October 2019. The air quality study shows the project will generate about 28,860 tons per year of CO2e emissions primary of CH4 and N2O from enteric and manure management sources.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

Implementation through the ICAPCD permitting process with an Emissions Mitigation Plan that would demonstrate that the facility would reduce emissions of VOCs and NH3. The Plan would also affect the GHG emissions related to manure management and enteric emissions. These Impacts would appear to be less than significant when addressed through the ICAPCD permitting process.

b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☒ ☐

b) The proposed project will update air quality permit operations with ICAPCD which when applied appears to reduce GHG emissions and does not anticipate to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases. Therefore, less than significant impacts are expected.

IX. ***HAZARDS AND HAZARDOUS MATERIALS*** ***Would the project:***

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☒ ☐

a) The project involves the expansion of existing feedlot operations on lands currently farmed and uses for composting, the transport, use or disposal of hazardous materials would appear to less than significant impact.

b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☒ ☐

b) The proposed feedlot cattle expansion would not appear to create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment; therefore, less than significant impacts are expected.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☒ ☐

c) The proposed project is for the expansion of an existing feedlot operation. The expansion area will be located to the south of the existing feedlot existing, away from the Townsite of Heber, and the Heber Elementary School located approximately 1,900 feet to the north of the expansion area. The facility operator will permit facility with ICAPCD and adhere to all Fugitive Dust Control Regulation VIII requirements and possible impacts would appear to be less than significant.

d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐ ☒

d) The proposed project site is not located on a site included on a list of hazardous material sites; therefore, no impact is expected.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ☐ ☐ ☒ ☐

e) The proposed project site is not located within an Airport Land Use Compatibility Area and project would not appear to have any significant impacts with excessive noise or a safety hazard to people residing or working the area, therefore less than significant impacts are

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

expected. The expansion would be built further south from the community of Heber.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

f) The proposed project site does not appear to interfere with an adopted emergency response plan or emergency evacuation plan therefore, no impacts are expected.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒

g) The proposed project site is not located in an area susceptible to wildland fires; therefore, no impact is expected.

X. ***HYDROLOGY AND WATER QUALITY*** ***Would the project:***

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? ☐ ☐ ☒ ☐

a) The proposed project is located adjacent to an existing cattle feedlot operation and existing fields and composting operation. The existing and expansion will require updated permits from Environmental Health Services and Air Quality and is not expected to violate any water quality standards or waste discharge requirements; therefore, less than significant impacts would be expected.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ☐ ☐ ☒ ☐

b) The proposed project is not expected to affect or deplete groundwater supplies or interfere with groundwater recharge. The water source is expected from IID water operations and therefore, less than significant impacts are expected.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: ☐ ☐ ☒ ☐

c) The proposed project would not appear to substantially alter the existing drainage patterns, nor result in substantial erosion or siltation on- or off-site; therefore, less than significant impacts are expected.

(i) result in substantial erosion or siltation on- or off-site; ☐ ☐ ☒ ☐

As mentioned under Geology & Soils b) above, the project site is not located within an erosion susceptible area. Therefore, less than significant impacts are expected.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ☐ ☐ ☐ ☒

The project site is located within Zone X as per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel #06025C2075C and is not expected a substantially increase to the rate or amount of surface runoff that would result in flooding on- or off-site. Therefore, no impacts are expected.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage ☐ ☐ ☒ ☐

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

systems or provide substantial additional sources of polluted runoff; or;

The proposed project can contribute to runoff water; however, any runoff would not appear to exceed the capacity of the existing IID storm-water drainage system. Any impact would appear to be less than significant.

(iv) impede or redirect flood flows? ☐ ☐ ☒ ☐

The proposed project would not appear to significantly impede or redirect flood flow; therefore, less than significant impacts are expected.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ☐ ☐ ☒ ☐

d) Based on the Flood Insurance Rage Map (FIRM), Panel #06025C2075, the project site is not located within a flood hazard, tsunami or seiche zone. The proposed expansion is directly south of existing operations that have been in operation for decades. It would appear that less than significant impacts are expected.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ☐ ☐ ☐ ☒

e) The proposed project does not appear to conflict or obstruct implementation of a water quality control plan or a sustainable groundwater manage plan. Therefore, no impacts are expected.

XI. ***LAND USE AND PLANNING*** ***Would the project:***

a) Physically divide an established community? ☐ ☐ ☐ ☒

a) The proposed project will not physically divide an established community; therefore, no impacts are expected.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒

b) The project will not conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impact is expected.

XII. ***MINERAL RESOURCES*** ***Would the project:***

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

a) According to the Existing Mineral Resources Map (Figure 8) in the conservation and open Space Element of the County of Imperial General Plan, no known mineral resources occur within the project vicinity nor are there any mapped mineral resources within the boundary of the project site. Therefore, no impacts are expected.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

b) As stated above in XII (a) above, there will be no impacts to mineral resources.

XIII. ***NOISE*** ***Would the project result in:***

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☐ ☒ ☐

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

a) The proposed project will include construction noise, noise from additional cattle and on-going operation, but is not expected to exceed the County's noise regulation; therefore, less than significant impacts are expected. The expansion of feedlot operations would be further to the south of existing operations and the local Heber community.

b) Generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☒ ☐

b) There will be vibrations and groundborne noises due to the construction of pens, increased number of cattle trucks(s), hauling cattle to and from the expanded area; however impacts would be considered less than significant due to location of expansion to its proximity to the existing El Toro Feed-yard operation.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☒ ☐

c) The project is not located within the vicinity of a private airstrip or airport land use plan or within two miles of public airport. The expansion of feeding operation would appear to have less than significant impacts to public airports or public use airports.

XIV. ***POPULATION AND HOUSING*** ***Would the project:***

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒

a) The proposed project is a non-residential project, and it is not expected to directly or indirectly induce the local population or infrastructure substantially for new homes and/or businesses; therefore, no impacts are expected.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

b) The proposed project is not expected to displace substantial numbers of existing housing, necessitation the construction of replacement housing elsewhere; therefore, no impacts are expected. The proposed site is currently farmed with a composting operation on one side.

XV. ***PUBLIC SERVICES***

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: ☐ ☐ ☒ ☐

a) The project would not result in substantial adverse physical impacts associated with potential impacts foreseen on public services. However, any impact would be less than significant.

1) Fire Protection? ☐ ☐ ☒ ☐

1) The proposed project is for an expansion to an existing feed-yard and is not be expect to result in a substantial adverse effect to fire protection. Any impacts would appear to be less than significant.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
2) Police Protection?	☐	☐	☒	☐

2) The proposed project will not result in a substantial impact to police protection; however, any impacts would appear to be less than significant.

3) Schools?	☐	☐	☐	☒

3) The proposed project would not result in a substantial impact to schools, as it is a non-residential project; therefore, no impacts are expected.

4) Parks?	☐	☐	☐	☒

4) As explained under item 3) Schools above, the project is a non-residential project and is would not require the construction or expansion of new parks; therefore, no impacts are expected.

5) Other Public Facilities?	☐	☐	☐	☒

5) The Project would not result in a substantial increase in population; it does not require additional public facilities beyond that which already exists. Therefore, no impact is expected.

XVI. *RECREATION*

a)	Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

a) The proposed project is not expected to impact neighborhood and regional or other recreational facilities including parks, nor would it create a substantial physical deterioration of any facilities; therefore, no impacts would be expected.

b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	☐	☐	☐	☒

b) The proposed project does not include the construction of recreational facilities; therefore, no impacts are expected.

XVII. *TRANSPORTATION* *Would the project:*

a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐

a) The project facility would not appear to conflict with a program plan, ordinance or polity regarding the circulation system, the project site expansion is to the south of existing facility along the same roadways currently used by operators. Less than significant impacts are expected.

b)	Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

b) The proposed project does not appear to conflict or be inconsistent with CEQA Guidelines, Section 15064.3(b). There are no transit stops near the proposed project site; Additionally, any road improvement(s) shall be made to the Imperial County Public Works Department requirements. Less than significant impacts are expected.

c)	Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

c) Expansion of feeding operation would appear to have less than significant impacts to roadways; the roads appear to be straight and level with no sharp curves for dangerous intersections, less than significant impacts are expected.

d) Result in inadequate emergency access? ☐ ☐ ☒ ☐

d) The Project would not appear to block any major thoroughfares and would not result in inadequate emergency access to the Facility. Therefore, less than significant impacts are expected.

XVIII. *TRIBAL CULTURAL RESOURCES*

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is: ☐ ☐ ☒ ☐

a) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or ☐ ☐ ☒ ☐

(i) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. in applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. ☐ ☐ ☒ ☐

(ii) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive. A request to contact the Ewaiiaapaayp tribe was done. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

affected by the proposed project. It would appear less than significant impacts are expected.

XIX. ***UTILITIES AND SERVICE SYSTEMS*** ***Would the project:***

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☒

a) No expansion of water wastewater treatment is expected. Storm-water drainage will require operator to permit with local agencies. No impacts are expected.

b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? ☐ ☐ ☒ ☐

b) Water supplies provided either by Heber Utility District or IID to project site and impacts due to expansion would appear to be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ☐ ☐ ☒ ☐

c) Expansion of cattle feeding operations would not appear to have significant impacts to local wastewater treatment facilities. Less than significant impacts are expected.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ☐ ☐ ☒ ☐

d) Project will not appear to generate additional solid waste in excess of State or local standards. Less than significant impacts are expected.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

e) The Permittee will comply with all federal, state and local statues and therefore, less than significant impacts are expected.

XX. ***WILDFIRE***

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐

a) According to the Draft Fire Hazard Severity Zone Map for Imperial County prepared by the California Department of Forestry and Fire Protection, the Project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones. The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, less than significant impacts is expected.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ☐ ☐ ☒ ☐

b) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). Therefore, the project would not worsen wildfire risks. Therefore, less than significant impacts are expected for this area.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐

c) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). The project would not require the installation or maintenance of associated infrastructure that may worsen fire risk or that may result in temporary or ongoing impacts to the environment. The expansion of feedlot operations for cattle would appear to have a less than significant impact to fire risk or expansion of fire risks.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

d) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result, of runoff, post-fire slope instability, or drainage changes. The expansion of feeding operation is on level and flat grounds and impacts would appear to be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
Revised 2011- ICPDS
Revised 2016 – ICPDS
Revised 2017 – ICPDS
Revised 2019 – ICPDS

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	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

a)	**Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?**	☐	☐	☑	☐
b)	**Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**	☐	☑	☐	☐
c)	**Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**	☐	☐	☑	☐

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IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- David Black, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- _____
- _____

(Written or oral comments received on the checklist prior to circulation)

EEC ORIGINAL PKG

V. REFERENCES

1. Air Quality and Greenhouse Gas Emission Study for El Toro Land and Cattle Company. Prepared for Imperial County Planning and Development Services Department Prepared by UltraSystems dated October 2019.
2. Native American Heritage Commission comment letter dated August 14, 2019
3. California's Alquist-Priolo Earthquake Fault Zone Map, Revised January 1, 1990, 3
4. County Seismic and Public Safety Element, Figure 3 (Erosion Activity). 4
5. Zone X as per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel #06025C2075C 5
6. Existing Mineral Resources Map (Figure 8) in the conservation and open Space Element of the County of Imperial General Plan,

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1 MITIGATED NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: EL TORO CATTLE CONDITIONAL ZONE CHANGE #18-0006

Project Applicant: ETX, LLC

Project Location:

This project is located at 96 E. Fawcett Road, Heber, lying west along Pitzer Road and Fawcett Road and boarding the east & west side of the Southern Pacific Railroad. Additionally, the parcels is describe as Lot 28, Map No. 361, as the Portion of Tract 48, Township 16 South, Range 14 East, SBM, 160 acres. The parcels identified as APN's 054-250-012-000 and 054-250-014-000.

Description of Project:

The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007, El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. The current request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently being used for the composting operations. The Composting operation will be re-located locally in the Imperial County vicinity. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".

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2 FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Mit Igated Negative Declaration based upon the following findings:

☑ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The Initial Study identifies potentially significant effects but:

(1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

(2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

(3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

5-14-2020 Sor
Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature 5-14-2020
Date

SECTION 4

EEC ORIGINAL PKG
EEC ORIGINAL PKG

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

EEC ORIGINAL PKG

MM AQ-1.

The operator will require that employees and cattle trucks drive only on paved roads.

MM AQ-2.

Standard Mitigation Measures for Fugitive PM_{10} Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

EEC ORIGINAL PKG

Discretionary Mitigation Measures for Fugitive PM_{10} Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible

c. Automatic sprinkler system installed on all soil piles

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees

f. Implement a shuttle service to and from retail services and food establishments during lunch hours

Standard Mitigation Measures for Construction Combustion Equipment

e. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.

a. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

b. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use

c. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.
b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

EEC ORIGINAL PKG

MM AQ-3

A. **Cattle manure has been identified as a source of odor. Accelerated manure removal has been identified as a mitigation strategy. Please see chart below for details. This practice will be applied to all occupied pens on site during each expansion phase and will result in a net reduction of manure at the facility.**

B. **Before the start of construction on phase 2, the compost yard will be moved to another facility not less than 2 miles from a substantial number of people.**

	Estimated Head Count	Manure Removal from Pens	Other Measures
Current Practice	18,000	18 Months	
Proposed Phase 1 expansion	9,000	9 Months	
Proposed Phase 2 expansion	8,000	12 Months	*Relocation of Compost Yard
Ongoing		12 Months	*Relocation of Compost Yard

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EEC ORIGINAL PKG

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES PURSUANT TO THE ENVIRONMENTAL EVALUATION COMMITTEE
March 26, 2020
ETX, LLC
Cattle Feedlot Expansion Project
[ZC #18-0006] (APN 054-250-012 & 014-000)
(CEQA – Mitigated Negative Declaration)

Pursuant to the review and recommendations of the Imperial County Environmental Evaluation Committee (EEC) on March 26, 2020, the following Mitigation Measures are hereby proposed for the project:

AIR QUALITY RESOURCES:

MITIGATION MEASURES:

Mitigation for Criteria Pollutant Impacts

MM AQ-1

- **The operator will require that employees and cattle trucks drive only on paved roads.**

MM AQ 2

Standard Mitigation Measures for Fugitive PM10 Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

EEC ORIGINAL PKG

e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

Discretionary Mitigation Measures for Fugitive PM10 Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible

c. Automatic sprinkler system installed on all soil piles

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees

f. Implement a shuttle service to and from retail services and food establishments during lunch hours

Standard Mitigation Measures for Construction Combustion Equipment

a. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.

b. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

c. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use

EEC ORIGINAL PKG

d. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways

b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

MM AQ-3

a. Cattle manure has been identified as a source of odor. Accelerated manure removal has been identified as a mitigation strategy. Please see chart below for details. This practice will be applied to all occupied pens on site during each expansion phase and will result in a net reduction of manure at the facility.

b. Before the start of construction on phase 2, the compost yard will be moved to another facility not less than 2 miles from a substantial number of people.

	Estimated Head Count	Manure Removal from Pens	Other Measures
Current Practice	18,000	18 Months	
Proposed Phase 1 expansion	9,000	9 Months	
Proposed Phase 2 expansion	8,000	12 Months	*Relocation of Compost Yard
Ongoing		12 Months	*Relocation of Compost Yard

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EEC ORIGINAL PKG

Michael Abraham

From: Reyes Romero
Sent: Tuesday, March 10, 2020 3:11 PM
To: Michael Abraham
Cc: Jesus Ramirez; Monica Soucier; Emmanuel Sanchez; David Black
Subject: RE: ETX Conditional Zone Change

Good afternoon Abraham:

The APCD will not submit comment letter, please feel free to use this e-mail as record.

From: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 3:04 PM
To: Reyes Romero <ReyesRomero@co.imperial.ca.us>
Cc: Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>
Subject: RE: ETX Conditional Zone Change

Good afternoon Reyes,

Email received. Please provide your comments on APCD letterhead to be incorporated into the EEC – Study Packet.

Thanks,

From: Reyes Romero <ReyesRomero@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 1:39 PM
To: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Cc: Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>
Subject: RE: ETX Conditional Zone Change

Good Afternoon Abraham:

Please be advised that the mitigation measures proposed by ETX for removal of manure from corrals, as proposed in the schedule below, are in conformance with APCD Rules. However, ETX is still required to comply with APCD nuisance rule.

If you have additional questions, please don't hesitate to call us,

Reyes Romero
Assistant APCO
150 S 9th Street
El Centro, CA 92243
Tel (442) 265 1800
reyesromero@co.imperial.ca.us

EEC ORIGINAL PKG

From: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 12:40 PM
To: Reyes Romero <ReyesRomero@co.imperial.ca.us>
Cc: Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>
Subject: RE: ETX Conditional Zone Change

Good afternoon Reyes,

FYI,

Please see attached email from EHS.

Additionally, once APCD concerns have been resolved, an official comment letter is requested to incorporate into the EEC - Initial Study Packet.

Thanks,

From: Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 8:45 AM
To: David Black <DavidBlack@co.imperial.ca.us>; Reyes Romero <ReyesRomero@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>
Subject: RE: ETX Conditional Zone Change

We have reviewed the information below and is satisfied with the language, the Air District has no comments.

Emmanuel

El Toro Land and Cattle can offer modifications to current practices to avoid any potential increases in odor related to the conditional zone change for the ETX Heber property. Cattle manure has been identified as a source of odor. Accelerated manure removal has been identified as a mitigation strategy. This practice will be applied to all occupied pens on site during each phase and will result in a net reduction of manure at the facility.

	Estimated Head Count	Manure Removal from Pens	Other Measures
Current Practice	18,000	18 Months	
Proposed Phase 1	9,000	9 Months	
Proposed Phase 2	8,000	12 Months	*Relocation of Compost Yard
Ongoing		12 Months	*Relocation of Compost Yard

*Before the start of construction on phase 2, the compost yard will be moved to another facility not less than 2 miles from a substantial number of people.

From: David Black <DavidBlack@co.imperial.ca.us>
Sent: Friday, March 6, 2020 9:42 AM
To: Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>; Reyes Romero <ReyesRomero@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: ETX Conditional Zone Change

EEC ORIGINAL PKG

Emmanuel, Good Morning.

The attachment with proposed Mitigations from El Toro were received a couple of days ago and I have included this language in the IS. Please review and please send me your comments. I have the EEC hearing scheduled for the 27th of March.

Dave Black

From: Blake Plourd <BlakePlourd@eltoroexport.com>
Sent: Wednesday, March 4, 2020 2:08 PM
To: David Black <DavidBlack@co.imperial.ca.us>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; William R Plourd <bplourd@eltoroexport.com>; Reyes Romero <ReyesRomero@co.imperial.ca.us>; tom@dubosedesigngroup.com
Subject: ETX Conditional Zone Change

CAUTION: This email originated outside our organization; please use caution.

Please see the attached mitigation on the potential odor impacts discussed at our meeting on Monday. Reyes reviewed this yesterday and agreed this addresses APCD concerns. The project should be ready to reschedule for EEC review. Let us know if you have any questions.

Best,

Blake Plourd
General Manager

El Toro Land & Cattle
96 E Fawcett Rd
Heber, CA 92249
Office: 760.352.6312
Cell: 760.427.7206

EEC ORIGINAL PKG

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799

AIR POLLUTION CONTROL DISTRICT

November 29, 2018

Jim Minnick
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

SUBJECT: Request for Zone Change (18-0006) for Proposed Expansion of the Feed Yard for an existing facility in Heber by ETX, LLC (El Toro Export, LLC)

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review the request by El Toro Export, LLC and its subsidiary ETX, LLC for a proposed Zone Change (18-0006) that would allow for an expansion of a current feed yard at the company's existing facility at 96 East Fawcett Road in Heber, California. In 2007, El Toro Land and Cattle Company entered into an Agreement for Conditional Zone Change 06-0011 with the County of Imperial to accommodate a Zone Change from A-2 Medium Agriculture to A-3 Heavy Agriculture to allow for the construction and operation of a Composting Facility. Zone Change 06-0011 included 19 Specific Conditions, one of which was "S17-No Growth Allowed" that prohibited expansion of the number of corrals and footprint of the feedlot operation.

The proposed Zone Change 18-0006 would increase the feeding capacity of the Feed Yard by adding additional feeding pens on the site. The expansion would occur to the south of existing pens on APN 054-250-012-001 and APN 054-250-014-001 over two phases. Phase 1 of the proposal would expand existing feedlots onto the southern portion of APN 054-250-012-001 which would displace a current established crop of Bermuda grass. Phase 2 would expand feedlots onto the southern portion of APN 054-250-014-001 where a composting operation is currently located. Prior to completion of Phase 2, a new location would need to be identified for the composting operation. If approved, the completed project will increase feeding capacity by approximately 17,000 head of cattle.

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ICAPCD Comments

The Air District expresses a number of concerns over the proposed zone change. First, the proposed zone change excludes mention of requirements set forth in Rule 217 governing Large Confined Animal Facility (LCAF) permits. Among other items, Rule 217 requires:

1) That the owner/operator shall obtain from the Air District an Authority to Construct (ATC) or Permit to Operate (PTO) for a new or modified LCAF.

2) An Emissions Mitigation Plan be submitted to the Air District that demonstrates that the facility will reduce emissions of VOCs and ammonia.

3) A Dust Control Plan for beef feedlots shall adhere to the requirements within Rule 420. Rule 420 stipulates that a Beef Feedlot which submits an application for a LCAF permit shall include a written plan designed to effectively control dust.

Aside from the above, the Air District would like to know in advance of the proposed location for the new Composting Facility Operation. The applicant's proposal simply states "in the region" without further details. The Air District respectfully requests more details on this proposal.

Compliance with Regulation VIII Fugitive Dust Rules is also required. Air District Rules and Regulations can be found on our website at www.co.imperial.ca.us/AirPollution under the "Planning" tab. The ICAPCD office can be reached at (442) 265-1800.

Sincerely,

Curtis Blondell

Curtis Blondell
Environmental Coordinator

EEC ORIGINAL PKG

Michael Abraham

From: Blake Plourd <BlakePlourd@eltoroexport.com>
Sent: Tuesday, March 10, 2020 2:12 PM
To: David Black
Cc: Michael Abraham; William R Plourd; Jeff Plourd; Lynn Jensen
Subject: FW: El Toro Land and Cattle CAFO Conditional Zone Change

CAUTION: This email originated outside our organization; please use caution.

David,

We are under the updated version of the order r7 and in good standing with RWQCB. Our annual report was filed in February. The referenced section is regarding manure or compostable material removed from corrals and stored on the facility. Our manure removal (from pens) requirement every 18 months is a term of the CAFO permit from APCD. Let me know if you need me to clarify anything in our statement.

(c) Remove manure and compostable material from the facility or land app manure or compostable material in accordance with the facility's NM within 180 days. Any manure or compostable material remaining at th facility after 180 days of being removed from the corrals is considered t be disposal[6] of manure or compostable material and is prohibited i accordance with section IV.F and Title 14, Division 7, Chapter 3.1 of th California Code of Regulations and by Imperial County Ordinance, Titl 9.

- Large CAFOs shall prepare a manifest of the manure hauled awa for each hauling event (Attachment H). The annual report prepared i accordance with Monitoring and Reporting Program No. R7-201: 0800 shall include a certification that a Manure Tracking Manife: was prepared for each manure hauling event.
- The Discharger shall be responsible for appropriate disposal (manure from the property over the 180-day period following remov: of the manure from corrals. This means that disposal shall b coordinated with periods of rainfall such that manure can be remove from the facility within 180 days of being scraped from corrals.
- The Discharger may submit a written request to the Executive Offic for approval to authorize a longer storage time of manure (compostable material in the event that unforeseen circumstance justify a longer storage time. The Discharger must also see concurrence with Imperial County for authorization of a longe storage time of manure or compostable material.

Blake Plourd

EEC ORIGINAL PKG

General Manager

El Toro Land & Cattle
96 E Fawcett Rd
Heber, CA 92249
Office: 760.352.6312
Cell: 760.427.7206

From: David Black <DavidBlack@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 12:31 PM
To: Blake Plourd <BlakePlourd@eltoroexport.com>
Cc: William R Plourd <bplourd@eltoroexport.com>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: El Toro Land and Cattle CAFO Conditional Zone Change

Good Afternoon Blake,

Please see email from EHS regarding pen cleaning practices.

Dave Black

From: Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>
Sent: Tuesday, March 10, 2020 11:46 AM
To: David Black <DavidBlack@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Figueroa-Acevedo, Jose@Waterboards <Jose.Figueroa-Acevedo@waterboards.ca.gov>; Kai.Dunn@waterboards.ca.gov
Subject: RE: El Toro Land and Cattle CAFO Conditional Zone Change

Hi Dave,

In the attached word document it is proposed by El Toro Land and Cattle that their cattle pens in Heber be cleaned out once every 9-12 months. In the Regional Water Quality Control Board's Order R7-2013-0800 (attached pdf), on page 18, the best management practices require that manure be removed within 180 days. I don't know if El Toro is subject to this board order, or if the Regional Board has any standards for how often to clean out cattle pens. I have CC'd representatives from the regional board's CAFO program, in case they want to weigh in or you want to contact them for clarification.

Thank you,

Alphonso Andrade - Registered Environmental Health Specialist
Imperial County Public Health Department
Division of Environmental Health
797 Main Street, Suite B
El Centro, CA 92243
Ph: (442)265-1888
Fax:(442)265-1903
www.icphd.org

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From: David Black <DavidBlack@co.imperial.ca.us>
Sent: Thursday, March 5, 2020 7:17 AM
To: Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: ETX Conditional Zone Change

Good Morning Jeff,

After the meeting on Monday, the attached mitigation is being proposed by El Toro Feed yards in Heber for odor reduction on the proposed expansion.

Do you have any comments?

Dave Black, Planner IV
ICPDS

From: Blake Plourd <BlakePlourd@eltoroexport.com>
Sent: Wednesday, March 4, 2020 2:08 PM
To: David Black <DavidBlack@co.imperial.ca.us>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; William R Plourd <bplourd@eltoroexport.com>; Reyes Romero <ReyesRomero@co.imperial.ca.us>; tom@dubosedesigngroup.com
Subject: ETX Conditional Zone Change

CAUTION: This email originated outside our organization; please use caution.

Please see the attached mitigation on the potential odor impacts discussed at our meeting on Monday. Reyes reviewed this yesterday and agreed this addresses APCD concerns. The project should be ready to reschedule for EEC review. Let us know if you have any questions.

Best,
Blake Plourd
General Manager

El Toro Land & Cattle
96 E Fawcett Rd
Heber, CA 92249
Office: 760.352.6312
Cell: 760.427.7206

EEC ORIGINAL PKG

David Black

From: Alphonso Andrade
Sent: Thursday, February 27, 2020 11:48 AM
To: David Black
Cc: Jeff Lamoure
Subject: Compost Management Regulations

Hi Dave,

Jeff asked me to e-mail you about compost holding time limits that we enforce, as a part of our composter inspections.

Anyway, Environmental Health, as the solid waste local enforcement agency, inspect composting facilities. As per the definition of disposal in 14 CCR § 17852.15(A)3, which is quoted below, composters are required to move compost/compostable material within 12 months of having received it at their facility.

(15) "Disposal of compostable material and/or digestate" means:

(A) 1. the final deposition of compostable material and/or digestate on land, unless excluded from this Chapter 3.1 pursuant to section 17855;

2. storing or stockpiling more than 200 cubic yards of compostable material, other than stabilized compost as defined in section 17852(a)(36) that meets the maximum metal concentration requirements of section 17868.2, on land for more than 30 days, except as provided in subdivision (A)3.; or

3. storing or stockpiling more than 200 cubic yards of agricultural material, green material, or compost for more than twelve months on land that is zoned for agricultural uses, unless the EA, after consultation with the applicable RWQCB and other agencies as the EA deems appropriate, makes a written finding that storing or stockpiling the material more than 12 months will not adversely affect the public health and safety or the environment.

If any operator is deemed to have disposed of compostable material, as defined above, then we may cite the operator for violating PRC 44002 (operating a disposal facility without a permit).

The Regional Water Quality Control Board oversees CAFOs and may oversee composters as well. They have a page on CAFOs on their website:
https://www.waterboards.ca.gov/coloradoriver/water_issues/programs/cafo/#gencafopermit

On this page they have CAFO Board Order R7-2013-0800. In this order, on page 18, there is a list of best management practices for the management for the management of compost.

Jose Figueroa-Acevedo is listed as a contact, at the bottom of the page, for the RWQCB's CAFO program, in case you have any questions about it.

Let me know if you have any questions about the first half of this message.

Alphonso Andrade - Registered Environmental Health Specialist
Imperial County Public Health Department
Division of Environmental Health
797 Main Street, Suite B
El Centro, CA 92243

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November 29, 2018

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IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: El Toro Land & Cattle Co. Heber Feed Yard Expansion, Zone Change 18-0006

Dear Ms. Valenzuela:

On November 14, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Zone Change application no. 18-0006. The applicant, ETC, LLC; is requesting a change of zone for the proposed expansion of the feed yard at the existing El Toro Land and Cattle Company facility at 96 East Fawcett Road in Heber, CA.

The IID has reviewed the application and has the following comments:

1. If the prosed expansion requires modification to the feed yard's current electrical load, the applicant should be advised to contact Joel Lopez, Project Manager Sr. at (760) 482-3444 or e-mail Mr. Lopez at jflopez@iid.com to review the project's scope of work and initiate the electrical service application process. The application is available at http://www.iid.com/home/showdocument?id=12923.

2. IID water facilities that may be impacted include the Daffodil Canal, Daffodil Lateral 1, and Daffodil Lateral 2 on APNs 054-250-012 and 054-250-014.

3. The proposed expansion of the feed yard will need increased water supply pond capacity during IID maintenance outages. IID Water Department Engineering Services requests an increase in capacity of the cattle company's water supply pond(s) in accordance with Imperial County's requirements.

4. Applicant should consult with IID Water Department Engineering Services prior to finalization of the fencing plan. The fencing plan consultation will address IID's right-of-way for safety purposes and allow access for IID operation and maintenance activities. IID Water Department Engineering Services can be contacted at (760) 339-9265 for further information.

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5. It is important to note that a change in existing drainage discharge locations may substantially alter the drainage pattern of the project site and may adversely impact IID drains. To mitigate these impacts, a comprehensive IID hydraulic drainage system analysis may be required. IID's hydraulic drainage system analysis includes an associated drain impact fee. For further information, applicant should contact IID Water Engineering Services.

6. No offsite drainage discharge is allowed into IID drains from the feed yard or feed yard expansion. This includes existing tailwater pipe(s) and existing tile lines. Applicant should provide description of how current operations manage storm water runoff.

7. The developer may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities shall be approved by IID based on systems (irrigation, drainage, power, etc.) needs.

8. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at http://www.iid.com/departments/real-estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

9. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

10. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and

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environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Enrique B. Martinez – Manager, Energy Dept.
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Randy Gray – Supervisor, Real Estate
Jessica Lovecchio – Environmental Project Mgr. Sr., Water Dept.

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David Black

From: michael rogozen <mrogozen@ultrasystems.com>
Sent: Thursday, February 27, 2020 12:12 AM
To: David Black
Cc: Michael Abraham
Subject: Questions About El Toro Feedlot AQ and GHG Study

Importance: High

CAUTION: This email originated outside our organization; please use caution.

Dave:

I have divided this email into four sections, each covering an area of concern mentioned in your February 25, 2020 email and our telephone conversation of the same date.

DISTANCE TO SENSITIVE RECEPTORS

I remeasured the distance from the proposed project to the nearest sensitive receptors. In Section 4.5.3 of the final report, it says that this distance is 0.9 mile. You told me that someone claimed it is actually 0.09 mile. Figure 3.1-1 of the report shows sensitive receptors surrounding the project site. The closest appear to be SR-1 and SR-4. My new measurements of the distances between the residences and the project site boundary are 0.29 mile for SR-1 and 0.32 mile for SR-4. These are less than the value stated in the report but much more than 0.09 mile. I think that the 0.09-mile value came from measuring to the boundary of the existing facility.

ODOR MANAGEMENT

In our report, we considered the issue of odors from the proposed project. Note that we did not write any part of the IS/MND; we only did the air quality and greenhouse gas emissions technical study, Nevertheless, we did address odors. We discussed the Imperial County Right-to-Farm Ordinance, saying "In recognition of the role of agriculture in the county, Imperial County has adopted a right-to-farm ordinance. A 'right-to-farm' ordinance creates a legal presumption that ongoing, standard farming practices are not a nuisance to adjoining residences." The proposed project would continue a standard farming practice.

Section 4.5.4 of our report discusses objectionable odors from ammonia emissions from feedlots. The ammonia readily disperses in the air as the wind carries it away from the feedlot, so that it is not a problem a fair distance away. The Imperial County Air Pollution Control District reviewed our technical report, including our discussion of odors, and had "no comments."

I do not know what odor control measures other than composting are currently in place at the El Toro facility, so some of the following options may not apply or have been implemented already. It is assumed that manure will be exported from the site to a composter facility or other type of treatment. For that reason, no alternative onsite treatment is discussed here. The following is an outline of frequently mentioned methods to control odors at large confined animal facilities (LCAFs).

1. Diet Manipulation

Balance diets for protein degradability rather than crude protein
Avoid overfeeding sulfur

2. Animal Housing Measures

Adequate slope so that moisture runs off

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Oil treatment of earthen lots to suppress dust

3. Manure Storage

Earthen basins
- Natural crust
- Bio-covers (e.g. straw)
- Inorganic (geo-textile, clay balls, plastic cover)

Steel or concrete tanks above or below ground
- Impermeable covers (PVC, wood, concrete); biofilter needed at ends of vents
- Permeable covers (straw)

Aeration (very effective but expensive)

4. Barriers

Shelterbelts

Under calm, cool conditions (evenings and nighttime), the air near the ground cools and drifts downslope, picking up odors, and may create a nuisance around dwellings in its path. On the other hand, terrain and land cover features such as trees and brush can serve to shelter potential odor sources from the wind so that less odor is transported downwind. These same types of features can help disperse odors, thereby reducing their strength. An option to be considered, therefore, is surrounding the site with vegetation. This may be the most cost-effective odor dispersion method.

Windbreak walls

REMOVAL OF THE COMPOSTER

It is hard to say, without additional information, whether the removal of the composter will decrease odor emissions from the property. On the one hand, the composter, if properly aerated, allows for aerobic processes with generally lower odor levels than would result from anaerobic decomposition. On the other hand, the composter itself, if not properly operated, can itself be an odor source.

AB 617

You asked, "would this community be considered under AB 617?" Assembly Bill 617, signed by the governor on July 26, 2017, requires a uniform statewide system for reporting emissions of criteria pollutants and toxic air contaminants from stationary sources. It also requires ambient air monitoring for criteria pollutants and toxic air contaminants in selected communities throughout the state. Community air monitoring systems are defined as "advanced sensing monitoring equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations and in disadvantaged communities and that may be useful for estimating associated pollutant exposures and health risks, determining trends in air pollutant levels over time, and in supporting enforcement efforts." Imperial County has proposed a "corridor" of cities and rural areas running from El Centro south to Calexico. One of the cities in the corridor is Heber. So the answer is "yes," the community is considered under AB 617. However, AB 617 is specifically concerned with criteria pollutants, toxic air contaminants, and greenhouse gases. It does not even mention odors.

I hope that this information is useful. If you have any more questions before the hearing give me a call. I should be in in by 8 a.m.

Michael Rogozen, D.Env. | **Senior Principal Engineer**

UltraSystems Environmental | WBE/DBE/SBE
16431 Scientific Way
Irvine, CA 92618
Office **949.788.4900 Ext. 272**
Fax 949.788.4901

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COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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May 8, 2020

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

RECEIVED
MAY 11 2020
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Attention: David Black, Planner IV

SUBJECT: **Conditional ZC 18-0006 El Toro Export, LLC**
Located on 96 E Fawcett Road, Heber, CA
APN 054-250-012/014

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on January 22, 2019 for the above mentioned project. The applicant proposes to expand the feed yard for an existing facility in Heber. After review of the information the Department has determined that the Zone Change may proceed with the following requirements (some of which were identified on previous Zone Changes for this development).

This Department has reviewed the submitted documents for the proposed Conditional Zone Change #18-0006 documents and the Conditional Zone Change #06-0011 recorded in August 2007. It was noted during the review process that certain conditions listed in Conditional ZC #06-0011 were not completed, specifically conditions S14 thru S16.

As part of the new proposed Zone Change the applicant shall provide resolution to those previous conditions. In addition the new following conditions shall apply.

ZC #18-0006 Pending Conditions

1. Ware Road is classified as Major Collector - Collector, four (4) lanes, requiring eighty four feet (84) of right of way, being forty two (42) feet from existing centerline. It is required that sufficient right of way be provided to meet this road classification (as directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).

2. Unless exempt under County Ordinance Chapter 10 Grading Regulations 91010. Permittee shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Grading plans shall be prepared per County of Imperial Department of Public Works Engineering Design Guidelines Manual. Grading plan shall be submitted to the Department of Public Works for review and approval. Permittee shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

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- Prior to the issuance of grading and building permits, Permittee shall complete the installation of temporary stabilized construction entrances and emergency access entrances for each parcel.

- Permittee shall be responsible for repairing any damage caused to County roads during construction as determined by the Imperial County Road Commissioner. Estimated traffic loading is anticipated to be less than 250 passenger car equivalent vehicles daily for the expansion area. If this number increases then additional improvements and/ or fair share road maintenance costs may apply.

- Primary access driveways along County Roads shall be constructed of asphalt concrete pavement per County of Imperial Department of Public Works Engineering Design Guidelines Manual – Detail of Commercial Driveway to Connection Rural Road Connection – Dwg. No. 410B.

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).

- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).

- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 – Overweight Vehicles and Loads).

- As this project proceeds through the planning and the approval process, additional comments and/or requirements may apply as more information is received.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, P.E.
Director of Public Works

JAG/ag

S:\Programs\PRIVATE PROJECTS ADMIN\2) PRIVATE PROJECTS\ZC\18-0006 El Toro Export\ZC 18-0006 (Draft 3)..doc

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COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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March 18, 2020

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

RECEIVED
MAR 19 2020
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Attention: David Black, Planner IV

SUBJECT: **Conditional ZC 18-0006 El Toro Export, LLC**
Located on 96 E Fawcett Road, Heber, CA
APN 054-250-012/014

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on January 22, 2019 for the above mentioned project. The applicant proposes to expand the feed yard for an existing facility in Heber.

This Department has reviewed the submitted documents for the proposed Conditional Zone Change #18-0006 documents and the Conditional Zone Change #06-0011 recorded in August 2007. It was noted during the review process that several of the conditions listed on Conditional ZC #06-0011 have not been completed. It is the recommendation of this Department that the proposed zone change request does not move forward until such time the following conditions on Conditional ZC #06-0011 are completed:

S14. RIGHT OF WAY
Pitzer Road is classified as a Major Collector Road requiring eighty-four (84) feet of right of way, being forty-two (42) feet from existing road centerline. The existing centerline falls approximately twenty-six (26) feet south of the north line of this right-of-way, therefore, it is requested that an additional 21.5 feet of right-of-way (south of the 46 feet) be provided to meet this road classification.

Fawcett Road is classified as a Major Collector requiring eighty-four (84) feet of right-of- way, being forty-two (42) feet from existing road centerline. The County currently has forty-six (46) feet of dedicated right-of-way. It is requested that an additional 21.5 feet of right-of-way (south of the 46 feet) be provided to meet this road classification.

S15. GRADING AND DRAINING
The Permittee shall furnish a Grading and Drainage Study/Plan to provide for property grading and erosion control, which shall also include prevention or sedimentation or damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The Permittee shall implement the approved plans. Permittee agrees to employ the appropriate Storm Water Best Management Practices (BMP's).

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S16. IMPROVEMENTS TO DRIVEWAY OF FACILITY
The Permittee shall make improvements to entrance and driveway as to county standards and such improvement plans shall be submitted to the Department of Public Works for review and approval.

A comment letter from this Department for Conditional ZC 18-0006 El Toro Export, LLC shall be prepared and forwarded once the above items have been satisfactorily completed.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, P.E.
Director of Public Works

FO/cv

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David Black

From: Tony Sandoval <Tony-sandoval@live.com>
Sent: Thursday, February 27, 2020 11:23 AM
To: emmanuesanchez@co.imperial.ca.us; David Black
Subject: ETX, LLC (Zone Change # 18-0006)

CAUTION: This email originated outside our organization; please use caution.

Hi Mr. Sanchez and Mr. Black,

I am a current resident in Heber and am concerned about the expansion of the El Toro Feed lot. Don't get me wrong, I have long said that El Toro is a friend of the Heber community, their current operations and cattle were in Heber before most Heber residents were in Heber. El Toro contributes to school groups, church organizations and ensure that they contribute to the communities dust suppression by using their water truck around Heber School to keep dust down as children walk to and from school. The expansion of the El Toro Feed lot will certainly bring environmental challenges including additional dust (you can see it each night no matter the current dust suppression activities), additional noise and traffic and unknown impacts to the communities expansion.

I trust that there are folks in the process that will make sure that the Heber community is taking care of in terms of mitigation for the impacts.

Thanks,
Tony Sandoval
eMail: tony-Sandoval@live.com
Phone: (760) 540-9101

EEC ORIGINAL PKG

David Black

From: Emmanuel Sanchez
Sent: Wednesday, February 26, 2020 11:40 AM
To: Frances Ornelas
Cc: David Black; Reyes Romero; Jesus Ramirez; Monica Soucier; Belen Leon
Subject: RE: El Toro Expansion

Thanks for your concern, I'm passing on this comment to the David Black from the County Planning Department who is overseeing this project.

Emmanuel Sanchez
APC Division Manager
150 S. 9th Street
El Centro, CA 92243
Office: 442-265-1800
Fax: 442-265-1799
emmanuelsanchez@co.imperial.ca.us

ICAPCD
IMPERIAL COUNTY
AIR POLLUTION CONTROL DISTRICT

From: Frances Ornelas <fornelas@seeleyusd.org>
Sent: Wednesday, February 26, 2020 9:50 AM
To: Emmanuel Sanchez <EmmanuelSanchez@co.imperial.ca.us>
Subject: El Toro Expansion

CAUTION: This email originated outside our organization; please use caution.

Good Morning
As a resident of Heber the expansion of El Toro is very concerning to me, members of my family have asthma and bad allergies I feel this will only effect my families health issues, as it is our traffic on Dogwood from the mall is bad enough the dust it creates in our homes is not something we are happy with. The expansion of El Toro will only create more air pollution issues.

Thank you
Concerned Heber Resident

Frances Ornelas
14 E Cantaloupe St
Heber, CA 92249

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David Black

From: Luis . <luislopezamial@gmail.com>
Sent: Wednesday, February 26, 2020 11:09 AM
To: David Black

CAUTION: This email originated outside our organization; please use caution.

I'm opposed to el toro expansion as it will bring numerous air problems to imperial valley. No more cattle.

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AIR QUALITY AND GREENHOUSE GAS EMISSIONS STUDY
FOR
EL TORO LAND AND CATTLE COMPANY
HEBER OPERATIONS EXPANSION

Prepared for:

Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

Prepared By:

UltraSystems Environmental
16431 Scientific Way
Irvine, California 92618-4355

Job No. 7019

October 2019

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This analysis was prepared in accordance with § 15063(d)(3) and Appendix G of the State CEQA Guidelines to determine the potential significant air quality effects on the physical environment that could result from the implementation of the project.

Report Preparers:

Name & Title: MICHAEL ROGOZEN, Senior Principal Engineer

Signature: _____ Date: October X, 2019

Name & Title: JOE O'BANNON, Staff Engineer

Signature: _____ Date: October X, 2019

Name & Title: MIKE LINDSAY, Air and Noise Scientist

Signature: _____ Date: October X, 2019

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TABLE OF CONTENTS

1.0 Introduction 1

2.0 Project Description 4

3.0 Existing Conditions 4
3.1 Existing Sensitive Land Uses 4
3.2 Regional Climate/Meteorology 4
3.2.1 Temperature and Precipitation 7
3.2.2 Humidity 7
3.2.3 Wind 7
3.2.4 Inversions 7
3.3 Regulatory Setting 8
3.3.1 Air Pollutants of Concern 8
3.3.2 Ammonia 11
3.3.3 Applicable Regulations 11
3.3.4 Air Quality Plans 12
3.3.5 Local Regulations 15
3.4 Regional Air Quality 15
3.5 Local Air Quality 17

4.0 Air Quality Impacts Analysis 18
4.1 CEQA Impact Review Criteria 18
4.2 Imperial County APCD Thresholds of Significance 19
4.2.1 Construction Impacts 19
4.2.2 Operational Impacts 19
4.3 CO "Hotspots" Thresholds 19
4.4 Methodology 20
4.5 Air Quality Impacts 20
4.5.1 Short-Term Impacts 20
4.5.2 Long-Term Impacts 21
4.5.3 Sensitive Receptors 23
4.5.4 Objectionable Odors 23
4.5.5 Conformity with Air Quality Management Plan 23
4.5.6 Cumulative Impacts of Ammonia Emissions 23

5.0 Greenhouse Gas Emissions Analysis 24
5.1 Climate Change and Greenhouse Gases 24
5.2 Regulatory Background 25
5.2.1 Federal Climate Change Regulation 25
5.2.2 California Climate Change Regulation 25
5.2.3 Local Significance Thresholds 28
5.3 Project Greenhouse Gas Emissions Inventory 28
5.3.1 Mobile Source Emissions 28
5.3.2 Enteric Emissions 28
5.3.3 Emissions from Manure Management 29
5.3.4 Displacement of Composting Emissions 29
5.3.5 Total Unmitigated Greenhouse Gas Emissions 29
5.4 Impact Analysis 30

EEC ORIGINAL PKG

5.4.1 Increase in Greenhouse Gas Emissions 30
5.4.2 Compliance with Greenhouse Gas Reduction Plans 31

6.0 Mitigation Measures 31
6.1 Standard Mitigation Measures for Construction 31
6.2 Mitigation for Criteria Pollutant Impacts 31
6.3 Mitigation for Climate Change Impacts 32

LIST OF TABLES

Table 3.3-1 - Ambient Air Quality Standards for Criteria Air Pollutants 9
Table 3.4-1 - Federal and State Attainment Status for Imperial County 16
Table 3.5-1 - Ambient Criteria Pollutant Concentration Data for Project Vicinity 18
Table 4.2-1 - Thresholds of Significance for Project Operations 19
Table 4.5-1 - Daily Project Operational Unmitigated Mobile Emissions 21
Table 4.5-2 - Daily Project Operational Mitigated Mobile Emissions 22
Table 5.3-1 - Unmitigated Annual GHG Emissions 2018 and Beyond (Emissions in tonnes) 30

LIST OF FIGURES

Figure 1.0-1 - Site Location 2
Figure 1.0-2 - Vicinity Map 3
Figure 3.1-1 - Sensitive Receptors in Project Area 6

ATTACHMENTS

Attachment 1 - Emission Calculation Details
Attachment 2 - Standard Mitigation Measures for Construction Equipment and Fugitive PM_{10}

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1.0 INTRODUCTION

El Toro Land and Cattle (ETLC), the applicant, operates a cattle feedlot located south of Fawcett Road between Ware Road on the west and Pitzer Road on the east in Heber, California, a census-designated place in Imperial County. Its business address is 96 East Fawcett Road. The project proposes to expand the facility's operations to allow an additional 17,000 head of cattle. Operations at the proposed feedlot will be like those of the existing feedlot; however, an existing composting facility will be moved to a yet unknown location. The site location of the proposed expansion is shown in **Figure 1.0-1.** The vicinity is shown in **Figure 1.0-2.**

This air quality analysis was conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code §§ 21000 et seq.). The methodology follows the CEQA Air Quality Handbook[1] prepared by the Imperial County Air Pollution Control District (ICAPCD) for quantification of emissions and evaluation of potential impacts on air resources.

1 CEQA Air Quality Handbook: Guidelines for the Implementation of the California Air Quality Act of 1970 as amended. Imperial County Air Pollution Control District. Final - December 12, 2017.

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Figure 1.0-1
SITE LOCATION

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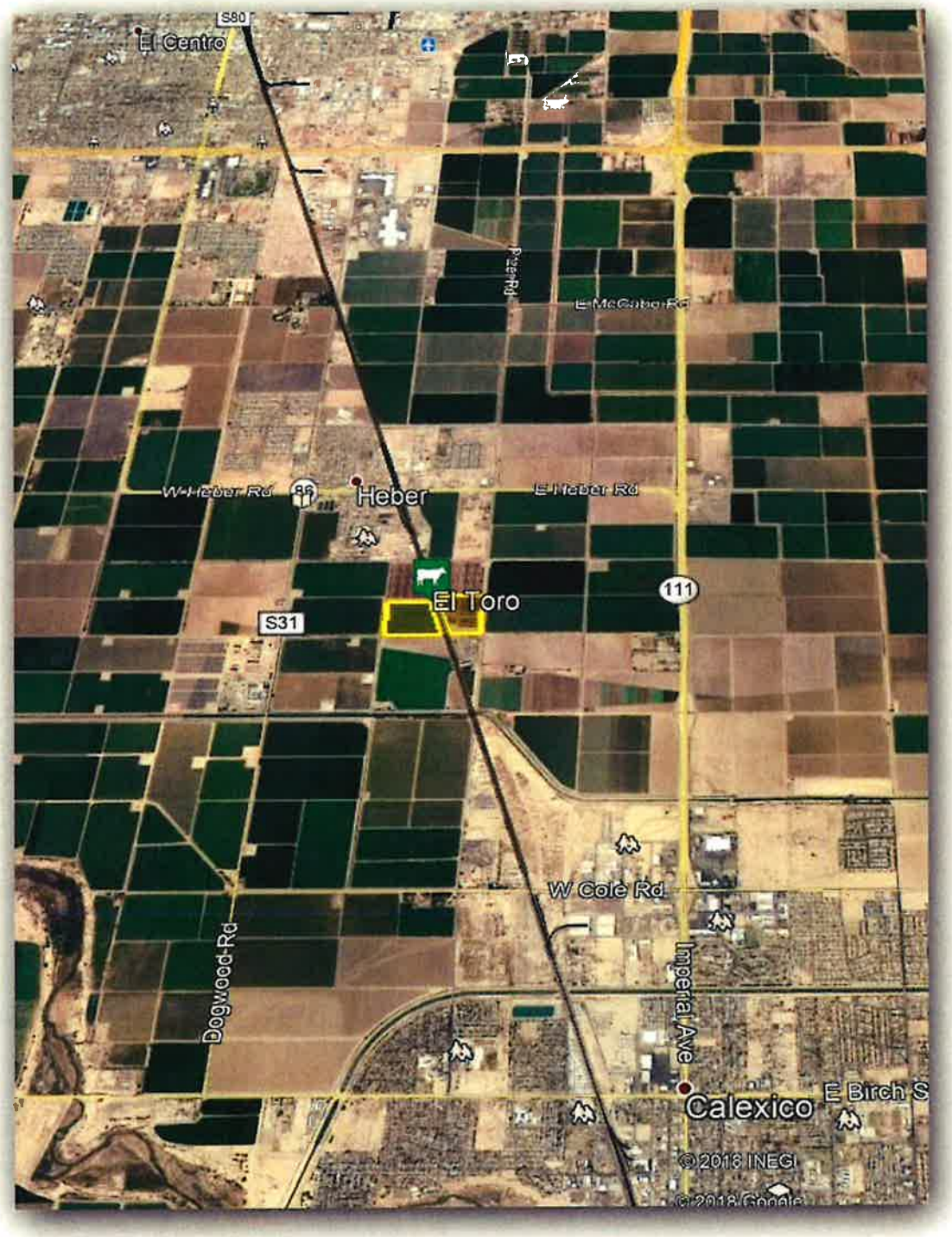
Figure 1.0-2
VICINITY MAP



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2.0 PROJECT DESCRIPTION

The applicant is proposing to expand its operations on Lot 29, a 71.3-acre lot (APN# 054-250-0012-01) and Lot 28, an 82.2-acre lot (APN# 054-250-0014-01), both of which are located contiguous to the southern boundary of the existing feedlot. The new feedlot area will house an additional 17,000 head of cattle. Phase 1 of the proposal would consist of displacement of the existing established crop of Bermuda grass on Lot 29.

Phase 2 would expand the feeding area to Lot 28 where a composting operation is currently located. El Toro Land & Cattle Company currently holds ICAPCD Permit No. 3669 PTO for a "beef feedlot." Condition No. 8 of the permit says, "The Permittee shall implement the control measures outlined in their LCAF Emissions Mitigation Plan (Beef Feedlot) which was submitted to the APCD." With regard to disposal of solid manure, the facility's Large Confined Animal Facility Emissions Mitigation Plan, Beef Feedlot, signed January 31, 2017, states, "All corral cleaning and manure composting is handled and managed by TruSource LLC at their location." Currently, TruSource, LLC holds ICAPCD Permit No. 4462 for the composter, which is located at the same address as the project. Prior to completion of Phase 2, a new location would need to be identified for the composting operation. [2]

3.0 EXISTING CONDITIONS

The project site is in an unincorporated area of Imperial County, which is in the Salton Sea Air Basin (SSAB). The SSAB includes the Imperial Valley and the central part of Riverside County, including the Coachella Valley. The Imperial Valley is bordered by the Salton Sea to the north, the Anza-Borrego Desert State Park to the west, the Chocolate Mountains to the northeast, and the U.S./Mexican border to the south. The proposed site is located in the southeastern portion of Heber, approximately 2.9 miles north-northwest of the city of Calexico and 5.7 miles south-southeast of El Centro.

3.1 Existing Sensitive Land Uses

The project site is adjacent to the community of Heber and has several residences within one mile. Two residences are at approximately 0.3 mile, another group of residences are at approximately 0.4 mile, and another is at approximately 0.6 mile. (See **Figure 3.1-1**.)

3.2 Regional Climate/Meteorology

Meteorology is the study of weather and climate. Weather refers to the state of the atmosphere at a given time and place regarding temperature, air pressure, humidity, cloudiness, and precipitation. The term "weather" refers to conditions over short periods; conditions over prolonged periods, generally at least 30 to 50 years, are referred to as climate. Climate, in a narrow sense, is usually defined as the "average weather," or more rigorously as the statistical description in terms of the mean and variability of relevant quantities over a period ranging from months to thousands or millions of years. These quantities are most often surface variables such as temperature, precipitation, and wind.

Climatic conditions in Imperial County are governed by the large-scale sinking and warming of air in the semi-permanent tropical high-pressure center of the Pacific Ocean. The high-pressure ridge blocks out most mid-latitude storms except in winter when the high is weakest and farthest south. The coastal mountains prevent the intrusion of any cool, damp air found in California coastal

2 Relocation of the composter is discussed further in **Section 5.3.4**.

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environs. Because of the weakened storms and barrier, Imperial County experiences clear skies, extremely hot summers, mild winters, and little rainfall. The flat terrain of the valley and the strong temperature differentials created by intense solar heating produce moderate winds and deep thermal convection.

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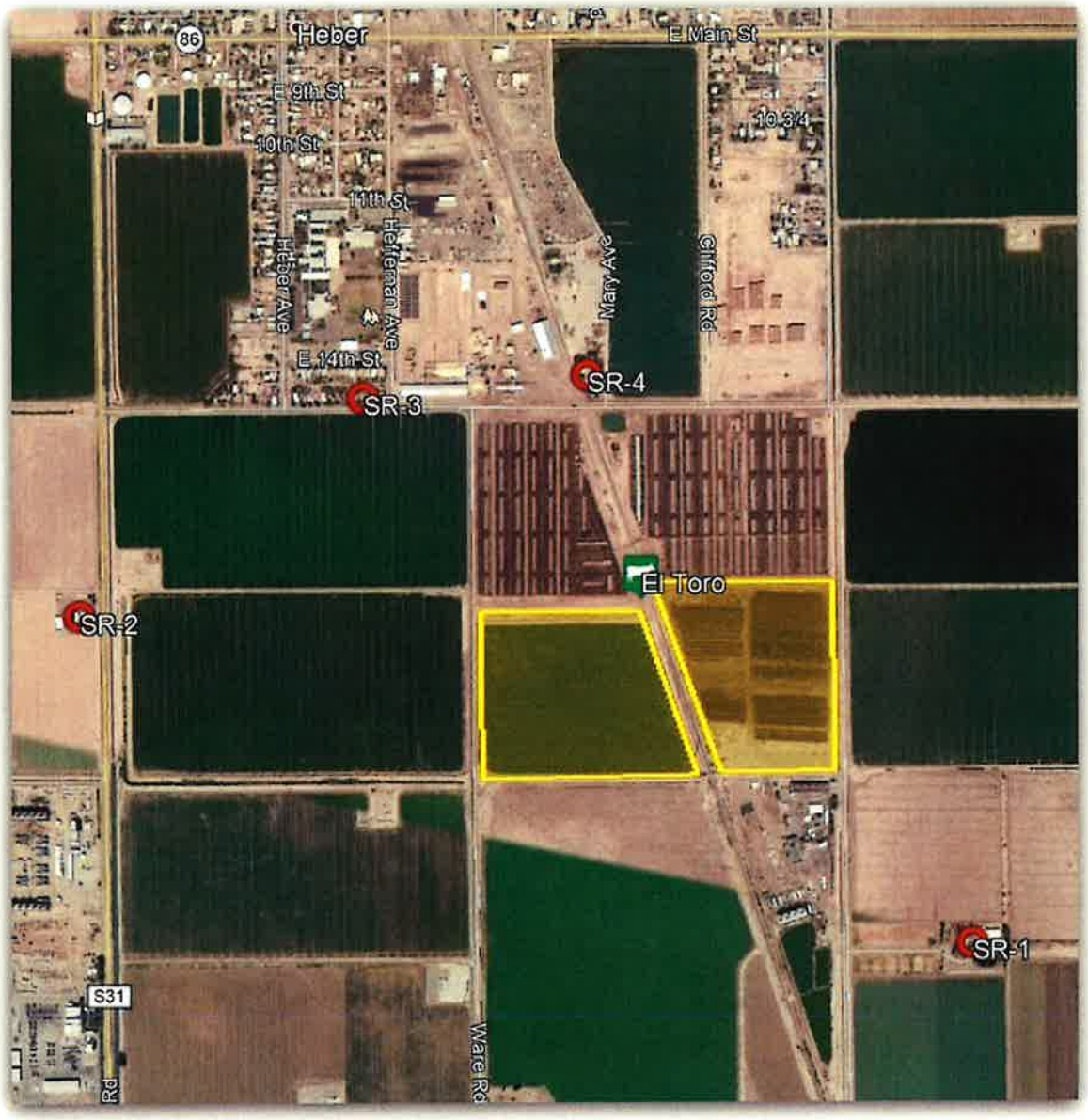
Figure 3.1-1
SENSITIVE RECEPTORS IN PROJECT AREA



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The subsiding air, protective mountains, and distance from the ocean all combine to limit precipitation severely. Rainfall is highly variable with precipitation from a single heavy storm sometimes exceeding the entire annual total during a later drought condition.

Imperial County enjoys a year-round climate characterized by a temperate fall, winter, and spring and a harsh summer. Humidity often combines with the valley's normal elevated temperatures to produce a moist, tropical atmosphere that frequently seems hotter than the thermometer suggests. The sun shines, on the average, more in Imperial County that anywhere else in the United States.

3.2.1 Temperature and Precipitation

The nearest National Weather Service Cooperative Observer Program weather station to the project is in Calexico at the corner of Highway 98 and Bowker Road, approximately 3.9 miles southeast of the project. At the Calexico[3] station, average recorded rainfall during the period of record (1910 to 2007) measured 2.65 inches, with 72% of precipitation occurring between October and March and 47% in just December, January, and February. Monthly average maximum temperatures at this station vary annually by 38.2 degrees Fahrenheit (°F): 107.6°F at the hottest to 69.4°F at the coldest and monthly average minimum temperatures vary by 36.9°F annually; i.e., from 38.9°F to 75.8°F. In fact, this station shows that the months of June, July, August, and September have monthly maximum temperatures greater than 100°F.

3.2.2 Humidity

Relative humidity in Imperial County is typically low throughout the year, ranging from 28% in summer to 52% in winter. The large daily oscillation of temperature produces a corresponding large variation in the relative humidity. Nocturnal humidity rises to 50-60% but drops to about 10% during the day. Summer weather patterns are dominated by intense heat-induced low-pressure areas that form over the interior desert.

3.2.3 Wind

The wind direction follows two general patterns. The first occurs from fall through spring, where prevailing winds are from the west and northwest. Most of these winds originate in the Los Angeles Basin. The second pattern consists of occasional periods of high winds. Wind speeds exceeding 31 miles per hour (mph) occur most frequently in April and May. On an annual basis, high winds, those exceeding 31 mph, are observed 0.6% of the time, while speeds of less than 6.8 mph account for more than half of the observed winds. Wind statistics indicate that prevailing winds are from the west-northwest through southwest; however, a secondary flow pattern from the southeast is also evident.

3.2.4 Inversions

Air pollutant concentrations are primarily determined by the amount of pollutant emissions in an area and the degree to which these pollutants are dispersed in the atmosphere. The stability of the atmosphere is one of the key factors affecting pollutant dispersion. Atmospheric stability regulates the amount of vertical and horizontal air exchange, or mixing, that can occur within a given air basin.

3 Western U.S. Climate Historical Summaries. Western Regional Climate Center. http://www.wrcc.dri.edu/Climsum.html. Accessed September 2019.

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Horizontal mixing is a result of winds, as discussed above, but vertical mixing also affects the degree of stability in the atmosphere. An interruption of vertical mixing is called an inversion.

In the atmosphere, air temperatures normally decrease as altitude increases. However, the presence of the Pacific High-Pressure Cell can cause elevated air to warm to a temperature higher than that of the air below. This highly stable atmospheric condition, termed a subsidence inversion, can act as a nearly impenetrable lid to the vertical mixing of pollutants. The strength of these inversions makes them difficult to disrupt. Consequently, they can persist for one or more days, causing air stagnation and the buildup of pollutants. Highest or worst-case ozone levels are often associated with the presence of this type of inversion.

Imperial County experiences surface inversions almost every day of the year. Due to strong surface heating, these inversions are usually broken, allowing pollutants to disperse more easily. Weak, surface inversions are caused by radiational cooling of air in contact with the cold surface of the earth at night. In valleys and low-lying areas, this condition is intensified by the addition of chilly air flowing down slope from the hills and pooling on the valley floor.

3.3 Regulatory Setting

Federal, state, and local agencies have set ambient air quality standards for certain air pollutants through statutory requirements and have established regulations and various plans and policies to maintain and improve air quality, as described below.

3.3.1 Air Pollutants of Concern[4]

As required by the Federal Clean Air Act (FCAA), the U. S. Environmental Protection Agency (USEPA) has identified criteria pollutants and established National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide, suspended particulate matter (PM), and lead. Suspended PM includes both PM with an aerodynamic diameter of 10 micrometers or less (respirable PM, or PM_{10}) and PM with an aerodynamic diameter of 2.5 micrometers or less (fine PM, or $PM_{2.5}$). The California Air Resources Board (ARB) has established separate standards for the state; i.e., the California Ambient Air Quality Standards (CAAQS). The ARB established CAAQS for all the federal pollutants, plus sulfates, hydrogen sulfide, and visibility-reducing particles.

For some of the pollutants, the identified air quality standards are expressed in more than one averaging time to address the typical exposures found in the environment. For example, CO is expressed as a one-hour averaging time and an eight-hour averaging time. Regulations have set NAAQS and CAAQS limits in parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$). **Table 3.3-1** summarizes the state and federal ambient air quality standards for all criteria pollutants. Criteria pollutants of concern in Imperial County are ozone and PM, since the standards for other criteria pollutants are either being met or are unclassified in the county, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future.

4 This section discusses only criteria pollutants. Greenhouse gases are defined and discussed in **Section 5.**

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Table 3.3-1
AMBIENT AIR QUALITY STANDARDS FOR CRITERIA AIR POLLUTANTS

Air Pollutant	Averaging Time	California Standard	National Standard
Ozone (O_3)	1 hour 8 hour	0.09 ppm 0.070 ppm	— 0.070 ppm *
Respirable particulate matter (PM_{10})	24 hours Mean	50 µg/m³ 20 µg/m³	150 µg/m³ —
Fine particulate matter ($PM_{2.5}$)	24-hour Annual Arithmetic Mean	— 12 µg/m³	35 µg/m³ 12.0 µg/m³
Carbon monoxide (CO)	1 hour 8 hour	20 ppm 9.0 ppm	35 ppm 9 ppm
Nitrogen dioxide (NO_2)	1 hour Mean	0.18 ppm 0.030 ppm	100 ppb 0.053 ppm
Sulfur dioxide (SO_2)	1 hour 24 hour	0.25 ppm 0.04 ppm	75 ppb —
Lead	30-day Rolling 3-month	1.5 µg/m³ —	— 0.15 µg/m³
Sulfates	24 hour	25 µg/m³	**No National Standards**
Hydrogen sulfide	1 hour	0.03 ppm	
Vinyl chloride	24 hour	0.01 ppm	
Visibility-reducing particles	8 hour	Extinction coefficient of 0.23 per kilometer, visibility of ten miles or more due to particles when relative humidity is less than 70%.	

* On October 1, 2015, the national 8-hour ozone standard was lowered from 0.075 to 0.070 ppm.

Abbreviations:
ppm = parts per million
µg/m³ = micrograms per cubic meter
ppb = parts per billion
Mean = Annual Arithmetic Mean
30-day = 30-day average

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Ozone (O_3) is not emitted directly to the atmosphere but is formed by photochemical reactions between reactive organic gases (ROG), or volatile organic compounds[5] (VOC), and oxides of nitrogen (NO_X) in the presence of sunlight. The long, hot, humid days of summer are particularly conducive to ozone formation; thus, ozone levels are of concern primarily during May through September. Ozone is a strong chemical oxidant that adversely impacts human health through effects on respiratory function. It can also damage forests and crops. Tropospheric[6] ozone is formed by a complex series of chemical reactions involving nitrogen oxides, the result of combustion processes and evaporative ROGs such as industrial solvents, toluene, xylene, and hexane; as well as the various hydrocarbons that are evaporated from the gasoline used by motor vehicles or emitted through the tailpipe following combustion. Additionally, ROGs are emitted by natural sources such as trees and crops. Ozone formation is promoted by strong sunlight, warm temperatures, and winds. High concentrations tend to be a problem in Imperial County only during the hot summer months when these conditions frequently occur.

Reactive Organic Gases (ROG) are defined as any compound of carbon, excluding CO, carbon dioxide (CO_2), carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions. It should be noted that there are no state or national ambient air quality standard for ROG because ROGs are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formulation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.

Nitrogen Oxides (NO_X) serve as integral participants in the process of photochemical smog production. The two major forms of NO_X are nitric oxide (NO) and nitrogen dioxide (NO_2).[7] NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown irritating gas formed by the combination of NO and oxygen. NO_X is an ozone precursor. A precursor is a directly-emitted air contaminant that, when released into the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an Ambient Air Quality Standard (AAQS) has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more AAQSs. When NO_X and ROG are released in the atmosphere, they can chemically react with one another in the presence of sunlight to form ozone.

Particulate Matter (PM) is a general term used to describe a complex group of airborne solid, liquid, or semi-volatile materials of various size and composition. Primary PM is emitted directly into the atmosphere from both human activities (including agricultural operations, industrial processes, construction and demolition activities, and entrainment of road dust into the air) and non-anthropogenic activities (such as windblown dust and ash resulting from forest fires). Secondary PM is formed in the atmosphere from predominantly gaseous combustion by-product precursors, such as sulfur oxides and NO_X, and ROGs. The overwhelming majority of airborne PM in Imperial

5 Emissions of organic gases are typically reported only as aggregate organics, either as Volatile Organic Compounds (VOC) or as Reactive Organic Gases (ROG). These terms are meant to reflect what specific compounds have been included or excluded from the aggregate estimate. Although the USEPA defines VOC to exclude both methane and ethane, and the ARB defines ROG to exclude only methane, in practice it is assumed that VOC and ROG are essentially synonymous.

6 The troposphere is the atmospheric layer closest to the Earth's surface. Ozone produced here is an air pollutant that is harmful to breathe, and it damages crops, trees and other vegetation.

7 Another form of NO_X, nitrous oxide (N_2O), is a greenhouse gas and is discussed below.

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County is primary PM. The major source of primary PM is fugitive windblown dust, with other contributions from entrained road dust, farming, and construction activities.

Particle size is a critical characteristic of PM that primarily determines the location of PM deposition along the respiratory system (and associated health effects) as well as the degradation of visibility through light scattering. In the United States, federal and state agencies have established two types of PM air quality standards, as shown in **Table 3.3-1.** PM_{10} corresponds to the fraction of PM no greater than 10 micrometers in aerodynamic diameter and is commonly called respirable particulate matter, while $PM_{2.5}$ refers to the subset of PM_{10} of aerodynamic diameter smaller than 2.5 micrometers, which is commonly called fine particulate matter.

PM air pollution has undesirable and detrimental environmental effects. PM affects vegetation, both directly (e.g. deposition of nitrates and sulfates may cause direct foliar damage) and indirectly (e.g. coating of plants upon gravitational settling reduces light absorption). PM also accumulates to form regional haze, which reduces visibility due to scattering of light.

3.3.2 Ammonia

Ammonia (NH_3) is addressed in the 2013 $PM_{2.5}$ SIP[8] due to its role as a precursor to PM_{10}, specifically the wintertime violations. The cooler temperatures and higher humidity of the winter months are conducive to ammonium nitrate (NH_4NO_3) formation through a complex process involving NO_X, NH_3, and ROGs. This occurs both at the surface and aloft, via both daytime and nighttime chemistry. Understanding the interactions amongst these precursors is needed to design an appropriate and effective approach to reduce NH_4NO_3. The 2020 Imperial County Emission Inventory[9] shows that about 48% of the NH_3 is generated from farming operations (primarily feedlots) and another 46% is from the use of pesticides and fertilizers.

3.3.3 Applicable Regulations

3.3.3.1 Federal Regulations

The federal Clean Air Act (FCAA), passed in 1970, established the national air pollution control program. The basic elements of the FCAA are the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (discussed above), hazardous air pollutants standards, state attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

Data collected at permanent monitoring stations are used by the USEPA to classify regions as "attainment" or "nonattainment," depending on whether the regions met the requirements stated in the primary NAAQS. In addition, the FCAA uses a classification system to design cleanup requirements appropriate for the severity of the pollution and set realistic deadlines for reaching cleanup goals. If an air basin is not in federal attainment for a particular pollutant, the Basin is classified as a marginal, moderate, serious, severe, or extreme nonattainment area, based on the

8 Imperial County 2013 SIP for the 2006 24-hr $PM_{2.5}$ Moderate Nonattainment Area. Imperial County Air Pollution Control District. December 2, 2014.

9 Almanac Emissions Projection Data. California Air Resources Board. http://www.arb.ca.gov/app/emsinv/. Accessed May 2017.

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estimated time it would take to reach attainment. Nonattainment areas must take steps towards attainment by a specific timeline. This is discussed further in **Section 3.4.**

Although new source performance standards have been set for a wide variety of air pollution emissions sources, no federal regulations govern emissions from livestock operations.

3.3.3.2 State Regulations

The State of California began to set CAAQS in 1969 under the mandate of the Mulford-Carrell Act. There were no attainment deadlines for the CAAQS originally. However, the State Legislature passed the California Clean Air Act (CCAA) in 1988 to establish air quality goals, planning mechanisms, regulatory strategies, and standards of progress to promote their attainment. The ARB, which became part of the California Environmental Protection Agency (CalEPA) in 1991, is responsible for ensuring implementation of the CCAA, responding to the FCAA, and for regulating emissions from motor vehicles and consumer products.

The CCAA requires attainment of CAAQS by the earliest practicable date. The state standards are generally more stringent than the corresponding federal standards. Attainment plans are required for air basins in violation of the state ozone, PM_{10}, CO, SO_2, or NO_2 standards. Responsibility for achieving state standards is placed on the ARB in cooperation with local air pollution control districts/air quality management districts. District plans for nonattainment areas must be designed to achieve a 5% annual reduction in emissions. Preparation of and adherence to attainment plans are the responsibility of the local air pollution districts or air quality management districts. CAAQS are included in **Table 3.3-1.**[10]

Senate Bill 700 (Chapter 479, Statutes of 2003)

SB 700 deals with agricultural air pollution and specifies how California will conform to federal and state air pollution laws. Prior to the adoption of SB 700, California law had exempted agricultural sources from requirements to obtain air permits. This had resulted in a conflict between state and federal law, and California faced sanctions if it failed to correct the problem. SB 700 defined "agricultural source," removed the restriction from state law that prevented air districts from requiring permits for agricultural sources, required emission-control regulations in areas that have not attained NAAQS for PM_{10} and required permits and emissions mitigation for confined animal facilities.[11]

3.3.4 Air Quality Plans

3.3.4.1 Ozone Plan

On December 3, 2009, the USEPA issued a final ruling determining that the Imperial County "moderate" 8-hour ozone non-attainment area attained the 1997 8-hour NAAQS for ozone. The determination by the USEPA was based upon complete, quality-assured, and certified ambient air monitoring data for 2006 through 2008. This determination effectively suspended the requirement for the state to submit an attainment demonstration, an RFP plan, contingency measures, and other planning requirements for so long as Imperial County continues to attain the 1997 8-hour ozone

10 Ambient Air Quality Standards. California Air Resources Board. https://www.arb.ca.gov/research/aaqs/aaqs2.pdf. May 4, 2016. Accessed October 2018.
11 Health and Safety Code Sections 39011.5, 39023.3, 40724-40724.7, 40731, 42301.16-, 42301.18, 42310 and 44559.9.

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NAAQS. However, this determination did not constitute a re-designation to attainment; therefore, the classification and designation status for Imperial County remain as a "moderate" non-attainment area of the 1997 8-hour ozone NAAQS. Imperial County was required to submit for USEPA approval a 2009 8-Hour Ozone "Modified" Air Quality Management Plan (Modified AQMP), which was approved July 13, 2010.

The Modified AQMP served as a comprehensive planning document intended to provide guidance to the ICAPCD, the County, and other local agencies on how to continue maintaining the 1997 8-hour ozone NAAQS. The Modified AQMP includes control measures consisting of three components: 1) the ICAPCD's Stationary Source Control Measures; 2) Regional Transportation Control Measures; and 3) the State Strategy. These measures primarily rely on the traditional command and control approach and provide the framework for ICAPCD rules that reduce ROG and NO_X emissions.

However, Imperial County's 2017 Ozone SIP,[12] demonstrates that Imperial County is in attainment of the 2008 8-hour ozone standard but for emissions emanating across the international border. In addition, a weight-of-evidence analysis has been included to show that Imperial County will maintain this status of attainment through the July 2018 attainment date.

As of November 2017, after consideration of the ARB's recommendations, the USEPA "is designating Imperial County, CA as nonattainment for the 2015 ozone NAAQS".[13]

3.3.4.2 PM_{10} Plan

The ICAPCD District Board of Directors adopted the PM_{10} SIP for Imperial County on August 11, 2009.[14] The PM_{10} SIP meets USEPA requirements to demonstrate that the County will attain the PM_{10} standard as expeditiously as practicable. The PM_{10} SIP was required to address and meet the following elements, required under the FCAA of areas classified to be in serious nonattainment of the NAAQS:

- Best available emission inventories.
- A plan that enables attainment of the PM_{10} federal air quality standards.
- Annual reductions in PM_{10} or PM_{10} precursor emissions that are of not less than 5% from the date of SIP submission until attainment.
- Best available control measures and best available control technologies for significant sources and major stationary sources of PM_{10}, to be implemented no later than four years after reclassification of the area as serious.
- Transportation conformity and motor vehicle emission budgets in accord with the attainment plan.
- Reasonable further progress and quantitative milestones.

12 2017 Imperial County State Implementation Plan for the 2008 8-Hour Ozone Standard. Imperial County Air Pollution Control District, September 12, 2017.

13 California – Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Technical Support Document. United States Environmental Protection Agency. November 16, 2017.

14 2009 Imperial County State Implementation Plan for Particulate Matter Less Than 10 Microns in Aerodynamic Diameter. Imperial County Air Pollution Control District. July 10, 2009.

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- Contingency measures to be implemented (without the need for additional rulemaking actions) if the control measure regulations incorporated in the plan cannot be successfully implemented or fail to give the expected emission reductions.

The PM_{10} SIP updated the emission inventory to incorporate revised cattle emissions, revised windblown dust model results, revised Southern California Association of Governments (SCAG) activity data, and updated entrained and windblown unpaved road dust estimates. The adjustments made to the emission inventory fell in two categories: (1) adjustments to incorporate new methodology and updated information (e.g. throughputs, activity data, etc.); and (2) adjustments to incorporate emission reductions arising from the implementation of new control measures.

Additionally, the PM_{10} SIP demonstrates that Imperial County attained the Federal PM_{10} NAAQS, but for international emissions from Mexico, based on 2006–2008 monitoring data. Attainment was due, in part, to ICAPCD's November 2005 adoption and subsequent implementation of Regulation VIII fugitive dust rules; those rules were based on the related 2005 Best Available Control Measure (BACM) analysis.

Since the reclassification of Imperial County to serious nonattainment for PM_{10} occurred in August 2004, control of fugitive PM_{10} emissions from the significant source categories that meets BACM stringency identified in the PM_{10} SIP began in January 2006.

Major stationary sources are required to implement Best Available Control Technology (BACT) to control PM_{10} emissions (Rule 207) and they are required to comply with the 20% opacity rule (Rule 403). In addition, stationary sources will be required to mitigate fugitive dust emissions from access roads, construction activities, handling and transferring of bulk materials, and track-out/carry-out according to the requirements of Regulation VIII.

Because Imperial County is shown in the PM_{10} SIP to have attained the 24-hour PM_{10} NAAQS but for international transport of Mexicali, Mexico emissions in 2006–2008, reasonable further progress and milestone requirements are unnecessary, and specifically the 5% yearly emission reductions requirement does not apply to future years. As documented in the PM_{10} SIP, all remaining SIP requirements applicable to the 2009 Imperial County PM_{10} Plan have been successfully addressed.

3.3.4.3 $PM_{2.5}$ Plan

The ICAPCD District Board of Directors adopted the $PM_{2.5}$ SIP for Imperial County on December 2, 2014.[15] The $PM_{2.5}$ SIP fulfills the requirements of the CAA for those areas classified as "moderate" nonattainment for $PM_{2.5}$. It incorporates updated emission inventories, and analysis of Reasonable Available Control Measures (RACM), an assessment of Reasonable Further Progress (RFP), and a discussion of contingency measures. Analyses in the $PM_{2.5}$ SIP included assessing emission inventories from Imperial County and Mexicali; evaluating the composition and elemental makeup of samples collected on Calexico violation days; reviewing the meteorology associated with high concentration measurements; and performing directional analysis of the sources potentially impacting the Calexico $PM_{2.5}$ monitor. As is demonstrated in the $PM_{2.5}$ SIP, the primary reason for elevated $PM_{2.5}$ levels in Imperial County is transport from Mexico. Essentially, the $PM_{2.5}$ SIP

15 Imperial County 2013 SIP for the 2006 24-hr $PM_{2.5}$ Moderate Nonattainment Area. Imperial County Air Pollution Control District. December 2, 2014.

EEC ORIGINAL PKG

demonstrated attainment of the 2006 $PM_{2.5}$ NAAQS "but for" transport of international emissions from Mexicali, Mexico.

3.3.5 Local Regulations

3.3.5.1 Air Quality

The ICAPCD also has the authority to adopt and enforce regulations dealing with controls for specific types of sources, emissions of hazardous air pollutants, and New Source Review. The ICAPCD Rules and Regulations are part of the SIP and are separately enforceable by the EPA. The following ICAPCD rules potentially apply to the project.

Rules 800 (General Requirements for Control of Fine Particulate Matter [PM-10]), **801** (Construction and Earthmoving Activities), **802** (Bulk Materials), **803** (Carry-out and Track-out), **804** (Open Areas), and **805** (Paved and Unpaved Roads) are intended to reduce the amount of PM_{10} entrained in the ambient air as a result of emissions generated by anthropogenic fugitive dust sources by requiring actions to prevent, reduce, or mitigate PM_{10} emissions. These rules include opacity limits, control measure requirements, and dust control plan requirements that apply to activities at a facility.

Rule 217 (Large Confined Animal Facilities [LCAF] Permits Required) requires owners/operators of any confined animal facility considered large in operation, including beef feedlots that maintain at least 3,500 head of beef cattle, to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) for the facility. The rule includes a comprehensive set of "mitigation measures" to reduce ammonia emissions.

Rule 420 (Beef Feedlots) requires any person using or operating an LCAF to include in the submission for a permit set forth in Rule 217, a written plan designed to effectively control dust. The Dust Control Plan is to contain (1) procedures for assuring that manure is at all times maintained at a moisture factor between 20% and 40%, in the top three inches in occupied pens and (2) an outline of manure management practices, including standards and time tables for manure removal, designed to effectively control dust and to prevent adverse public health conditions.

3.3.5.2 Right-to-Farm Ordinance

In recognition of the role of agriculture in the county, Imperial County has adopted a right-to-farm ordinance. A "right-to-farm" ordinance creates a legal presumption that ongoing, standard farming practices are not a nuisance to adjoining residences. It requires a disclosure to owners and purchasers of property near agricultural land operations, or areas zoned for agricultural purposes. The disclosure advises persons that discomfort and inconvenience from odors, fumes, dust, smoke, and chemicals resulting from conforming and accepted agricultural operations are normal and necessary aspects of living in the agricultural areas of the county.

3.4 Regional Air Quality

Table 3.4-1 shows the area designation status of Imperial County for each criteria pollutant for both the NAAQS and the CAAQS.

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Table 3.4-1
FEDERAL AND STATE ATTAINMENT STATUS FOR IMPERIAL COUNTY

Pollutant	State Designation	Federal Designation (Classification)
Ozone	Nonattainment	Nonattainment
Respirable PM (PM_{10})	Nonattainment	Nonattainment (Serious) *
Fine PM ($PM_{2.5}$)	Attainment***	Nonattainment (Moderate) **
Carbon Monoxide (CO)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO_2)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide	Attainment	Attainment
Sulfates	Attainment	**No Federal Standard**
Lead	Attainment	
Hydrogen Sulfide	Unclassified	
Visibility reducing Particles	Unclassified	

* Designation for Imperial Valley Planning Area only, which is most of Imperial County save for a small stretch of land on the County's eastern end.
** Designation is only for the urban areas within Imperial County. Same attainment status for 24-hour and annual arithmetic mean standards.
*** Designation for the whole of Imperial County except the City of Calexico.
Source: Area Designations and Maps – 2013. California Air Resources Board. October 2018.

On April 30, 2004, Imperial County was classified as a "marginal" nonattainment area for 8-Hour Ozone NAAQS under the FCAA. On March 13, 2008, the USEPA found that Imperial County failed to meet attainment for the 8-Hour Ozone NAAQS by June 15, 2007 and was reclassified as "moderate" nonattainment. However, on November 17, 2009, EPA announced that Imperial County has met the 1997 federal 8-hour ozone standard—demonstrating improved air quality in the area. The announcement is based on three years of certified clean air monitoring data for the years 2006-2008. However, on November 16, 2017 the USEPA designated Imperial County as nonattainment for the 2015 ozone NAAQS.[16]

In response to the opinion of the US Court of Appeals for the Ninth Circuit in Sierra Club v. United States Environmental Protection Agency, et al., in August 2004, the USEPA found that the Imperial Valley PM_{10} nonattainment area had failed to attain by the moderate area attainment date of December 31, 1994, and as a result reclassified under the FCAA the Imperial Valley from a moderate to a serious PM_{10} nonattainment area. Also, in August 2004, the USEPA proposed a rule to find that the Imperial area had failed to attain the annual and 24-hour PM_{10} standards by the serious area deadline of December 31, 2001. The USEPA finalized the rule on December 11, 2007, citing as the basis for the rule that six Imperial County monitoring stations were in violation of the 24-hour standard during 1999-2001. The USEPA's final rule action requires the state to submit to the USEPA by December 11, 2008 (within one year of the rule's publication in the Federal Register) an air quality

16 California - Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Technical Support Document. United States Environmental Protection Agency. November 16, 2017.

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plan that demonstrates that the County will attain the PM_{10} standard as expeditiously as practicable. The County is in the process of requesting designation of attainment for PM_{10}.[17]

On November 13, 2009, EPA published Air Quality Designations for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards[18] wherein Imperial County was listed as designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS. On April 10, 2014, the ARB Board gave final approval to the 2013 Amendments to Area Designations for CAAQSs. For the state $PM_{2.5}$ standard, effective July 1, 2014, the Calexico area was designated nonattainment, while the rest of the SSAB was designated attainment. The project lies outside the Calexico nonattainment area.

3.5 Local Air Quality

Ambient air concentrations and historical trends and projections in the project area are documented by measurements made by the ICAPCD and the ARB. Imperial County began its ambient air monitoring in 1976; however, monitoring of ozone began in 1986 at the El Centro monitoring station. Since that time, monitoring has been performed by the ICAPCD, ARB, and private industry. There are six monitoring sites in Imperial County, from Niland to Calexico.

The nearest monitoring station to the project site is in Niland, approximately 4.2 miles north-northeast of the site. The Niland station is located at 7711 English Road and only monitors ozone and PM_{10}. The nearest site that monitors $PM_{2.5}$ is in Brawley, approximately 11.7 miles south of the site. **Table 3.5-1** summarizes 2016 through 2018 published monitoring data from the ARB's Aerometric Data Analysis and Management System (iADAM) for the project vicinity.[19]

The monitoring data show that the Niland Station did not exceed any federal or state ozone standard in all three years. State and federal PM_{10} standards were exceeded at the Niland Station and the federal $PM_{2.5}$ standard was exceeded at the Brawley Station for all three years. It should be noted that some extreme data values presented in iADAM may be the result of fires, according to data[20] compiled by the California Department of Forestry and Fire Protection (CDFFA).

17 Letter from Curtis Blondell, Environmental Coordinator, Imperial County Air Pollution Control District, El Centro, CA to Jim Minnick, Planning & Development Services Director, County of Imperial, El Centro, CA. December 11, 2018,

18 Air Quality Designations for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards. United States Environmental Protection Agency. Federal Register. Vol. 74, No. 218. November 13, 2009.

19 iADAM Air Quality Data Statistics. California Air Resources Board. http://www.arb.ca.gov/adam/welcome.html. Accessed August 2019.

20 Incident Archive. California Department of Forestry and Fire Protection. https://www.fire.ca.gov/incidents/. Accessed August 2019.

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Table 3.5-1
AMBIENT CRITERIA POLLUTANT CONCENTRATION DATA FOR PROJECT VICINITY

Air Pollutant	Standard/Exceedance	2016	2017	2018
Ozone (O_3) – Niland	Max. 1-hour Concentration (ppm)	0.079	0.072	0.060
	Max. 8-hour Concentration (ppm)	0.066	0.061	0.055
	# Days > Federal 8-hour Std. of 0.070 ppm	0	0	0
	# Days > California 1-hour Std. of 0.09 ppm	0	0	0
	# Days > California 8-hour Std. of 0.070 ppm	0	0	0
Respirable Particulate Matter (PM_{10}) - Niland	Max. 24-hour Concentration (µg/m³)	**255.7**	**345.8**	**331.5**
	#Days > Fed. 24-hour Std. of 150 µg/m³	1	4	11
	#Days > California 24-hour Std. of 50 µg/m³	14	ND	ND
	Annual Average(µg/m³)	**40.9**	**36.3**	**47.3**
Fine Particulate Matter ($PM_{2.5}$) - Brawley	Max. 24-hour Concentration (µg/m³)	**57.9**	**46.1**	**55.1**
	State Annual Average (µg/m³)	11.3	9.4	10.4
	#Days > Fed. 24-hour Std. of 35 µg/m³	2	1	2
	Federal Annual Average (µg/m³)	11.2	9.4	10.4

Source: California Air Resources Board, "iADAM Air Quality Data Statistics." Internet URL: http://www.arb.ca.gov/adam/ (October 2018)
Bold Potential exceedances (not official, pending further processing for extreme events)
ND There were insufficient (or no) data available to determine the value.

4.0 AIR QUALITY IMPACTS ANALYSIS

This analysis was prepared in accordance with the ICAPCD CEQA Air Quality Handbook and with Appendix G of the California Environmental Quality Act (CEQA) Guidelines. Air quality impacts are typically divided into short-term and long-term impacts. Short-term impacts are associated with construction activities, such as site grading, excavation and building construction of a project. Long-term impacts are associated with the operation of a project upon its completion.

4.1 CEQA Impact Review Criteria

In accordance with *State CEQA Guidelines* Appendix G, implementation of the project would result in a potentially significant impact if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors affecting a substantial number of people.

Where available, the significance criteria established by the applicable air quality management district (AQMD) or air pollution control district (APCD) may be relied upon to make the significance determinations. As will be discussed in the next section, the ICAPCD has developed a CEQA Air Quality Handbook to provide a protocol for air quality analyses that are prepared under the requirements of CEQA.

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4.2 Imperial County APCD Thresholds of Significance

Under the ICAPCD guidelines, an air quality evaluation must address the following:

- Comparison of calculated project emissions with ICAPCD emission thresholds.
- Consistency with the most recent Clean Air Plan for Imperial County.
- Comparison of predicted ambient pollutant concentrations resulting from the project to state and federal health standards, when applicable.
- The evaluation of special conditions that apply to certain projects.

4.2.1 Construction Impacts

As will be discussed in **Section 4.5.2**, this is a "Tier I" project. In general, projects whose *operational* emissions qualify them as Tier I do not need to quantify their construction emissions; instead they adopt the standard mitigation measures for construction (See **Section 6.1**). The CEQA Guidelines states the "approach of the CEQA analyses for construction particulate matter impacts should be qualitative as opposed to quantitative."

4.2.2 Operational Impacts

To evaluate long-term air quality impacts due to operation of a project, the ICAPCD recommends the significance criteria shown in **Table 4.2-1.**

Table 4.2-1
THRESHOLDS OF SIGNIFICANCE FOR PROJECT OPERATIONS[21]

Pollutant	Emissions (lbs/day)	
	Tier I	Tier II
Carbon Monoxide (CO)	< 550	≥ 550
Reactive Organic Gases (ROG)	< 137	≥ 137
Nitrogen Oxides (NO_x)	< 137	≥ 137
Sulfur Oxides (SO_x)	< 150	≥ 150
Particulate Matter (PM_{10})	< 150	≥ 150
Particulate Matter ($PM_{2.5}$)	< 550	≥ 550
Level of Significance	Less Than Significant	Significant Impact
Level of Analysis	Initial Study	Comprehensive Air Quality Report
Environmental Document	Negative Declaration	Mitigated Negative Declaration or Environmental Impact Report

4.3 CO "Hotspots" Thresholds

Exhaust emissions from motor vehicles can potentially cause a direct, localized hotspot impact at or near proposed developments or sensitive receptors. The optimum condition for the occurrence of a

21 Imperial County Air Pollution Control District. 2017. CEQA Air Quality Handbook. November, p. 10.

EEC ORIGINAL PKG

CO hotspot would be cool and calm weather at a congested major roadway intersection with sensitive receptors nearby, and where vehicles are idling or moving at a stop-and-go pace.

The significance of localized project impacts depends on whether project-related emissions result in a violation of state and/or federal CO standards. A significant impact would occur if the CO hotspot analysis of vehicular intersection emissions exposes sensitive receptors to concentrations that are more than the following thresholds:

- 20 parts per million (ppm) for 1-hour average, and/or
- 9 ppm for 8-hour average.

The ICAPCD *CEQA Air Quality* Handbook does not specify criteria for significance when ambient CO levels already exceed a state or federal standard. For that case, we used the South Coast Air Quality Management District's specification that project impacts are considered significant if they increase 1-hour CO concentrations by 1.0 ppm or more or 8-hour CO concentrations by 0.45 ppm or more.[22]

4.4 Methodology

Regional and local emissions of criteria air pollutants and precursors, and GHGs during project operations were assessed in accordance with the methodologies described below. ICAPCD suggests that the "approach of the CEQA analyses for construction PM_{10} impacts should be qualitative as opposed to quantitative"[23] but that any projects which are greater than the level of significance for construction may have a significant impact on local and, under certain circumstances, regional air quality. This analysis does not include construction PM_{10}.

Operational emissions were estimated for employees and hauling trucks using methodologies incorporated in the widely used and recommended California Emissions Estimator Model® (CalEEMod)[24,25] and presented in **Attachment 1**.

4.5 Air Quality Impacts

4.5.1 Short-Term Impacts

Project construction activities will generate short-term air quality impacts. The starting date is unknown as of this writing. The major construction phases, some of which will be at least partially concurrent, will be clearing of existing crop cover; site grading; excavation of runoff storage pond; grading of perimeter road and feed alleys; laying of road base; and construction of confinement pens that will be used to house an additional 17,000 head of cattle.

Use of diesel-fueled construction equipment such as excavators and graders will result in exhaust emissions of criteria pollutants and air toxics (mainly diesel particulate matter) and will generate fugitive dust emissions.

22 South Coast Air Quality Management District. 1993. CEQA Air Quality Handbook. April.
23 CEQA Air Quality Handbook: Guidelines for the Implementation of the California Air Quality Act of 1970, and amended. Imperial County Air Pollution Control District, November 2007.
24 California Emission Estimator Model (CalEEMod)®, Version 2016.3.2. California Air Pollution Control Officers Association. November 2017.
25 The CalEEMod software itself was not used.

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However, since the project proponent must comply with all the requirements of the ICAPCD's rules and regulations, specifically those of Regulation VIII, which applies to any activity or man-made condition capable of generating fugitive dust and requires the use of reasonably available control measures to suppress fugitive dust emissions, the impact will be less than significant.

4.5.2 Long-Term Impacts

4.5.2.1 Mobile Sources

The project will generate long-term air quality impacts associated with the exhaust emissions from increased truck traffic and employee commuting. Emission factors for employee vehicles and trucks were obtained from the EMFAC2017 Web Database[26] for Imperial County in calendar year 2019. In addition to generating exhaust emissions, the vehicles generate fugitive dust emissions by causing silt on roadways to become entrained in the air. The ICAPCD assumes that 50 percent of travel in Imperial County is on unpaved roads. Estimated emissions from mobile sources are shown in **Table 4.5-1.** Detailed calculations are provided in **Attachment 1.**

Table 4.5-1
DAILY PROJECT OPERATIONAL UNMITIGATED MOBILE EMISSIONS

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Trucks transport activity	0.05	0.24	1.32	0.33	0.26
Employee vehicles	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	219.43	21.88
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**219.8**	**22.2**
Thresholds for Tier II	*137*	*550*	*137*	*150*	*550*
Tier	**I**	**I**	**I**	**II**	**I**

Source: Calculated by OB-1 Air Analyses.

As indicated in **Table 4.5-1**, the project would generate mobile source operational PM_{10} emissions that would exceed the ICAPCD threshold for Tier II. The emissions are a potentially significant impact. However, they will be reduced to a less than significant level by implementation of the following mitigation measure:

MM AQ-1 The operator will require that employees and cattle trucks drive only on paved roads.

As indicated in **Table 4.5-2**, implementation of mitigation to require transport trucks to primarily travel on paved roads would reduce the impact to less than significant.[27]

26 EMFAC2017 Web Database. California Air Resources Board. (https://www.arb.ca.gov/emfac/2017/). Accessed August 2019.

27 The calculations assume that cattle trucks will drive on unpaved roads 5% of the time; see **Attachment 1.**

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Table 4.5-2
DAILY PROJECT OPERATIONAL MITIGATED MOBILE EMISSIONS

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Trucks transport activity	0.05	0.24	1.32	0.33	0.26
Employee vehicles	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	119.14	10.46
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**119.5**	**10.7**
Thresholds for Tier II	*137*	*550*	*137*	*150*	*550*
Tier	**I**	**I**	**I**	**I**	**I**

Source: Calculated by OB-1 Air Analyses.

4.5.2.2 Stationary Sources

The project would fit the definition of a large confined animal facility (LCAF)[28] pursuant to requirements set out in SB 700. ARB has defined beef cattle LCAFs as any facility in an ozone nonattainment area "that maintains on any one day" 3,500 or more beef cattle and 7,000 or more beef cattle in attainment areas.[29] As such, the project would be subject to ICAPCD Rule 217 and require an ATC/PTO.

4.5.2.3 PM_{10}

LCAFs can contribute directly to primary PM_{10} through several mechanisms, including animal activity, animal housing fans, and air entrainment of mineral and organic material from soil, manure, and water droplets generated by high-pressure liquid sprays. Whereas the main purpose of Rule 217 is to reduce to limit emissions of VOCs and ammonia from LCAFs, to get an ATC an LCAF must submit a dust control plan that the Air Pollution Control Officer (APCO) believes is reasonably designed to effectively control dust. Therefore, required compliance with Rule 420 would reduce the impacts of fugitive dust to less than significant.

4.5.2.4 VOCs and Ammonia (NH_3)

The nitrogen in animal manure can be converted to NH_3 and be emitted in large quantities from animal housing and manure management systems and is an indirect precursor to the greenhouse gas nitrous oxide (N_2O) emissions as well as an environmental concern. NH_3 can contribute to reduced air quality when it reacts with SO_2 or NO_2 in the atmosphere to form ammonium sulfate and ammonium nitrate, respectively; both are forms of $PM_{2.5}$. In addition, animal manure emits VOCs through the processes of anaerobic and aerobic decomposition. Through the ICAPCD's permitting process, emissions of VOC and NH_3 will be reduced and controlled to the extent feasible; therefore, impacts related to the project's VOC and NH_3 emissions are considered less than significant. Cumulative impacts of ammonia emissions are discussed in **Section 4.5.6.**

28 Final Statement of Reasons for Rulemaking for Large Confined Animal Facility Definition. California Air Resources Board. Adopted June 23, 2005.
29 Title 17, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.7, commencing with section 86500.

EEC ORIGINAL PKG

4.5.3 Sensitive Receptors

Sensitive receptors are persons who would be more susceptible to air pollution than the general population, such as children, athletes, the elderly, and the chronically ill. Examples of land uses where substantial numbers of sensitive receptors are often found are schools, daycare centers, parks, recreational areas, medical facilities, nursing homes, and convalescent care facilities. Residential areas are also considered to be sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended times, resulting in sustained exposure to pollutants. The closest sensitive receptor to the project site currently is a rural residence 0.9 mile from the proposed site. (See **Figure 3.1-1.**)

4.5.4 Objectionable Odors

Odor implications of NH_3 are localized to regions near the LCAF. NH_3 is easily recognized by its smell but is seldom associated with nuisance odor complaints near LCAFs any more than other manure constituents such as cresols, sulfides, or volatile fatty acids. NH_3 readily disperses from open-lot feed yards, which helps reduce its odor intensity to below human detection thresholds. NH_3 odors tend to be more noticeable inside animal barns than in open lots[30] and are greater on or near LCAFs than at more distant offsite locations.[31]

4.5.5 Conformity with Air Quality Management Plan

The ICAPCD *CEQA Air Quality Handbook* calls for a consistency analysis with the regional clean air plans, namely ozone and PM_{10} attainment demonstration plans, for large residential and commercial developments that are required to develop an EIR. Projects that are projected to exceed ICAPCD thresholds of significance for its operations are considered large developments and are required to demonstrate consistency with regional air quality plans.

4.5.6 Cumulative Impacts of Ammonia Emissions

Cattle feeding is a major agricultural activity in Imperial County, although it has declined in recent years. In 2017, almost 350,000 head of cattle, having a gross value of about $387 million, were raised in feedlots in the county.[32] In combination, the many feedlots potentially emit a significant amount of ammonia. Besides being an air pollutant itself, NH_3 is a precursor to the criteria pollutant $PM_{2.5}$. However, as discussed in **Section 3.3.5**, all feedlots above a certain size must comply with ammonia mitigation measures prescribed by Rule 217 and must obtain a permit to operate from the ICAPCD and. The ICAPCD would not issue a permit to operate to a facility whose operations are not compatible with air quality management plans.[33] Cumulative NH_3 emissions from the proposed new Moiola facility, along with those of the other feedlots in the county, would not be cumulatively significant.

30 For odor generation and dispersal, an open lot and a large confined animal facility (LCALF) are equivalent.

31 Ammonia Emissions from Cattle Feeding Operations. Sharon L. M. Preece, N. Andy Cole, Richard W. Todd, and Brent W. Auvermann. December 2012. https://aglifesciences.tamu.edu/baen/wp-content/uploads/sites/24/2017/01/E-632.-Ammonia-Emissions-from-Cattle-Feeding-Operations.pdf.

32 2017 Imperial County Agricultural Crop and Livestock Report. Office of the Agricultural Commissioner. July 10, 2018. https://www.co.imperial.ca.us/ag/docs/spc/crop_reports/2017_Imperial_County_Crop_and_Livestock_Report.pdf.

33 Personal communication from Monica Soucier, Imperial County Air Pollution Control District, El Centro, CA to Michael Rogozen, UltraSystems Environmental, Inc, Irvine, CA and Matthew Harmon, DuBose Design Group, El Centro, CA. January 23, 2019.

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5.0 GREENHOUSE GAS EMISSIONS ANALYSIS

5.1 Climate Change and Greenhouse Gases

If the earth had no atmosphere, almost all of the energy received from the sun would be re-radiated out into space. Our atmosphere helps retain a major portion of the solar radiation through "the greenhouse effect." Short-wavelength solar radiation passes through the atmosphere and is absorbed by the earth's surface. The earth re-radiates the heat up into the atmosphere, at a longer wavelength. GHG in the atmosphere absorb the longer-wavelength heat and then radiate it back downward. In general, as concentrations of GHG in the atmosphere increase, global temperatures increase.

For many centuries, atmospheric GHG concentrations were relatively stable. As combustion of fossil fuels for industrial activities and transportation increased, concentrations of CO_2 in the atmosphere increased dramatically. The result has been an observed increase in average global temperature. The current consensus among scientists is that continued increases in atmospheric GHG will not only raise the average global temperature but will also lead to changes in climate. While air temperatures will mainly rise, temperatures may decrease in some areas. Rainfall distribution and storm patterns will be affected. As polar ice melts, sea levels may rise, inundating coastal areas.

GHG is defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, CH_4, nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulfur hexafluoride (SF_6). Associated with each GHG species is a "global warming potential" (GWP), which is defined as the ratio of degree of warming to the atmosphere that would result from the emission of one mass unit of a given GHG compared with one equivalent mass unit of CO_2 over a given period of time. By this definition, the GWP of CO_2 is always 1. The GWP of CH_4 and N_2O are 25 and 298, respectively.[34] "carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products.

Carbon dioxide (CO_2) is a clear, colorless, and odorless gas. Fossil fuel combustion is the main human-related source of CO_2 emissions; electricity generation and transportation are first and second in the amount of CO_2 emissions, respectively. Carbon dioxide is the basis of GWP, and thus has a GWP of 1.

Methane (CH_4) is a clear, colorless gas, and is the main component of natural gas. Anthropogenic sources of CH_4 are fossil fuel production, biomass burning, waste management, and mobile and stationary combustion of fossil fuel. Wetlands are responsible for the majority of the natural methane emissions.[35] As mentioned above, CH_4, within a 100-year period, is 25 times more effective in trapping heat than is CO_2.

Nitrous oxide (N_2O) is a colorless, clear gas, with a slightly sweet odor. N_2O has both natural and human-related sources, and is removed from the atmosphere mainly by photolysis, or breakdown by sunlight, in the stratosphere. The main human-related sources of N_2O in the United States are agricultural soil management (synthetic nitrogen fertilization), mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production.[36] Nitrous oxide is also produced from a

34 Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. 2007.

35 U.S. Environmental Protection Agency, "Methane." Climate Change Web Site. Internet URL: http://www.epa.gov/methane/. Updated April 1, 2011.

36 U.S. Environmental Protection Agency, "Nitrous Oxide." Climate Change Web Site. Internet URL: http://www.epa.gov/nitrousoxide/. Updated June 22, 2010.

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wide range of biological sources in soil and water. Within a 100-year span, N_2O is 298 times more effective in trapping heat than is CO_2.[37]

5.2 Regulatory Background

5.2.1 Federal Climate Change Regulation

The federal government has been involved in climate change issues at least since 1978, when Congress passed the National Climate Program Act (92 Stat. 601), under authority of which the National Research Council prepared a report predicting that additional increases in atmospheric CO_2 would lead to non-negligible changes in climate. At the "Earth Summit" in 1992 in Rio de Janeiro, President George H.W. Bush signed the United Nations Framework Convention on Climate Change (UNFCCC), a nonbinding agreement among 154 nations to reduce atmospheric concentrations of carbon dioxide and other greenhouse gases. The treaty was ratified by the U.S. Senate. However, when the UNFCCC signatories met in 1997 in Kyoto, Japan, and adopted a protocol that assigned mandatory targets for industrialized nations to reduce greenhouse gas emissions, the U.S. Senate expressed its opposition to the treaty. The Kyoto Protocol was not submitted to the Senate for ratification.

The federal government is taking several steps to address the challenge of climate change. The USEPA collects several types of GHG emissions data. These data help policy makers, businesses, and USEPA track GHG emissions trends and identify opportunities for reducing emissions and increasing efficiency. USEPA has been collecting a national inventory of GHG emissions since 1990 and in 2009 established mandatory reporting of GHG emissions from large GHG emissions sources.

The United States Department of Agriculture (USDA) is taking steps to create modern solutions to the challenge of climate change. It has identified the real threat changing climate poses to U.S. agricultural production, forest resources, and rural economies. These threats have significant implications not just for farmers, ranchers, and forest landowners, but for all Americans. Land managers across the country are already feeling the pressures of a changing climate and its effects on weather. As these risks continue and amplify, producers will be faced with the challenges of adapting.

To mitigate climate-related risks, USDA has established seven regional hubs[38] for risk adaptation and mitigation to climate change. These Hubs will deliver science-based knowledge and practical information to farmers, ranchers and forest landowners on a regional basis to support decision-making related to changing climate.

5.2.2 California Climate Change Regulation

Since 2005, through legislation, regulations, and executive orders, the State of California has actively pursued a goal of substantially reducing public and private sector GHG emissions in the state. The following are the major actions taken to date.

Executive Order S-3-05 (GHG Emissions Reductions). Executive Order #S-3-05, signed by Governor Arnold Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to

37 Ibid.
38 USDA Climate Hubs Webpage, United States Department of Agriculture. https://www.climatehubs.oce.usda.gov/

EEC ORIGINAL PKG

1990 levels by 2020 and for an 80% reduction in GHG emissions to below 1990 levels by 2050.

The California Global Warming Solutions Act of 2006 (AB 32). In September 2006, Governor Arnold Schwarzenegger signed AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code § 38500 et seq.), into law. AB 32 was intended to effectively end the scientific debate in California over the existence and consequences of global warming. In general, AB 32 directs the ARB to do the following:

- On or before June 30, 2007, publicly make available a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit.
- By January 1, 2008, determine the statewide levels of GHG emissions in 1990, and adopt a statewide GHG emissions limit that is equivalent to the 1990 level (an approximately 25% reduction in existing statewide GHG emissions).
- On or before January 1, 2010, adopt regulations to implement the early action GHG emission reduction measures.
- On or before January 1, 2011, adopt quantifiable, verifiable, and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by 2020, to become operative on January 1, 2012, at the latest. The emission reduction measures may include direct emission reduction measures, alternative compliance mechanisms, and potential monetary and non-monetary incentives that reduce GHG emissions from any sources or categories of sources as the ARB finds necessary to achieve the statewide GHG emissions limit.
- Monitor compliance with and enforce any emission reduction measure adopted pursuant to AB 32.

On December 11, 2008, the ARB approved the *Climate Change Scoping Plan*[39] pursuant to AB 32. The Scoping Plan recommends a wide range of measures for reducing GHG emissions, including (but not limited to):

- Expanding and strengthening of existing energy efficiency programs.
- Achieving a statewide renewables energy mix of 33 percent.
- Developing a GHG emissions cap-and-trade program.
- Establishing targets for transportation-related GHG emissions for regions throughout the state, and pursuing policies and incentives to meet those targets.

39 California Air Resources Board, Climate Change Scoping Plan, a Framework for Change, Pursuant to AB32, the California Global Warming Solutions Act of 2006 (December 11, 2008).

EEC ORIGINAL PKG

- Implementing existing state laws and policies, including California's clean car standards, goods movement measures and the Low Carbon Fuel Standard.

- Targeted fees to fund the state's long-term commitment to administering AB 32.

Executive Order S-01-07 (Low Carbon Fuel Standard). Executive Order #S-01-07 (January 18, 2007) establishes a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020 through establishment of a Low Carbon Fuel Standard. Carbon intensity is the amount of CO_2e per unit of fuel energy emitted from each stage of producing, transporting and using the fuel in a motor vehicle. On April 23, 2009 the ARB adopted a regulation to implement the standard.

Senate Bill 97. Senate Bill 97 was signed by the governor on August 24, 2007. The bill required the Office of Planning and Research (OPR), by July 1, 2009, to prepare, develop and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. On April 13, 2009 OPR submitted to the Secretary for Natural Resources its proposed amendments to the State CEQA Guidelines for greenhouse gas emissions. The Resources Agency adopted those guidelines on December 30, 2009, and they became effective on March 18, 2010. The amendments treat GHG emissions as a separate category of impacts; i.e. they are not to be addressed as part of an analysis of air quality impacts.

Section 15064.4, which was added to the CEQA Guidelines, specifies how the significance of impacts from GHGs is to be determined. First, the lead agency should "make a good faith effort" to describe, calculate or estimate the amount of GHG emissions resulting from a project. After that, the lead agency should consider the following factors when assessing the impacts of the GHG emissions on the environment:

- The extent to which the project may increase or reduce GHG emissions, relative to the existing environmental setting;

- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of GHG emissions.

The governor's OPR asked the ARB to make recommendations for GHG-related thresholds of significance. On October 24, 2008, the ARB issued a preliminary draft staff proposal for *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act.*[40] After holding two public workshops and

40 California Air Resources Board. Preliminary Draft Staff Proposal. Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act. Planning and Technical Support Division, Sacramento, California (October 24, 2008).

EEC ORIGINAL PKG

receiving comments on the proposal, ARB staff decided not to proceed with threshold development.[41] Quantitative significance thresholds, if any, are to be set by local agencies.

Senate Bill 605. Senate Bill 605 was signed into law on September 21, 2014. The bill required the ARB to develop a comprehensive strategy to reduce statewide emissions of short-lived climate pollutants (SLCPs), such as methane. The bill specifically required the ARB to inventory the sources and emissions of these pollutants, identify research gaps, identify existing and potential reduction measures, prioritize the development of new measures, and develop a comprehensive strategy for dealing with SLCPs.

Senate Bill 1383. Senate Bill 1383 was signed into law on September 19, 2016. The bill required the adoption of a comprehensive SLCP Strategy that included SLCP reduction targets, including a 40% reduction in statewide methane emissions below 2013 levels by 2030. The SLCP Strategy, which was adopted by the ARB on March 23, 2017, addresses methane emissions in particular.

5.2.3 Local Significance Thresholds

It is widely recognized that no single project could generate enough GHG emissions to change the global climate temperature noticeably. However, the combination of GHG emissions from past, present, and future projects could contribute substantially to global climate change. Thus, project-specific GHG emissions should be evaluated in terms of whether they would result in a cumulatively significant impact on global climate change.

Since the County of Imperial has not established a threshold of significance for GHGs, the ICAPCD recommends that the significance of GHG emissions from a project be evaluated by determining the extent to which they could practicably be reduced by measures that the state is considering for reducing enteric fermentation and manure management emissions from livestock operations.[42]

5.3 Project Greenhouse Gas Emissions Inventory

The project will cause emissions of GHG from mobile sources, enteric fermentation, and manure management. Specific details are presented in **Attachment 1**.

5.3.1 Mobile Source Emissions

The project's mobile source GHG emissions were determined using the methodologies presented in **Section 4.5.2.1**.

5.3.2 Enteric Emissions

The microbial fermentation that occurs in the digestive system of some animals is called enteric fermentation. It is a normal digestive process during which microbes break down indigestible carbohydrates and reprocess them into nutrients that can be absorbed by the animal. This microbial fermentation process produces CH_4 as a by-product, which is then exhaled, eructated or passed out as gas by the animal. Among domesticated animal species, ruminants (e.g., cattle, buffalo, sheep, and

41 Personal communication from Douglas Ito, California Air Resources Board, Sacramento, California, to Michael Rogozen, UltraSystems Environmental Inc., Irvine, California. March 29, 2010.

42 Personal communication from Monica Soucier, APC Division Manager, Imperial County, California, to Joe O'Bannon, OB-1 Air Analyses. November 1, 2018.

EEC ORIGINAL PKG

goats) are the main emitters of CH_4. Emission factors used to estimate NH_3 emissions were obtained from the ARB's GHG inventory methodology.[43]

5.3.3 Emissions from Manure Management

Other major sources of GHG emissions are NH_3 and N_2O related to manure management. Manure is generated on feedlots as a by-product of raising animals. This manure need not be merely a waste product; instead, it is a valuable resource full of nutrients and is treated as such by farmers. Manure has many different uses (e.g., fertilizer, soil amendment, compost feedstock, biogas feedstock, etc.) that can be used individually or in combination depending on the farm and types of potential beneficial end uses. It can be applied as a liquid or a solid to onsite fields to meet crop nutrient needs; or it can be transported offsite to meet crop nutrient needs at a different facility, among other options. The beneficial use of the manure is very site-specific and may vary from farm to farm. Emission factors for NH_3 and N_2O were obtained from the ARB's GHG inventory methodology.

5.3.4 Displacement of Composting Emissions

As discussed in **Section 2.0**, the composter presently located on the project site will be moved to make room for additional feedlot facilities. The new composter location is unknown, but is not needed for this CEQA-based analysis. The feedlot permit (No. 3669), its mitigation plan, and the composter permit (No. 4462) will all have to be amended to reflect the new conditions (increased cattle population and relocated composter); unless and until this is done, the project will not be able to operate. The ICAPCD will not approve this permit revision "package" unless its review determines that criteria air pollutant and GHG emissions will be mitigated to the extent required by ICAPCD rules and plan provisions. In essence, the change in regional emissions of criteria pollutants and global emissions of GHG will be minor, and impacts under CEQA will be less than significant.

5.3.5 Total Unmitigated Greenhouse Gas Emissions

Table 5.3-1 gives a detailed breakdown of the results of the GHG emissions analysis.

43 Documentation of California's Greenhouse Gas Inventory -11th Edition. California Air Resources Board. Last updated June 22, 2018. https://www.arb.ca.gov/cc/inventory/doc/doc_index.php

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Table 5.3-1
UNMITIGATED ANNUAL GHG EMISSIONS 2018 AND BEYOND
(Emissions in tonnes)

Source	GHG (tonnes)			
	CO_2	CH_4	N_2O	CO_2e
Mobile Emissions	166.7	0.001	0.024	174
Enteric Emissions	---	714	---	17,851
Emissions from Manure Management	---	36.91	33.85	11,009
Displaced Composting Emissions[a]	---	0	0	0
Annual Totals	**167**	**750.9**	**33.9**	**29,034**

[a]See discussion in **Section 5.3.4**.

5.4 Impact Analysis

UltraSystems used the following factors from § 15064.4(b) of the CEQA Guidelines to assess the significance of impacts from greenhouse gas emissions on the environment:[44]

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

5.4.1 Increase in Greenhouse Gas Emissions

As seen in **Table 5.3-1**, the project will generate about 28,860 tonnes per year of CO_2e emissions, primarily of CH_4 and N_2O from enteric and manure management sources.

In the first AB 32 Scoping Plan,[45] CH_4 and N_2O emissions from the agricultural sector were addressed only through voluntary measures and suggestions for further research, such as manure digester systems at dairies and fertilizer N_2O emissions. The 2014 First Update[46] to the Scoping Plan expanded on the agricultural strategies but singled out short-lived climate pollutants (SLCPs), such as black carbon, CH_4, and some HFCs, since their relatively short lifetimes but inordinate contributions to climate forcings[47] from anthropogenic sources would produce more immediate effect when mitigated. In California, the largest anthropogenic sources of CH_4 are enteric fermentation (belching

44 CEQA Guidelines §§ 15064.4(b)(1) through 15064.4(b)(3).
45 Climate Change Scoping Plan; a framework for change. California Air Resources Board. December 2008.
46 First Update to the Climate Change Scoping Plan: Building on the Framework. California Air Resources Board. May 2014.
47 "Climate forcings" are defined by the Environmental Literacy Council (https://enviroliteracy.org), as "processes within our atmosphere that can force changes in climate include changes in ocean circulation or in the composition of the atmosphere"

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by animals), manure management, landfills, natural gas transmission, and wastewater treatment. Enteric fermentation and manure management contribute 29% and 26% of total California CH_4 emissions, respectively.

In 2017 the ARB proposed a strategy that lays out a range of options to accelerate SLCP emission reductions in California, including regulations, incentives, and other market-supporting activities to address SLCPs.[48] Reductions in enteric fermentation and manure management emissions are recommended as further actions and are actively being pursued technologically and legislatively. Senate Bill (SB) 1383 directs the ARB to develop a manure management strategy that will reduce dairy and livestock sector methane emissions by up to 40 percent from 2013 levels by 2030. Reduction measures from manure management being considered by the ARB, the California Department of Food and Agriculture (CDFA), and stakeholders include switching from flush water lagoon systems; pasture-based dairy management; and installing anaerobic digestion systems. SB 1383 requires the state to support efforts to accelerate project development and help the industry reduce emissions before regulatory requirements take effect, such as to support improved manure management practices through financial incentives, collaboration to overcome barriers, and other market support. Strategies that have been investigated to reduce enteric fermentation include increasing production efficiencies to reduce the amount of methane produced for a given amount of product, breeding animals for lower methane production, gut microbial interventions, and changes to nutrition and animal management.

The science and technological and economic feasibility of the above-mentioned measures are in the early stages of development and industry stakeholders are active participants in the process. In fact, some mitigation will be implemented through the ICAPCD permitting process, with an Emissions Mitigation Plan that would demonstrate that the facility would reduce emissions of VOCs and NH_3. The Plan could also affect the GHG emissions related to manure management and enteric emissions. Feed mitigation measures could improve the quality of the food, lessening the quantity of enteric emissions. Animal housing mitigation could be effective in reducing the GHG emissions from manure.

5.4.2 Compliance with Greenhouse Gas Reduction Plans

There are currently no regional or local climate action plans or general or specific plan provisions to reduce GHG emissions in the study area.

6.0 MITIGATION MEASURES

6.1 Standard Mitigation Measures for Construction

Attachment 2 contains the standard mitigation measures for construction emissions recommended in the ICAPCD's CEQA Air Quality Handbook.

6.2 Mitigation for Criteria Pollutant Impacts

MM AQ-1 The operator will require that employees and cattle trucks drive only on paved roads.

48 Short-Lived Climate Pollutant Reduction Strategy. California Air Resources Board. March 14, 2017.

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6.3 Mitigation for Climate Change Impacts

None available, other than GHG emission reductions resulting from implementation of permit conditions based upon Rule 217 requirements.

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ATTACHMENTS

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ATTACHMENT 1

EMISSION CALCULATION DETAILS

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Project GHG Emissions

Source	GHG (tonnes/year)			
	CO_2	CH_4	N_2O	CO_2e
Mobile Emissions	166.7	0.001	0.024	174
Enteric Emissions	0	714	0	17,851
Emissions from Manure Management	0	36.91	33.85	11,009
Displaced Composting Emissions	0	0.00	0.00	0
Annual Totals	**167**	**750.9**	**33.9**	**29,034**

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ARB GHG Emission Inventory Emission Factors

(grams per head of cattle)

Sector	Activity	CH_4	N_2O
3A1 - Enteric Fermentation	Livestock population - Steer feedlot	42,002	0
3A2 - Manure Management	Dry Lot - Feedlot steers 500+ lbs	2,171	1,991

Project Size = 17.000 head

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Criteria Pollutant Emissions Summary

Unmitigated

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Truck transport activity	0.05	0.24	1.32	0.33	0.26
Employees	0.01	0.60	0.05	0.03	0.01
Entrained road dust	-	-	-	219.43	21.88
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**219.8**	**22.2**

Mitigated

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Truck transport activity	0.05	0.24	1.32	0.33	0.26
Employees	0.01	0.60	0.05	0.03	0.01
Entrained road dust	-	-	-	119.14	10.46
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**119.5**	**10.7**

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Operational On-road Emissions

Activity

Expanded Activity	# Vehicles per Day	1 way Trip Length		VMT per day	VMT per year
		In County	Complete		
Trucks incoming transport *	0.3	65	400	41	45,886
Trucks outgoing transport	1.3	41	126	105	59,130
Trucks feed supply	2.1	37	69	159	53,968
Feed truck to handle daily feeding	7.0	1	1	14	2,555
Employees	8.0	18.3	18.3	292	53,290
TOTAL	***18.7***			***611***	***214,829***

** Daily VMT based on travel mileage in Imperial County only.*
Annual VMT based on complete trip including outside Imperial County.

Criteria Emissions

Expanded Activity	Pounds per day				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Trucks incoming transport	0.01	0.03	0.17	0.04	0.03
Trucks outgoing transport	0.02	0.08	0.44	0.11	0.09
Trucks feed supply	0.02	0.12	0.66	0.17	0.13
Feed truck to handle daily feeding	0.00	0.01	0.06	0.00	0.00
Employees	0.01	0.60	0.05	0.03	0.01
Totals	***0.1***	***0.8***	***1.4***	***0.4***	***0.3***

GHG Emissions

Expanded Activity	Tonnes per Year			
	CO_2	CH_4	N_2O	CO_2e
Trucks incoming transport	42.96	0.0001	0.0068	45.0
Trucks outgoing transport	55.36	0.0002	0.0087	58.0
Trucks feed supply	50.53	0.0002	0.0079	52.9
Feed truck to handle daily feeding	2.39	0.0000	0.0004	2.5
Employees	15.44	0.0002	0.0003	15.5
Totals	***166.7***	***0.001***	***0.024***	***173.9***

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Traffic Generated

Project-Related Increases

Additional Trucks		Frequency per		from/to	1 way Distance	
		Week	Year		In Co	Comp
incoming stock trucks (calves in)		2	115	Central CA	65	400
outgoing cattle (grown cattle)		9	468	Tolleson AZ	60	230
				Brawley CA	22	22
				Average	***41***	***126***
incoming feed ingredients	hay	15	780	Imperial Co	20	20
	yellow grease			Los Angeles CA	65	200
	corn & dry minerals			Calipatria CA	30	30
	bakery			Coachella CA	65	90
	protein blend			Imperial CA	5	5
				Average	***37***	***69***
feed truck to handle daily feeding		49	2,555		1	1

Additional Personal Vehicles	Frequency per		from/to	1 way Distance	
	Week	Year		In Co	Comp
Employee commute	56	2,920	El Centro CA (75%)	15	15
			Calexico CA (25%)	28	28
			Weighted Average	***18***	***18***

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EMFAC2017 (v1.0.2)

2022 Estimated Annual Emission Rates

EMFAC2011 Vehicle Categories

Imperial COUNTY

Vehicle Info			Emission Factor (grams/mile)											
Type	Fuel	VMT	ROG	CO	NO_x	PM_{10}			$PM_{2.5}$			CO_2	CH_4	N_2O
						Exhaust	TW+BW	Total	Exhaust	TW+BW	Total			
LDA	GAS	5,743,563	0.0100	0.7283	0.0425	0.0013	0.0448	0.0462	0.0012	0.0178	0.0191	270.2	0.0026	0.0047
LDA	DSL	53,970	0.0149	0.1769	0.0963	0.0094	0.0448	0.0582	0.0089	0.0178	0.0306	190.2	0.0007	0.0299
LDT1	GAS	618,128	0.0412	1.9451	0.1770	0.0023	0.0448	0.0478	0.0021	0.0178	0.0206	320.0	0.0092	0.0120
LDT1	DSL	267	0.2104	1.2534	1.2610	0.1736	0.0448	0.1592	0.1661	0.0178	0.1273	390.5	0.0098	0.0614
LDT2	GAS	1,918,189	0.0225	1.2211	0.1194	0.0014	0.0448	0.0463	0.0013	0.0178	0.0192	341.6	0.0053	0.0087
LDT2	DSL	12,140	0.0132	0.0997	0.0505	0.0062	0.0448	0.0502	0.0060	0.0178	0.0230	255.1	0.0006	0.0401
Weighted Avg for Employees			***0.0152***	***0.9272***	***0.0705***	***0.0014***	***0.0448***	***0.0465***	***0.0013***	***0.0178***	***0.0193***	***289.7***	***0.0037***	***0.0062***
T6 instate small	DSL	20,696	0.0700	0.3389	1.8746	0.0800	0.1423	0.4842	0.0765	0.0589	0.3860	936.3	0.0033	0.1472

Notes: - Criteria and CO_2 factors come from EMFAC2017 for Candar Year 2022 and represent Estimated Annual Emission Rates for Imperial County

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Entrained Road Dust

Entrained road dust emissions are generated by vehicles traveling on both paved and unpaved roads. These equations are based on the paved and unpaved roads emission factors found in Section 5.3 of Appendix A, CalEEMod Users Guide, version 2016.3.2 and AP-42 Sections 13.2.1 and 13.2.2.

Emission Factors - Paved Roads

$EF\ PM_{10} = [k * (sL^{0.91}) * (W^{1.02})] * (1 - P/4N) =$ 0.00065 lbs PM_{10}/VMT

$EF\ PM_{2.5} =$ 0.00016 lbs $PM_{2.5}$/VMT

Constant	Description	Value
$k =$	PM_{10} particle size multiplier for particle size range and units of interest	0.0022
	$PM_{2.5}$ particle size multiplier for particle size range and units of interest	0.00054
$sL =$	road surface silt loading in g/m^2 (allowable range is 0.02 to 400 g/m^2)	0.1
$W =$	average weight of the vehicles traveling the road in tons (mean average fleet vehicle weight ranging from 1.5 - 3 tons)	2.4
$P =$	number of "wet" days with at least 0.01 in)ches of precipitation during the averaging period	35
$N =$	number of days in the averaging period (e.g., 365 for annual, 91 for seasonal, 30 for monthly)	365

Emission Factors - Unpaved Roads

$EF\ PM_{10} = (k * (s/12)^{1} * (S/30)^{0.5} / (M/0.5)^{0.2} - C) * (1 - P/365) =$ 0.7178 lbs PM_{10}/VMT

$EF\ PM_{2.5} =$ 0.0715 lbs $PM_{2.5}$/VMT

Constant	Description	Value
$k =$	PM_{10} particle size multiplier for particle size range and units of interest	1.8
	$PM_{2.5}$ particle size multiplier for particle size range and units of interest	0.18
$s =$	surface material silt content (%) (allowable range 1.8 - 35 %)	4.3
$M =$	surface moisture content (%) (allowable range 0.03 – 13 %)	0.5
$S =$	the average vehicle speed (mph) (allowable range [10 - 55 mph])	40
$C =$	PM_{10} emission factor for 1980's vehicle fleet exhaust, brake wear and tire wear	0.00047
	$PM_{2.5}$ emission factor for 1980's vehicle fleet exhaust, brake wear and tire wear	0.00036
$P =$	number of "wet" days with at least 0.254 mm (0.01 in) of precipitation during the averaging period *	13

* Data from Western Regional Climate Center. Brawley Period of Record General Climate Summary - Precipitation. https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca1048

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Entrained Road Dust Emissions - Operation

Unmitigated

Phase/Category	VMT/d		Paved Roads (lbs/d)		Unpaved Roads (lbs/d)		Total Roads (lbs/d)	
	(paved)	(unpaved)	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Trucks incoming	20	20	0.013	0.003	14.66	1.46	14.68	1.46
Trucks outgoing	53	53	0.034	0.008	37.84	3.77	37.87	3.78
Trucks feed supply	79	79	0.051	0.013	56.91	5.67	56.96	5.68
Daily feed trucks	7	7	0.005	0.001	5.02	0.50	5.03	0.50
Employees	146	146	0.094	0.023	104.80	10.44	104.89	10.46
Total	**305**	**305**	**0.20**	**0.05**	**219.2**	**21.8**	**219.4**	**21.9**

Notes: Per ICAPCD, vehicular travel in Imperial County is 50% on unpaved roads.

Mitigated

Phase/Category	VMT/d		Paved Roads (lbs/d)		Unpaved Roads (lbs/d)		Total Roads (lbs/d)	
	(paved)	(unpaved)	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Trucks incoming	39	2	0.025	0.006	1.47	2.77	1.49	2.78
Trucks outgoing	100	5	0.065	0.016	3.78	7.16	3.85	7.17
Trucks feed supply	151	5	0.097	0.024	3.78	10.77	3.88	10.79
Daily feed trucks	7	7	0.005	0.001	5.02	0.50	5.03	0.50
Employees	146	146	0.094	0.023	104.80	10.44	104.89	10.46
Total	**443**	**166**	**0.29**	**0.07**	**118.9**	**31.6**	**119.1**	**31.7**

Notes: Mitigation is all transport trucks required to drive on paved roads 95% of the time

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Composting Emissions

Contaminant	Emission Factor (lb/ton mix)	Emissions	
		t/y	lbs/d
NH_3	3.28	82.0	449.3
Sulfur Compounds	0.015	0.4	2.1
CH_4	2.23	55.8	305.5
VOC (TGNMOC)	1.7	42.5	232.9
N_2O **	0.32	8.0	43.8

Annual Feedstock (tons) = 50,000

** Total Facility Emissions Based on Average of 2-day, 20-day, and 50-day piles*

Source Test Report for EKO Systems. Characterization of Ammonia, Total Amine, Organic Sulfur Compounds, and Total Non-methane Organic Compound (TGNMOC) Emissions from Composting Operations. November 16, 1995 and January 24 & 26, 1996

*** N_2O emissions from a study in Journal of Environmental Quality which determined N_2O emission factors to be 0.16 kg per tonne of manure.*

Conversions	
0.16	kg per tonne of manure
2.205	kg per pound
0.353	*lbs per tonne of manure*
1.102	tons per tonne
0.320	*lbs per ton of manure*

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Project Data

Phase 1 - Lot 29, 71.3 acres	Current	Proposed
Purpose	Bermuda Hay	Cattle Pens

Phase 2 - Lot 28, 82.2 acres	Current	Proposed
Purpose	Composting	Cattle Pens

Total increase	***17,000***	***head of cattle***

Composting Information From Permit		
Receiving (NTE)	1,000	wet tons/day
	50,000	wet tons/year
Active piles onsite (NTE)	30,000	wet tons/day
	50,000	wet tons/year
Finished Load-out (NTE)	2,500	wet tons/day
	50,000	wet tons/year

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ATTACHMENT 2

STANDARD MITIGATION MEASURES FOR CONSTRUCTION EQUIPMENT AND FUGITIVE PM_{10}

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Below are a number of fugitive dust mitigation measures, which have been shown to significantly reduce emissions. The following examples are not considered all inclusive. Use of alternative mitigation measures may also be considered if the appropriate documentation is provided.

In no way does compliance with Regulation VIII, Fugitive Dust Control measures alleviate or otherwise preclude a project from compliance with any and all other applicable laws, ordinances, resolutions, rules, statutes or other local, state or federal regulations or requirements.

REGULATION VIII - FUGITIVE DUST CONTROL MEASURES (Most recently adopted) – All construction sites, regardless of size, must comply with the requirements contained within Regulation VIII. Although compliance with Regulation VIII does not constitute mitigation under the reductions attributed to environmental impacts its main purpose is to reduce the amount of PM_{10} entrained into the atmosphere as a result of anthropogenic (man-made) fugitive dust sources. Therefore, under all preliminary modeling a presumption is made that all projects are in compliance with Regulation VIII.

Standard Mitigation Measures for Fugitive PM_{10} Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

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e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

In order to provide a greater degree of PM_{10} reductions, above that required by Regulation VIII, the ICAPCD recommends the following:

Discretionary Mitigation Measures for Fugitive PM_{10} Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible

c. Automatic sprinkler system installed on all soil piles

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees

f. Implement a shuttle service to and from retail services and food establishments during lunch hours

Although the preceding discussion of construction impacts and mitigation measures are primarily focused on PM_{10} emissions from fugitive dust sources, Lead Agencies should also seek to reduce emissions from construction equipment exhaust. Because of the availability of new control devices, required in the manufacturing of PM oxidation catalysts and NOx absorbers, substantial reductions in PM and NOx emissions from diesel engines is achievable. These new retrofit kits and in some cases new original equipment require the use of ultra low sulfur diesel in order to be effective.

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Standard Mitigation Measures for Construction Combustion Equipment

a. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.

b. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

c. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use

d. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

To help provide a greater degree of reduction of PM emissions from construction combustion equipment the ICAPCD recommends the following enhanced measures.

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways

b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

7.2 Standard Mitigation Measures for Project Operations

These standard air quality mitigation measures have been separated according to land use and mitigation type.

According to Table 1, Tier I, projects generating less than 137 lbs/day of NOx or ROG; less than 150 lbs/day of PM_{10} or SOX; or less than 550 lbs/day of CO or $PM_{2.5}$, the Initial Study should require implementation of all the Standard Mitigation Measures in order to help mitigate or reduce the air quality impacts to a level of insignificance. However, simple implementation of the mitigation measures does not guarantee that the project will be insignificant. The insignificance must be determined by the results of the Initial Study.

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2019

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FEB 13 2020
AIR POLLUTION
CONTROL DISTRICT

El Toro Land & Cattle Company, Inc.

RECEIVED
FEB 12 2020
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Permits, Citation, Orders, & Etc

EEC ORIGINAL PKG

El Toro Land & Cattle Inc.

CUSTOM CATTLE FEEDING
P.O. BOX. G - HEBER, CALIFORNIA 92249-0280 - PHONE 352-6312

REPORTS SUBMITTED BY

BLAKE PLOURD
LYNN JENSEN

HEBER YARD

X	DUST CONTROL PLAN	X	WHEAT GRAIN LOADED OUT
X	CATTLE INVENTORY	X	WHEAT GRAIN RECEIVED
X	CATTLE PRODUCTION	X	BOILER GAS CONSUMPTION
X	MANURE REMOVAL	X	BOILER OPERATION HOURS
X	LCAF MITIGATION		

McCABE YARD

X	DUST CONTROL PLAN	X	MANURE REMOVAL
X	CATTLE INVENTORY	X	LCAF MITIGATION
X	CATTLE PRODUCTION		

MELOLAND YARD

X	DUST CONTROL PLAN	X	MANURE REMOVAL
X	CATTLE INVENTORY	X	LCAF MITIGATION
X	CATTLE PRODUCTION		

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CONTROL DISTRICT

EEC ORIGINAL PKG

El Toro Land & Cattle Inc.

CUSTOM CATTLE FEEDING
P.O. BOX. G - HEBER, CALIFORNIA 92249-0280 - PHONE 352-6312

February 13, 2018

Dust Control Plan For
Heber, Yard
96 E. Fawcett Road
Heber, CA

The goal of El Toro Land and Cattle's dust control plan is to minimize dust caused by vehicles and equipment, cattle movement in the pens and alleys and from feed handling. Dust will be at a minimum reasonable level by us managing all operations and by increasing the moisture level in the pens when necessary. The most dust problems arise during the March through October time period when warmer weather causes cattle to increase movement in the late afternoon and evening hours, thereby causing dust if the pen moisture is too low. New arrivals do not cause dust problems since they do not stir in the evenings like bigger cattle. Our primary focus shall be on the driest pens, under populated pens and watering receiving pens to adequately prevent dust and avoid animal health problems that can arise from high moisture in the pens and dusty environments.

We use water wagons or water trucks to spray water on the roads and in pens. A critical component of the amount of water sprayed during a normal workday is the ability to quickly refill the water. We own 2 water wagons with capacities that range from 5000 to 6000 gallons and 2 water trucks with 5000 gallon capacity. We can unload the tanks in about 3 minutes and the fill time is about the same. Including travel time to and from the pens we can spray about 245,000 gallons of water with the 2 machines in an eight hour shift. If the need arises for control of the dust we will run longer shifts. The amount of water sprayed into the pens is determined by the number of cattle in the corral, the temperature and the relative humidity. Each pen is treated differently. During periods of

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El Toro Land & Cattle Inc.

CUSTOM CATTLE FEEDING
P.O. BOX. G - HEBER, CALIFORNIA 92249-0280 - PHONE 352-6312

high temperatures the pens require little to no water under the shades because of the amount of urine excreted by the cattle in the shaded areas. Our water wagons have the capacity to spray across the entire pen, so during times of wind we can still get water to the entire pen area if it is needed.

Aside from watering the corrals we also control dust by scraping the corrals and relocating the dry loose manure to the wet areas which serves both well in preventing dust and helping to dry overly wet areas caused by the cattle.

Moisture in the top 3" of manure should be maintained at 20%-40%. During the heat because of the cattle accumulating under the shades in small areas the moisture content will exceed 40% moisture. The first water spraying in the mornings should be on the roadways and the cattle work alleys, and repeated if needed during the day.

Manure removal from the pens is done at a minimum of once a year and some pens twice, depending on the manure accumulation. All manure is composted by TruSource LLC, at the Heber Compost Site.

Steam rolled corn is the main ingredient in our feed ration. Before the corn is put through the rollers we add approximately 4.5% water and another 2.5% steam is added to the commodity that goes into the process at around 13%. The rolled corn, in turn, winds up being added to the ration at about 20% moisture. In addition to this we add another 6.4% liquid mineral/molasses and 4.5% vegetable oil which all help to control the fugitive dust before the feed is loaded on trucks for delivery to the cattle pens. The ration delivers to the cattle at 18.5% moisture.

In addition to the above, we built a 3750 sq. ft. building and installed a Camfil Dust Collector which will be used when we are loading railcars with grain going into the export or domestic market. The dust collector will move 26,000 CFM of air at a velocity of 4000 FPM, which will minimize fugitive dust created previously by the grain loading operation. The dust collector pulls air from the 7 crucial points of dust production.

At the feed mixing area we also have installed a dust collector that pulls fugitive dust from the mill and prevents it from escaping in to the atmosphere.

_____ _____

Lynn Jensen Date

Controller

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EL TORO LAND & CATTLE
WHEAT IN'S & OUT'S
YEAR 2019

Permit # 4294

MONTH	TONS IN	TONS OUT
Jan-19		9,542.00
Feb-19		
Mar-19		1,330.00
Apr-19		
May-19	2,750.84	
Jun-19	2,377.76	
Jul-19	20.42	
Aug-19		
Sep-19		
Oct-19		
Nov-19		
Dec-19		545.00
Total Tons	5,149.02	11,417.00

EEC ORIGINAL PKG

EL TORO LAND & CATTLE
HEBER YARD
96 EAST FAWCETT ROAD
ICAPCD PERMIT # 3669 PTO
IMPERIAL COUNTY PUBLIC HEALTH FACILITY ID # FA0006904
YEAR 2019
CATTLE INVENTORY 1ST DAY OF EACH MONTH

MONTH	HEAD COUNT
Jan-19	17,356
Feb-19	16,783
Mar-19	14,820
Apr-19	14,803
May-19	13,321
Jun-19	13,329
Jul-19	13,333
Aug-19	14,666
Sep-19	16,823
Oct-19	16,294
Nov-19	16,531
Dec-19	16,256
OCCUPIED MONTHLY AVERAGE	15,360

EEC ORIGINAL PKG

EL TORO LAND & CATTLE
HEBER YARD
96 EAST FAWCETT ROAD
ICAPCD PERMIT # 3669 PTO
IMPERIAL COUNTY PUBLIC HEALTH FACILITY ID # FA0006904
YEAR 2019
CATTLE PRODUCTION FOR EACH MONTH

MONTH	HEAD SHIPPED
Jan-19	3,538
Feb-19	3,227
Mar-19	2,381
Apr-19	1,467
May-19	543
Jun-19	96
Jul-19	74
Aug-19	481
Sep-19	932
Oct-19	1,383
Nov-19	1,724
Dec-19	2,662
TOTAL PRODUCTION	18,508

EEC ORIGINAL PKG

EL TORO LAND & CATTLE
HEBER YARD
96 EAST FAWCETT ROAD
ICAPCD PERMIT # 3669 PTO
IMPERIAL COUNTY PUBLIC HEALTH FACILITY ID # FA0006904
YEAR 2019
MANURE REMOVAL REPORT

MONTH	TONS	DESTINATION	PRODUCT
Jan-19	0.00		
Feb-19	0.00		
Mar-19	5,790.00	EL TORO YARD	MANURE
Apr-19	3,993.00	EL TORO YARD	MANURE
May-19	0.00		
Jun-19	0.00		
Jul-19	0.00		
Aug-19	0.00		
Sep-19	0.00		
Oct-19	0.00		
Nov-19	0.00		
Dec-19	0.00		
TOTAL TONS	9,783.00		

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El Toro Land and Cattle Manure Moved by Day / Year

Pressource, LLC manure to yard 2019

Date	Line #	Pens	# loads	Tons	Location
1/21/2019	9	Meloland 40	1	20.12	Heber
1/22/2019	9	Meloland 40	5	110.25	Heber
1/22/2019	10	Meloland 40 & 43	6	127	Heber
1/23/2019	10	Meloland 43	4	79.21	Heber
1/24/2019	10	Meloland 43 & 44	8	161	Heber
1/25/2019	10	Meloland 44 & 100	9	186.23	Heber
1/28/2019	10	Meloland 100 & 42	12	256.49	Heber
1/29/2019	10	Meloland 42	5	118.41	Heber
1/30/2019	10	Meloland 42	3	70.16	Heber
1/30/2019	11	Meloland 42 & 99	8	174.21	Heber
1/31/2019	11	Meloland 99	12	265.8	Heber
2/1/2019	11	Meloland 98 & 99	6	128.42	Heber
2/4/2018	11	Meloland 98 & 99	5	105.7	Heber
2/5/2019	11	Meloland 98	5	103.17	Heber
2/6/2019	11	Meloland 98	5	107.15	Heber
2/7/2019	11	Meloland 97	7	149.12	Heber
2/7/2019	12	Meloland 97	4	92.54	Heber
2/8/2019	12	Meloland 26 & 97	12	264.71	Heber
2/11/2019	12	Meloland 26,27 & 28	15	336.94	Heber
2/12/2019	12	Meloland 29 & 30	6	132.21	Heber
2/12/2019	13	Meloland 30 & 31	13	273.46	Heber
2/13/2019	13	Meloland 31 & 32	15	319.73	Heber
2/14/2019	13	Meloland H2, BH2 & 33	14	274.35	Heber
2/15/2019	14	Meloland 14 & 15	12	269.59	Heber
2/19/2019	14	Meloland 19 & 20	9	191.08	Heber
2/20/2019	14	Meloland 17,18.21 & 22	21	447.15	Heber
2/21/2019	14	Meloland 22	1	21.77	Heber
2/21/2019	15	Meloland 22, 23, 24 & 25	20	406.63	Heber
2/22/2019	15	Meloland 3	15	324.88	Heber
2/25/2019	15	Meloland 3 & 4	9	189.28	Heber
2/26/2019	16	Meloland 4 & 2	15	318.07	Heber
2/27/2019	16	Meloland 2 & 5	17	375.44	Heber
2/27/2019	17	Meloland 5	1	23.16	Heber
2/28/2019	17	Meloland 6 & 7	16	235.15	Heber
					Heber
3/2/2019	18	Meloland 9	6	128.07	Heber
3/4/2019	18	Meloland 9 & 10	18	375.67	Heber
3/5/2019	18	Meloland 12	18	383.65	Heber
3/6/2019	19	Meloland 12 & 111	20	425.49	Heber
3/7/2019	19	Meloland 111 & 113	12	250.27	Heber

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[illegible]	[illegible]	9	[illegible]	Heber
3/12/2019	[illegible]	12	[illegible]	Heber
3/12/2019	20 ETLC [illegible]	11	478	Heber
3/13/2019	20 ETLC [illegible]	7	149.82	Heber
3/13/2019	21 ETLC [illegible]	14	[illegible]	Heber
3/14/2019	21 ETLC 15 & 16	22	457.07	Heber
3/15/2019	21 ETLC 14 & 15	7	142.87	Heber
3/15/2019	22 ETLC 13 & 14	16	341.35	Heber
3/18/2019	22 ETLC 12 & 13	18	384.37	Heber
3/19/2019	22 ETLC 12 &13	10	216.98	Heber
3/19/2019	23 ETLC 11 & 19	9	186.44	Heber
3/20/2019	23 ETLC 10 & 11	18	398.85	Heber
3/21/2019	23 ETLC 9 & 10	11	235.55	Heber
3/23/2019	24 ETLC 53	5	106.48	Heber
3/25/2019	24 ETLC 49,50 & 51	17	348.76	Heber
3/21/2019	25 ETLC 9	8	169.51	Heber
3/23/2019	25 ETLC 53	9	193.11	Heber
3/25/2019	26 ETLC 51	2	41.07	Heber
3/26/2019	26 ETLC 51 & 52	20	414.89	Heber
3/27/2019	26 ETLC 23, 24, 52 & 54A	19	413.43	Heber
3/28/2019	26 ETLC 22, 23 & 24	13	285.54	Heber
3/28/2019	27 ETLC 21 & 22	5	113.42	Heber
3/29/2019	27 ETLC 18, 20 & 21	18	384.54	Heber
4/1/2019	27 ETLC 8 & 18	18	376.9	Heber
4/2/2019	27 ETLC 5, 6 & 7	8	176.29	Heber
4/2/2019	28 ETLC 4 & 5	16	300.62	Heber
4/3/2019	28 ETLC 1, 2, 3, & 4	32	666.93	Heber
4/4/2019	28 ETLC 54	2	47.13	Heber
4/4/2019	29 ETLC 29, 31, 37 & 54	28	594.55	Heber
4/8/2019	30 ETLC 62,63,61,65 & 66	20	420.32	Heber
4/9/2019	30 ETLC 66 & 67	14	290.92	Heber
4/10/2019	30 ETLC 55,56,57 & 68	22	454.14	Heber
4/10/2019	31 ETLC 26	7	142.89	Heber
4/11/2019	31 ETLC 26	4	87.92	Heber
4/11/2019	31 Meloland 68	9	207.53	Heber
4/12/2019	31 Meloland 68 & 110	6	130.23	Heber
4/15/2019	31 Meloland 110	9	189.07	Heber
7/16/2019	1 Meloland B 115 & 116	9	197.29	Heber
7/17/2019	1 Meloland B 115 & 116	14	316.63	Heber
7/18/2019	1 Meloland 116 & 117	13	285.45	Heber
7/19/2019	1 Meloland 117	10	201.48	Heber
7/19/2019	2 Meloland 118	3	63.33	Heber
7/22/2019	2 Meloland 118	11	239.62	Heber
7/25/2019	2 Meloland 119	3	66.5	Heber
7/26/2019	2 Meloland 119	6	131.33	Heber
8/3/2019	2 Meloland 119,120 & 121	17	353.4	Heber
8/10/2019	2 Meloland 122	6	130.1	Heber

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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	Mc Cabe [illegible]	[illegible]	[illegible]	Heber
[illegible]	Mc Cabe [illegible]	[illegible]	334.86	Heber
[illegible]	Mc Cabe [illegible]	[illegible]	173.08	Heber
8/21/2019	3 Mc Cabe 227 & 228	9	197.03	Heber
8/22/2019	3 Mc Cabe 228, 229 & 21[illegible]	14	321.87	Heber
8/23/2019	3 Mc Cabe 222 & 223	8	176.71	Heber
8/24/2019	3 Mc Cabe 223	1	23.84	Heber
8/24/2019	4 Mc Cabe 223 & 224	6	137.81	Heber
8/27/2019	4 Mc Cabe 213 & 224	16	326.07	Heber
8/28/2019	4 Mc Cabe 211 & 212	22	466.42	Heber
8/29/2019	4 Mc Cabe 211 & 210	3	64.84	Heber
8/29/2019	5 Mc Cabe 209, 210 & 211	19	397.09	Heber
8/30/2019	5 Mc Cabe 207,208,209, 1[illegible]	20	446.95	Heber
9/3/2019	5 Mc Cabe 207	2	44.4	Heber
9/3/2019	6 Mc Cabe 192, 206 & 207	17	343.23	Heber
9/4/2019	6 Mc Cabe 192,193&194	16	352.39	Heber
9/5/2019	6 Mc Cabe 195 & 196		307.2	Heber
9/6/2019	6 Mc Cabe 195 & 196	3	64.72	Heber
9/6/2019	7 Mc Cabe 196,205,206 &	11	243.39	Heber
9/9/2019	7 Mc Cabe 202, 203 & 204	14	306.06	Heber
9/10/2019	7 Mc Cabe 200,201 & 202	16	351.17	Heber
9/11/2019	7 Mc Cabe 199 & 200	2	46.68	Heber
9/11/2019	8 Mc Cabe 198,199 &237	12	265.54	Heber
9/12/2019	8 Mc Cabe 234,236 & 237	19	426.43	Heber
9/13/2019	8 Mc Cabe 234	1	23.87	Heber
9/13/2019	9 Mc Cabe 235	12	269.37	Heber
9/16/2019	9 Mc Cabe 234,235 & 236	16	344.68	Heber
9/17/2019	9 Mc Cabe 233	12	271.67	Heber
9/18/2019	9 Mc Cabe 232 & 233	7	143.74	Heber
9/18/2019	10 Mc Cabe 231 & 232	9	200.8	Heber
9/19/2019	10 Mc Cabe 231	9	202.27	Heber
9/20/2019	10 Mc Cabe 230 & 231	8	178.74	Heber
9/23/2019	10 Mc Cabe 230 & 221	8	169.18	Heber
9/24/2019	10 Mc Cabe 221	8	162.47	Heber
9/25/2019	10 Mc Cabe 220	3	59.94	Heber
9/25/2019	11 Mc Cabe 220 & 219	13	259.75	Heber
9/30/2019	11 Mc Cabe 218 & 219	11	233.63	Heber
10/1/2019	11 Mc Cabe 218	8	164.48	Heber
10/2/2019	11 Mc Cabe 217	3	64.77	Heber
10/3/2019	11 Mc Cabe 217	4	82.03	Heber
10/4/2019	11 Mc Cabe 217	3	61.5	Heber
10/5/2019	11 Mc Cabe 216	4	86.67	Heber
10/7/2019	12 Mc Cabe 215 & 216	11	227.46	Heber
10/8/2019	12 Mc Cabe 215	8	171	Heber
10/9/2019	12 Mc Cabe 214 2&215	11	226.73	Heber
10/10/2019	12 Mc Cabe 214	2	40.45	Heber

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10/10/2019	12 Meloland 136 & 137	5	131.9	Heber
10/14/2019	12 Meloland 131 & 136	7	169.45	Heber
10/14/2019	13 Meloland 130	3	69.82	Heber
10/15/2019	13 Meloland 130, 39 & 58	14	294.87	Heber
10/16/2019	13 Meloland 55, 57 & 58	14	298.76	Heber
10/17/2019	13 Meloland 40 & 55	8	168.22	Heber
10/24/2019	14 Meloland 41 & 42	13	287.43	Heber
10/25/2019	14 Meloland 34,35 & 42	14	290.9	Heber
10/26/2019	14 Meloland 34,52 & 53	11	229.31	Heber
10/28/2019	14 Meloland 52 & 54	4	85.51	Heber
10/28/2019	1 Meloland 52	3	61.6	Heber
10/29/2019	1 Meloland51 & 52	13	282.65	Heber
10/30/2019	1 Meloland 51 & 52	16	343.83	Heber
10/31/2019	1 Meloland 49 & 50	8	212.36	Heber
10/31/2019	2 Meloland 49 & 71	5	90.95	Heber
11/1/2019	2 Meloland 71 & 48	12	272.45	Heber
11/4/2019	2 Meloland 48, 70 & 69	13	298.68	Heber
11/5/2019	2 Meloland 69	12	272.27	Heber
11/5-6/2019	3 Meloland 69,72 & 73	17	369.06	Heber
11/7/2019	3 Meloland 73 & 74	15	324.57	Heber
11/8/2019	3 Meloland 74	8	179.51	Heber
11/11/2019	3 Meloland 75	1	23.83	Heber
11/11/2019	4 Meloland 75	6	139.15	Heber
11/12/2019	4 Meloland 75	8	182.88	Heber

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El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
01/01/19	671,394	751	8	
01/02/19	672,578	1,184	9	
01/03/19	673,285	707	8	
01/04/19	674,923	1,638	9	
01/05/19	675,918	995	9	
01/06/19	676,907	989	9	
01/07/19	677,986	1,079	9	
01/08/19	679,002	1,016	9	
01/09/19	679,950	948	9	
01/10/19	681,149	1,199	9	
01/11/19	682,027	878	9	
01/12/19	683,336	1,309	9	
01/13/19	684,620	1,284	9	
01/14/19	685,459	839	9	
01/15/19	686,283	824	9	
01/16/19	687,381	1,098	9	
01/17/19	688,385	1,004	9	
01/18/19	689,472	1,087	9	
01/19/19	690,815	1,343	9	
01/20/19	692,170	1,355	9	
01/21/19	693,320	1,150	9	
01/22/19	694,504	1,184	9	
01/23/19	695,545	1,041	9	
01/24/19	696,654	1,109	9	
01/25/19	697,814	1,160	9	
01/26/19	698,915	1,101	9	
01/27/19	700,199	1,284	9	
01/28/19	701,141	942	9	
01/29/19	702,228	1,087	9	
01/30/19	703,352	1,124	9	
01/31/19	704,311	959	9	
		33,668	277	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
02/01/19	705,216	905	9	
02/02/19	706,313	1,097	9	
02/03/19	707,247	934	9	
02/04/19	708,169	922	9	
02/05/19	709,101	932	9	
02/06/19	710,061	960	9	
02/07/19	711,222	1,161	9	
02/08/19	712,308	1,086	9	
02/09/19	713,438	1,130	9	
02/10/19	714,486	1,048	9	
02/11/19	715,451	965	9	
02/12/19	716,474	1,023	9	
02/13/19	717,530	1,056	9	
02/14/19	718,569	1,039	9	
02/15/19	719,948	1,379	9	
02/16/19	721,199	1,251	9	
02/17/19	722,344	1,145	9	
02/18/19	723,598	1,254	9	
02/19/19	724,816	1,218	9	
02/20/19	725,958	1,142	9	
02/21/19	727,048	1,090	9	
02/22/19	728,047	999	9	
02/23/19	729,175	1,128	9	
02/24/19	730,253	1,078	9	
02/25/19	731,170	917	9	
02/26/19	732,593	1,423	9	
02/27/19	733,898	1,305	9	
02/28/19	735,040	1,142	9	
		30,729	252	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
03/01/19	735,910	870	9	
03/02/19	736,801	891	9	
03/03/19	737,586	785	9	
03/04/19	738,504	918	9	
03/05/19	739,602	1,098	9	
03/06/19	740,803	1,201	9	
03/07/19	741,984	1,181	9	
03/08/19	743,273	1,289	9	
03/09/19	744,438	1,165	9	
03/10/19	745,723	1,285	9	
03/11/19	746,919	1,196	9	
03/12/19	748,194	1,275	9	
03/13/19	749,405	1,211	9	
03/14/19	750,497	1,092	9	
03/15/19	751,207	710	8	
03/16/19	752,059	852	9	
03/17/19	752,811	752	8	
03/18/19	753,907	1,096	9	
03/19/19	754,908	1,001	9	
03/20/19	756,303	1,395	9	
03/21/19	757,482	1,179	9	
03/22/19	758,237	755	8	
03/23/19	758,961	724	8	
03/24/19	759,747	786	9	
03/25/19	760,875	1,128	9	
03/26/19	761,648	773	9	
03/27/19	762,477	829	9	
03/28/19	763,829	1,352	9	
03/29/19	764,667	838	9	
03/30/19	765,604	937	9	
03/31/19	766,375	771	9	
		31,335	274	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
04/01/19	767,231	856	9	
04/02/19	767,985	754	8	
04/03/19	768,733	748	8	
04/04/19	769,500	767	9	
04/05/19	770,373	873	9	
04/06/19	771,298	925	9	
04/07/19	772,183	885	9	
04/08/19	772,985	802	9	
04/09/19	773,807	822	9	
04/10/19	774,725	918	9	
04/11/19	775,569	844	9	
04/12/19	776,469	900	9	
04/13/19	777,304	835	9	
04/14/19	778,103	799	9	
04/15/19	778,861	758	8	
04/16/19	779,750	889	9	
04/17/19	780,590	840	9	
04/18/19	781,529	939	9	
04/19/19	782,400	871	9	
04/20/19	783,359	959	9	
04/21/19	784,168	809	9	
04/22/19	785,098	930	9	
04/23/19	785,954	856	9	
04/24/19	786,889	935	9	
04/25/19	787,772	883	9	
04/26/19	788,661	889	9	
04/27/19	789,664	1,003	9	
04/28/19	790,569	905	9	
04/29/19	791,375	806	9	
04/30/19	792,425	1,050	9	
		26,050	267	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
05/01/19	793,624	1,199	9	
05/02/19	794,404	780	9	
05/03/19	795,212	808	9	
05/04/19	796,070	858	9	
05/05/19	796,816	746	8	
05/06/19	797,686	870	9	
05/07/19	798,462	776	9	
05/08/19	799,479	1,017	9	
05/09/19	800,367	888	9	
05/10/19	801,181	814	9	
05/11/19	802,010	829	9	
05/12/19	802,875	865	9	
05/13/19	803,755	880	9	
05/14/19	804,547	792	9	
05/15/19	805,523	976	9	
05/16/19	807,306	1,783	9	
05/17/19	808,823	1,517	9	
05/18/19	810,108	1,285	9	
05/19/19	811,247	1,139	9	
05/20/19	812,410	1,163	9	
05/21/19	813,516	1,106	9	
05/22/19	815,010	1,494	9	
05/23/19	816,069	1,059	9	
05/24/19	817,127	1,058	9	
05/25/19	818,291	1,164	9	
05/26/19	819,322	1,031	9	
05/27/19	820,516	1,194	9	
05/28/19	821,737	1,221	9	
05/29/19	822,944	1,207	9	
05/30/19	823,713	769	9	
05/31/19	824,981	1,268	9	
		32,556	277	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
06/01/19	826,160	1,179	9	
06/02/19	827,305	1,145	9	
06/03/19	828,564	1,259	9	
06/04/19	829,669	1,105	9	
06/05/19	830,853	1,184	9	
06/06/19	831,967	1,114	9	
06/07/19	833,198	1,231	9	
06/08/19	834,386	1,188	9	
06/09/19	835,401	1,015	9	
06/10/19	836,315	914	9	
06/11/19	837,287	972	9	
06/12/19	838,189	902	9	
06/13/19	839,072	883	9	
06/14/19	839,990	918	9	
06/15/19	840,972	982	9	
06/16/19	841,937	965	9	
06/17/19	842,855	918	9	
06/18/19	843,728	873	9	
06/19/19	844,749	1,021	9	
06/20/19	845,861	1,112	9	
06/21/19	847,000	1,139	9	
06/22/19	848,268	1,268	9	
06/23/19	849,344	1,076	9	
06/24/19	850,438	1,094	9	
06/25/19	851,439	1,001	9	
06/26/19	852,578	1,139	9	
06/27/19	853,737	1,159	9	
06/28/19	854,879	1,142	9	
06/29/19	856,130	1,251	9	
06/30/19	857,391	1,261	9	
		32,410	270	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
07/01/19	858,502	1,111	9	
07/02/19	859,874	1,372	9	
07/03/19	860,915	1,041	9	
07/04/19	861,836	921	9	
07/05/19	863,130	1,294	9	
07/06/19	864,319	1,189	9	
07/07/19	865,770	1,451	9	
07/08/19	866,955	1,185	9	
07/09/19	868,054	1,099	9	
07/10/19	869,207	1,153	9	
07/11/19	870,429	1,222	9	
07/12/19	871,545	1,116	9	
07/13/19	872,645	1,100	9	
07/14/19	873,889	1,244	9	
07/15/19	874,838	949	9	
07/16/19	876,119	1,281	9	
07/17/19	877,480	1,361	9	
07/18/19	878,575	1,095	9	
07/19/19	879,674	1,099	9	
07/20/19	880,510	836	9	
07/21/19	881,175	665	7	
07/22/19	882,328	1,153	9	
07/23/19	883,270	942	9	
07/24/19	884,203	933	9	
07/25/19	885,091	888	9	
07/26/19	886,116	1,025	9	
07/27/19	887,204	1,088	9	
07/28/19	888,044	840	9	
07/29/19	888,956	912	9	
07/30/19	889,511	555	6	
07/31/19	889,547	36	0	
		32,156	266	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
08/01/19	890,198	651	7	
08/02/19	890,997	799	9	
08/03/19	891,843	846	9	
08/04/19	892,656	813	9	
08/05/19	893,547	891	9	
08/06/19	894,278	731	8	
08/07/19	895,058	780	9	
08/08/19	895,836	778	9	
08/09/19	896,642	806	9	
08/10/19	897,347	705	8	
08/11/19	898,028	681	8	
08/12/19	898,902	874	9	
08/13/19	899,491	589	7	
08/14/19	900,360	869	9	
08/15/19	901,155	795	9	
08/16/19	901,909	754	8	
08/17/19	902,571	662	7	
08/18/19	903,436	865	9	
08/19/19	904,098	662	7	
08/20/19	904,734	636	7	
08/21/19	906,023	1,289	9	
08/22/19	906,861	838	9	
08/23/19	906,930	69	1	
08/24/19	907,677	747	8	
08/25/19	908,545	868	9	
08/26/19	909,046	501	6	
08/27/19	909,640	594	7	
08/28/19	910,195	555	6	
08/29/19	910,827	632	7	
08/30/19	911,363	536	6	
08/31/19	912,056	693	8	
		22,509	241	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
09/01/19	912,857	801	9	
09/02/19	913,247	390	4	
09/03/19	913,921	674	7	
09/04/19	914,587	666	7	
09/05/19	915,210	623	7	
09/06/19	915,808	598	7	
09/07/19	916,386	578	6	
09/08/19	916,927	541	6	
09/09/19	917,509	582	6	
09/10/19	918,308	799	9	
09/11/19	919,019	711	8	
09/12/19	919,885	866	9	
09/13/19	920,652	767	9	
09/14/19	921,359	707	8	
09/15/19	922,304	945	9	
09/16/19	922,874	570	6	
09/17/19	923,635	761	8	
09/18/19	924,636	1,001	9	
09/19/19	925,523	887	9	
09/20/19	926,473	950	9	
09/21/19	927,456	983	9	
09/22/19	928,491	1,035	9	
09/23/19	929,579	1,088	9	
09/24/19	930,564	985	9	
09/25/19	931,779	1,215	9	
09/26/19	932,727	948	9	
09/27/19	933,650	923	9	
09/28/19	934,521	871	9	
09/29/19	935,518	997	9	
09/30/19	936,585	1,067	9	
		24,529	244	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
10/01/19	937,457	872	9	
10/02/19	938,227	770	9	
10/03/19	939,040	813	9	
10/04/19	939,917	877	9	
10/05/19	940,755	838	9	
10/06/19	941,689	934	9	
10/07/19	942,507	818	9	
10/08/19	943,442	935	9	
10/09/19	944,323	881	9	
10/10/19	945,171	848	9	
10/11/19	946,104	933	9	
10/12/19	947,036	932	9	
10/13/19	947,867	831	9	
10/14/19	948,818	951	9	
10/15/19	949,898	1,080	9	
10/16/19	950,935	1,037	9	
10/17/19	951,567	632	7	
10/18/19	952,389	822	9	
10/19/19	953,187	798	9	
10/20/19	953,965	778	9	
10/21/19	954,638	673	7	
10/22/19	955,602	964	9	
10/23/19	956,438	836	9	
10/24/19	957,335	897	9	
10/25/19	958,244	909	9	
10/26/19	959,009	765	9	
10/27/19	959,807	798	9	
10/28/19	960,750	943	9	
10/29/19	961,825	1,075	9	
10/30/19	962,993	1,168	9	
10/31/19	963,897	904	9	
		27,312	274	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
11/01/19	964,812	915	9	
11/02/19	965,709	897	9	
11/03/19	966,594	885	9	
11/04/19	967,514	920	9	
11/05/19	968,588	1,074	9	
11/06/19	969,833	1,245	9	
11/07/19	971,140	1,307	9	
11/08/19	972,385	1,245	9	
11/09/19	973,625	1,240	9	
11/10/19	974,775	1,150	9	
11/11/19	975,800	1,025	9	
11/12/19	977,046	1,246	9	
11/13/19	978,297	1,251	9	
11/14/19	979,392	1,095	9	
11/15/19	980,586	1,194	9	
11/16/19	981,824	1,238	9	
11/17/19	982,864	1,040	9	
11/18/19	984,031	1,167	9	
11/19/19	985,271	1,240	9	
11/20/19	986,069	798	9	
11/21/19	987,220	1,151	9	
11/22/19	988,305	1,085	9	
11/23/19	989,475	1,170	9	
11/24/19	990,659	1,184	9	
11/25/19	991,877	1,218	9	
11/26/19	993,128	1,251	9	
11/27/19	994,500	1,372	9	
11/28/19	995,734	1,234	9	
11/29/19	997,133	1,399	9	
11/30/19	998,369	1,236	9	
		34,472	270	

EEC ORIGINAL PKG

El Toro Land & Cattle

NATURAL GAS METER READING

DATE	METER	Usage	HOURS	
12/01/19	999,605	1,236	9	
12/02/19	1,001,075	1,470	9	
12/03/19	1,002,710	1,635	9	
12/04/19	1,004,086	1,376	9	
12/05/19	1,005,676	1,590	9	
12/06/19	1,007,059	1,383	9	
12/07/19	1,008,414	1,355	9	
12/08/19	1,010,018	1,604	9	
12/09/19	1,011,685	1,667	9	
12/10/19	1,013,335	1,650	9	
12/11/19	1,014,989	1,654	9	
12/12/19	1,016,365	1,376	9	
12/13/19	1,017,672	1,307	9	
12/14/19	1,019,023	1,351	9	
12/15/19	1,020,339	1,316	9	
12/16/19	1,021,374	1,035	9	
12/17/19	1,022,585	1,211	9	
12/18/19	1,024,379	1,794	9	
12/19/19	1,026,349	1,970	9	
12/20/19	1,027,383	1,034	9	
12/21/19	1,028,884	1,501	9	
12/22/19	1,030,188	1,304	9	
12/23/19	1,031,590	1,402	9	
12/24/19	1,032,540	950	9	
12/25/19	1,033,128	588	7	
12/26/19	1,034,095	967	9	
12/27/19	1,035,307	1,212	9	
12/28/19	1,036,374	1,067	9	
12/29/19	1,037,734	1,360	9	
12/30/19	1,039,226	1,492	9	
12/31/19	1,040,564	1,338	9	
		42,195	277	

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT

LARGE CONFINED ANIMAL FACILTY EMISSIONS MITIGATION PLAN
BEEF FEEDLOT

Reference Table 2.1 of Rule 217

Name of Business	EL TORO LAND & CATTLE CO. INC. (HEBER)
Owner/ Operator	WILLIAM PLOURD
Mailing Address	PO BOX G, HEBER CA 92249
Location Address	96 E. FAWCETT ROAD, HEBER CA 92249
Telephone Number	760-352-6312 Cellular Number 760-427-7206 BLAKEPLOURD@ELTOROEXPORT.COM
E-mail Contact	LYNNJ@ELTOROCATTLE.COM
Total Animal Head Count	15,360

A. Feed- An owner/operator of a beef feedlot CAF shall implement at least two (2) of the following feed mitigation measures:

Choose two of the following:

☐ a. Feed according to National Research Council (NRC) guidelines.

☒ b. Feed steam-flaked, dry rolled, cracked or ground corn or other steam-flaked, dry rolled, cracked or ground cereal grains.

☒ c. Remove uneaten wet feed from feed bunks within twenty-four (24) hours after the end of a rain event.

☐ d. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

B. Silage - An owner/operator of a beef feedlot CAF that feeds silage shall implement at least one (1) of the following silage mitigation measures:

Choose one of the following:

☐ Operators selecting this option must choose mitigation measure 1a plus one (1) from mitigation measures 1b, 1c, 1d plus two (2) from mitigation measures 1e, 1f, 1g:

Required 1a. Cover the surface of silage piles, except for the area where feed is being removed from the pile, with a plastic tarp that is at least five (5) mils thick (0.005 inches), multiple plastic tarps with a cumulative thickness of at least 5 mils (0.005 inches), or an oxygen barrier film covered with a UV resistant material, within seventy-two (72) hours of last delivery of material to the pile.

Choose one of the following:

☐ 1b. Build silage piles such that the average bulk density of silage piles is at least 44 lb/cu ft for corn silage and 40 lb/cu ft for other silage types, as measured in accordance with G; or

☐ 1c. When creating a silage pile, adjust filling parameters to assure a calculated average bulk density of at least 44 lb/cu ft for corn silage and at least 40 lb/cu ft for other silage types, using a spreadsheet approved by the District; or

EEC ORIGINAL PKG

B. Silage - Continued

☐ 1d. Incorporate all of the following practices when creating silage piles:

i. Harvest silage crop at ≥65% moisture for corn; and ≥60% moisture for alfalfa/ grass and other silage crops; and

ii. Incorporate the following parameters for Theoretical Length of Chop (TLC) and roller opening, as applicable, for the crop being harvested.

Crop Harvested	TLC	Roller Opening (mm)
Corn with no Processing	≤ 1/2 in	N/A
Processed Corn <35% dry matter	≤ 3/4 in	1-4 mm
Alfalfa/Grass	≤ 1.0 in	N/A
wheat/Cereal Grains/Other	≤ 1/2 in	N/A

iii. Manage silage material delivery such that no more than six (6) inches of material are un-compacted on top of the pile.

Choose two of the following:

☐ 1e. Manage exposed silage ***(select one of the following)*** :

- ☐ i. Manage silage piles such that only one silage pile has an uncovered face and the uncovered face has a total exposed surface area of less than 2,150 square feet; or
- ☐ ii. Manage multiple uncovered silage piles such that the total exposed surface area of all uncovered silage piles is less than 4,300 square feet.

☐ 1f. Maintain silage working face ***(select one of the following)*** :

- ☐ i. Use a shaver/facer to remove silage from the silage pile; or
- ☐ ii. Maintain a smooth vertical surface on the working face of the silage pile.

☐ 1g. Silage Additives ***(select one of the following***):

- ☐ i. Inoculate silage with homolactic lactic acid bacteria in accordance with manufacturer recommendations to achieve a concentration of at least 100,000 colony forming units per gram of wet forage; or
- ☐ ii. Apply propionic acid, benzoic acid, sorbic acid, sodium benzoate, or potassium sorbate at a rate specified by the manufacturer to reduce yeast counts when forming silage pile; or
- ☐ iii. Apply other additives at specified rates that have been demonstrated to reduce alcohol concentrations in silage and/or VOC emissions from silage and have been approved by the District and EPA.

☐ 2. Utilize a sealed feed storage system (e.g., Ag-Bag) for silage.

☐ 3. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

C. Housing - An owner/operator of a beef feedlot CAF shall implement mitigation measures 1, 2, 3, and 4 and at least one (1) additional mitigation measure in each of the animal housing structures (e.g. each corral, etc.):

Required 1a. Scrape corrals twice a year with at least ninety (90) days between cleanings, excluding the removal of in-corral mounds

1b. Clean and remove manure from corrals every eighteen (18) months, including the removal on in-corral mounds.

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C. Housing - Continued

Required 2. Inspect water pipes and troughs and repair leaks at least once every seven (7) days.

Required 3. *Choose one of the following:*

☒ a. Maintain corrals to ensure proper drainage preventing water from standing more than forty-eight (48) hours; unless standing water is the result of a rain event; or

☐ b. Harrow, rake, or scrape corrals sufficiently to maintain a dry surface, unless the corrals have not held animals in the last thirty (30) days; except moisture may be permitted in areas underneath shade structures or where animals commonly congregate in large groups.

Required 4. If the CAF has shade structures, they must choose with one of the following:

☒ a. Install shade structures such that they are constructed with a light permeable roofing material; or

☐ b. Install all shade structures uphill of any slope in the corral; or

☐ c. Install shade structure so that the structure has a North/South orientation.

☒ 5. Manage corrals and concrete lanes such that the dry manure depth in the pen does not exceed twelve (12) inches at any time or point, except for in-corral mounds. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.

☒ 6. Knockdown fence line manure build-up prior to it exceeding a height of twelve (12) inches at any time or point. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.

☐ 7. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

D. Solid Manure/Separated Solids - An owner/operator of a beef feedlot CAF that handles or stores solid manure or separated solids outside the animal housing shall implement at least one (1) of the following mitigation measures:

Choose one of the following:

☐ Within 72 hours of removal from animal housing, either remove dry manure from the facility or, during those months where rain occurs, cover dry manure pile with a weatherproof covering, except for times, not to exceed twenty-four (24) hours per event, when wind events remove the covering.; or

☐ Manage moisture content of manure to less than 50%; or

☐ Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

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E. Liquid Manure - An owner/operator of a beef feedlot CAF that handles manure in a liquid form shall implement at least one (1) of the following mitigation measures:

- ☐ 1. Use a phototropic lagoon.
- ☐ 2. Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
- ☐ 3. Remove solids from the waste system with a solid separator system, prior to the waste entering the lagoon.
- ☐ 4. Maintain lagoon pH between 6.5 and 7.5.
- ☐ 5. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

F. Land Application: An owner/operator of a beef feedlot CAF who land applies manure to crop land on the facility shall implement the following applicable mitigation measures:

Required — If the CAF applies solid manure, choose one of the following:

- ☐ a. Incorporate all solid manure within seventy-two (72) hours of land application; or
- ☐ b. Only apply solid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or
- ☐ c. Apply no solid manure with a moisture content of more than 50%; or
- ☐ d. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

Required — If the CAF applies liquid manure, choose one of the following:

- ☐ a. Only apply liquid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or
- ☐ b. Allow liquid manure to stand in the fields for no more than twenty-four (24) hours after irrigation; or
- ☐ c. Apply liquid/slurry manure via injection with drag hose or similar apparatus; or
- ☐ d. Implement an alternative mitigation measure(s), not listed above - subject to approval by the APCD.

I hereby certify that: I am the owner/operator of the facility on which this plan will be implemented; I have a copy of Rule 217 and I shall comply with the listed mitigation measures.

Signature

01-24-2024

Date

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

COLORADO RIVER BASIN REGION

73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
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ORDER R7-2013-0800
NPDES NO. CAG017001

WASTE DISCHARGE REQUIREMENTS AND GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR CONCENTRATED ANIMAL FEEDING OPERATIONS WITHIN THE COLORADO RIVER BASIN REGION

The following Dischargers are subject to Waste Discharge Requirements (WDRs) as set forth in this Order:

Table 1. Discharger Information

Discharger	Persons discharging wastes from a Concentrated Animal Feeding Operation or related facility in any manner that may affect the quality of the waters of the Colorado River Basin Region are hereafter referred to as "Discharger" and are subject to the terms and conditions of this Order.

Table 2. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	June 20, 2013
This Order shall become effective on:	September 30, 2014
This Order shall expire on:	September 29, 2019

THEREFORE, IT IS HEREBY ORDERED that Order R7-2008-0800 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action does not prevent the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) from taking enforcement action for past violations of the previous Order. If any part of this Order is subject to a temporary stay of enforcement, unless otherwise specified, the Discharger shall comply with the analogous portions of the previous Order, which shall remain in effect for all purposes during the pendency of the stay.

I, Robert Perdue, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 20, 2013.

Robert Perdue, Executive Officer

EEC ORIGINAL PKG

Table of Contents

I. Discharge Information 4
II. Notification Requirements 4
A. General Permit Application and Coverage 4
B. Exclusion of Coverage 6
C. Termination of Discharges 6
III. Findings 6
IV. Discharge Prohibitions 8
V. Effluent Limitations and Discharge Specifications 9
A. Effluent Limitations Applicable to the Production Area at Existing CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves and at New Source CAFOs that Confine Dairy Cows and Cattle Other Than Veal Calves 9
B. Effluent Limitations Applicable to the Production Area at New Source CAFOs that Confine Swine, Poultry, and Veal Calves 10
C. Additional Measures Applicable to CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves 13
D. Effluent Limitations Applicable to the Production Area at CAFOs that Confine Horses, Sheep, and Ducks 14
E. Interim Effluent Limitations – Not Applicable 15
F. Land Discharge Specifications – Not Applicable 15
G. Reclamation Specifications – Not Applicable 15
VI. Receiving Water Limitations 15
A. Surface Water Limitations 15
B. Groundwater Limitations 16
VII. Provisions 16
A. Standard Provisions 16
B. Monitoring and Reporting Program (MRP) Requirements 17
C. Special Provisions 18
VIII. Compliance Determination 36

List of Tables

Table 1. Discharger Information 1
Table 2. Administrative Information 1
Table 3. Deliverables and Due Dates 34

EEC ORIGINAL PKG

List of Attachments

Attachment A – Definitions A-1
Attachment B – Requirements for an Engineered Waste Management Plan B-1
Attachment C – Technical Standards for Nutrient Management C-1
Attachment D – Standard Provisions D-1
Attachment E – Monitoring and Reporting Program E-1
Attachment F – Fact Sheet F-1
Attachment G – Annual Report G-1
Attachment H – Manure Tracking Manifest H-1
Attachment I – Stormwater and Wastewater Management Structure and Water Lines Inspection Form I-1
Attachment J – Discharge Notification Form J-1
Attachment K – NOI Form for Existing Enrollees K-1

EEC ORIGINAL PKG

I. DISCHARGE INFORMATION

The National Pollutant Discharge Elimination System (NPDES) regulations define animal feeding operations (AFOs) as operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area during the normal growing season [40 C.F.R. § 122.12(b)(1)]. There are approximately 31 AFOs in the Colorado River Basin Region. These AFOs include dairies, feedlots, heifer ranches and calf nurseries. All of these facilities are located in the Imperial Valley.

The NPDES regulations define a concentrated animal feeding operation (CAFO) as any AFO that either meets a certain animal population threshold, or, regardless of population, is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority [40 C.F.R. § 122.23(b)(2)]. All existing AFOs in the Colorado River Basin Region meet the federal regulatory size thresholds to be defined as Large CAFOs. The Clean Water Act (CWA) states that all CAFOs are point sources, and thus discharges from CAFOs are subject to NPDES permitting requirements. CAFOs in the Colorado River Basin Region that discharge wastes to waters of the U.S. are subject to the requirements of this Order.

II. NOTIFICATION REQUIREMENTS

A. General Permit Application and Coverage

1. To obtain coverage under this Order, the Discharger must submit the items identified below:

Discharger Type	Required Submittals	Submittal Deadline
Dischargers previously authorized to discharge wastes under Order R7-2008-0800	• Notice of Intent (NOI) Form for Existing Enrollees. • Additional submittals required if: o Discharger proposes to apply manure to land. In this case a Nutrient Management Plan (NMP) is required. o Previously-submitted Engineered Waste Management Plan (EWMP) does not reflect current operating conditions. In this case a revised EWMP is required.	• NOI: September 30, 2014[a] • NMP (if applicable): September 30, 2014[a] • EWMP (if applicable): September 30, 2014
Dischargers not previously authorized to discharge wastes under Order R7-2008-0800	• Completed NOI Form (Form 2B) • First annual fee • EWMP • Any other information deemed necessary by the Executive Officer • NMP (if Discharger is currently applying or proposes to apply manure to land)	Case 1 (No proposed land application of manure) • at least 30 days before the start of coverage under this permit Case 2 (Proposed or existing land application of manure) • at least 90 days before the start of coverage under this permit
a. Note, however, that Dischargers may not land apply manure, litter, or process wastewater except in accordance with the terms of an approved NMP. The process to review NMPs, develop terms, and make them available for public comment prior to NMP approval could last up to 90 days from the date the NMP is submitted.		

EEC ORIGINAL PKG

2. Dischargers previously authorized to discharge wastes under Order R7-2008-0800 must submit an NOI to be enrolled under this Order, unless they file an application to be covered under an individual Order or submit a request to terminate their enrollment under the Permit. For existing dischargers that propose to apply manure to land, the Executive Officer will provide the Discharger with a written authorization to discharge wastes from the CAFO in accordance with these waste discharge requirements (WDRs) upon review and approval of the Discharger's NMP, including all required public notification procedures.

3. For Dischargers not previously authorized to discharge wastes under Order R7-2008-0800, if the discharge meets the requirements of this Order, the Executive Officer will provide the Discharger with a written authorization to discharge wastes from the CAFO in accordance with these WDRs.

4. The NOI shall include the name, address, and telephone number of the operator and the landowner.

   a. The NOI for new Enrollees shall also include the name and address of the facility, the animal population, and the size (acres) of existing ponds, corrals and wastewater disposal areas. The NOI form is available on the internet at http://www.epa.gov/npdes/pubs/cafo_fedregstr_form2b.pdf. A hard copy of the NOI form can be obtained from the Regional Water Board Office at the address below.

   b. The NOI for existing Enrollees shall also include the name and address of the facility, and information certifying that the NOI information previously submitted has not changed or updated information to replace previously-submitted NOI information that is no longer accurate. The NOI form for existing Enrollees is included in Attachment K.

5. All required submittals shall be submitted to the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter, Regional Water Board), at the following address:

   California Regional Water Quality Control Board
   Colorado River Basin Region
   73-720 Fred Waring Drive, Suite 100
   Palm Desert, CA 92260

6. CAFOs and AFOs that do not discharge wastes to waters of the U.S., or whose discharges are composed entirely of agricultural stormwater as specified in section VII.C.3.b.(i) of this Order and as defined in section 122.23(e), title 40 of the Code of Federal Regulations[1], are generally not required to obtain authorization under this Order. However, such facilities may not discharge wastes that could affect water quality, or cause a condition of pollution or nuisance, as defined in the California Water Code (CWC), section 13050, subdivisions (l) and (m), respectively.

[1] All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

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B. Exclusion of Coverage

Where a Discharger submits a completed NOI together with other information as described in section A above (General Permit Application and Coverage) for a discharge that does not meet the requirements of this Order, individual waste discharge requirements may be developed for consideration by the Regional Water Board.

The Executive Officer of the Regional Water Board may require any person authorized to discharge wastes by this Order to subsequently apply for and obtain individual waste discharge requirements. Any interested person may petition the Regional Water Board to take action in accordance with this finding. Cases where individual waste discharge requirements may be required include the following:

1. The Discharger is not in compliance with the conditions of this Order or the discharge authorization letter from the Executive Officer;

2. Effluent limitation guidelines (ELGs) are promulgated for point sources covered by the general NPDES permit;

3. Changes to the Basin Plan containing requirements applicable to such point sources are approved;

4. The requirements of section 122.28(a) are not met; or

5. The discharge may adversely affect the water quality objectives of the receiving water.

C. Termination of Discharges

Upon ceasing operation at the CAFO, the Discharger shall ensure that the CAFO has been cleaned out so that there will be no discharge of manure, litter or process wastewater. The standard cleaning procedures may include, but are not limited to, scraping all the manure off the corral areas, and filling in the containment pond(s) with clean dirt. The Discharger shall then submit a written request to terminate enrollment under the Permit to the Regional Water Board. Once the Regional Water Board determines that the facility no longer poses a threat to water quality, the Regional Water Board will issue a Notice of Termination (NOT) to the Discharger.

III. FINDINGS

The Regional Water Board finds:

A. Legal Authorities. On June 8, 1989, pursuant to section 122.28, the State Water Resources Control Board (State Water Board) applied to the United States Environmental Protection Agency (USEPA), Region IX, for revisions of its approved NPDES Permit program in accordance with sections 123.62 and 403.10. The application included a request to add general permit authority to that program. On September 22, 1989, USEPA, Region IX, approved the State Water Board's request and granted authorization for the State's issuance of general NPDES permits.

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On September 22, 1989, a Memorandum of Agreement[2] executed by USEPA and the State Water Board authorized and established procedures for the State Water Board to issue general NPDES permits pursuant to NPDES regulations at sections 122.28 and 122.44.

This Order is issued pursuant to section 402 of the federal CWA and implementing regulations adopted by USEPA and Chapter 5.5, Division 7 of the California Water Code (commencing with section 13370). It shall serve as a general NPDES permit for point source discharges from CAFOs to surface waters. This Order also serves as WDRs pursuant to Article 4, Chapter 4, Division 7 of the Water Code (commencing with section 13260).

Revised regulations governing discharges from CAFOs are contained in division 2, title 27 of the California Code of Regulations. Chapter 7, subchapter 2, article 1 (commencing with section 22560) contains requirements for Confined Animal Facilities. Previously, these regulations were specified in chapter 15, division 3, article 6, title 23 of the California Code of Regulations.

Regulations published by the USEPA on February 12, 2003 (Part 122, as revised November 20, 2008, and July 30, 2012, and Parts 123 and 124) require an NPDES permit for pollutant discharges from CAFOs. The USEPA's ELGs for CAFOs are contained in Part 412 (revised November 20, 2008).

B. Background and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on the previous Order (R7-2008-0800), revised federal regulatory requirements, information obtained during a public workshop on the revised Order, and other available information. The Technical Standards for Nutrient Management (Attachment C) are based on those contained in the previous Order as well as standards developed by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and recommendations from the University of California Cooperative Extension. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G through J are also incorporated into this Order.

C. Provisions and Requirements Implementing State Law. The provisions in subsections IV.C, IV.G, IV.H, IV.I, VI, VII.C.3.c, VII.C.3.d, and VII.C.4 of the Order and VIII, IX.E, IX.F, X.E and XI.E of the MRP of this Order are included to implement state law only. These provisions are not required or authorized under the federal CWA. Consequently, violations of these provisions are not subject to the enforcement remedies that are available for NPDES violations; instead, they are subject to the enforcement remedies under the Porter-Cologne Water Quality Control Act (CWC section 13000 et seq.) and other state law.

[2] Link to Memorandum of Agreement – http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/aquatic/moa.pdf

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D. Notification of Interested Parties. The Regional Water Board has notified existing Enrollees and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.

E. Consideration of Public Comment. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

IV. DISCHARGE PROHIBITIONS

A. The discharge shall not cause degradation of any water supply.

B. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

C. The direct and indirect discharge of waste to any surface water bodies or tributaries thereof is prohibited, except as specifically provided for in the Effluent Limitations section of this Order (section V). This discharge prohibition includes discharging wastes into surface waters via tile drainage lines. This prohibition does not include, however, discharging overflow water from animal watering facilities, where the overflow is collected and diverted from manured areas in a closed system that prevents the overflow from contacting manure, feed, or other raw materials or other process wastewater prior to discharge, and where animals do not contact the overflow in any way that would cause manure or other wastes to be added.

D. All animals within a CAFO facility shall be prohibited from having direct contact with waters of the United States. The Discharger shall develop and implement appropriate controls to prohibit all animals at the CAFO from entering any surface water within the production area.

E. The disposal of any mortality in any process wastewater system that is not specifically designed to treat animal mortalities is prohibited. Mortalities shall be handled and disposed of in such a way as to prevent the discharge of pollutants to waters of the state. Dead animals shall be disposed of in accordance with local laws, regulations, and ordinances.

F. The land application of manure, compost, or process wastewater for other than nutrient recycling in accordance with an approved NMP is prohibited.

G. The following prohibitions are applicable to Dischargers with composting operations on-site at the permitted facility that are not covered under individual waste discharge requirements for composting:

1. Transporting, stockpiling, composting, and processing operations shall not cause, or threaten to cause a condition of pollution or nuisance, as defined in CWC section 13050, subdivisions (l) and (m), respectively.

EEC ORIGINAL PKG

2. Composting, stockpiling or otherwise accepting the following materials is prohibited: demolition wastes (except demolition wood waste), mixed construction debris, contaminated/uncontaminated soil, ash, sewage sludge, septic tank pumpings, radioactive waste, industrial sludge, water treatment sludge, liquid wastes (except CAFO-generated process wastewater), animal carcasses, mammalian flesh, unprocessed/processed hide, bone marrow, hazardous waste and designated waste. These prohibitions do not include any agricultural material, food material, or green material.

H. The discharge by the Discharger of waste to land not owned or controlled by the Discharger is prohibited unless authorized in Waste Discharge Requirements or NPDES Permit.

I. The treatment or disposal of wastes from the facility shall not cause a condition of pollution or nuisance, as defined in CWC Section 13050, subdivisions (l) and (m), respectively.

J. The discharge of trash to the New River is prohibited.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations Applicable to the Production Area at Existing CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves and at New Source[3] CAFOs that Confine Dairy Cows and Cattle Other Than Veal Calves

1. There shall be no discharge of manure, litter, or process wastewater pollutants into waters of the United States from the production area, except as provided below in section V.A.2.

2. Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into waters of the United States provided all provisions of an EWMP, approved by the Executive Officer, are fully implemented and:

   a. For existing CAFOs that confine dairy cows, cattle, swine, poultry and veal calves and for new source CAFOs that confine dairy cows and cattle other than veal calves, the production area is properly designed, constructed, operated and maintained to contain all manure, litter, process wastewater and the runoff and direct precipitation from a 25-year, 24-hour storm event for the location of the CAFO.

   b. The design storage volume shall reflect the following:

      i. all wastes accumulated during the storage period, consistent with manure, litter, or process wastewater removal schedules in the Discharger's approved NMP, if applicable;

[3] See the definition of "new source" included in Attachment A.

EEC ORIGINAL PKG

ii. normal precipitation less evaporation during the storage period;

iii. normal runoff during the storage period;

iv. the direct precipitation from a 25-year, 24-hour storm event;

v. the runoff from the 25-year, 24-hour storm event from the production area;

vi. residual solids after liquid has been removed;

vii. necessary freeboard to maintain structural integrity, in accordance with section VII.C.3.a.i(a); and

viii. in the case of treatment lagoons, a minimum treatment volume.

c. The production area is operated in accordance with the additional measures specified in section V.C.1 of this permit, "Additional Measures Applicable to the Production Area," at CAFOs that confine dairy cows, cattle, swine, poultry, and veal calves and in Discharge Prohibition IV.E.

d. The Discharger maintains the records specified in section V.C.1 of this Order and section X.C (Operation and Maintenance Records) of the Monitoring and Reporting Program (Attachment E) of this Order.

B. Effluent Limitations Applicable to the Production Area at New Source[4] CAFOs that Confine Swine, Poultry, and Veal Calves

For new source CAFOs that confine swine, poultry, or veal calves, there shall be no discharge of manure, litter, or process wastewater pollutants into waters of the United States from the production area, subject to subsections 1 and 2 of this section V.B.

1. Any Discharger whose CAFO is subject to this section V.B may request that the Executive Officer suggest best management practices to help ensure no discharge of manure, litter, or process wastewater occurs, based upon a site-specific evaluation of the CAFO's open surface manure storage structure. The best management practice effluent limitations must address the CAFO's entire production area. Where the Executive Officer establishes such effluent limitations for an open surface manure storage structure, "no discharge of manure, litter, or process wastewater pollutants," as used in this section, means that the storage structure is designed, operated, and maintained in accordance with site-specific best management practices established by the Executive Officer after a technical evaluation of the storage structure. The technical evaluation must address the following elements:

a. Information to be used in the design of the open manure storage structure including, but not limited to, the following:

[4] See the definition of "new source" included in Attachment A.

EEC ORIGINAL PKG

- minimum storage periods for rainy seasons;
- additional minimum capacity for chronic rainfalls;
- applicable technical standards that prohibit or otherwise limit land application to frozen, saturated, or snow-covered ground;
- planned emptying and dewatering schedules consistent with the CAFO's NMP;
- additional storage capacity for manure intended to be transferred to another recipient at a later time; and
- any other factors that would affect the sizing of the open manure storage structure.

b. The design of the open manure storage structure as determined by the most recent version of NRCS's Animal Waste Management (AWM) software. CAFOs may use equivalent design software or procedures as approved by the Executive Officer.

c. All inputs used in the open manure storage structure design including:

- actual climate data for the previous 30 years consisting of historical average monthly precipitation and evaporation values;
- the number and types of animals;
- anticipated animal sizes or weights;
- any added water and bedding;
- any other process wastewater; and
- the size and condition of outside areas exposed to rainfall and contributing runoff to the open manure storage structure.

d. The planned minimum period of storage in months including, but not limited to, the factors for designing an open manure storage structure listed in subsection 1.a of this section V.B. Alternatively, the CAFO may determine the minimum period of storage by specifying times the storage pond will be emptied consistent with the CAFO's NMP.

e. Site-specific predicted design specifications including:

- dimensions of the storage facility;
- daily manure and wastewater additions;

EEC ORIGINAL PKG

- the size and characteristics of the land application areas;
- and the total calculated storage period in months.

f. An evaluation of the adequacy of the designed manure storage structure using the most recent version of the Soil Plant Air Water (SPAW) Hydrology Tool.[5] The evaluation must include all inputs to SPAW including but not limited to:

- daily precipitation, temperature, and evaporation data for the previous 100 years;
- user-specified soil profiles representative of the CAFO's land application areas;
- planned crop rotations consistent with the CAFO's NMP; and
- the final modeled result of no overflows from the designed open manure storage structure.

Where 100 years of local weather data for a CAFO's location is not available, the CAFO may use a simulation with a confidence interval analysis conducted over a period of 100 years. The Executive Officer may approve equivalent evaluation and simulation procedures.

g. The Executive Officer may waive the requirement of subsection 1.f for a site-specific evaluation of the designed manure storage structure and instead authorize a CAFO to use a technical evaluation developed for a class of specific facilities within a specified geographical area.

h. Waste management and storage facilities designed, constructed, operated, and maintained consistent with the analysis conducted in subsections 1.a through 1.g of this section V.B and operated in accordance with the additional measures and records required by section V.C.1 of this permit, "Additional Measures Applicable to the Production Area," at CAFOs that confine dairy cows, cattle, swine, poultry, and veal calves, and Discharge Prohibition IV.E, will fulfill the requirements of this section.

i. The Executive Officer has the discretion to request additional information to support a request for effluent limitations based on a site-specific open surface manure storage structure.

2. The production area must be operated in accordance with the additional measures and records required by section V.C.1 of this permit, "Additional Measures Applicable to the Production Area," at CAFOs that confine dairy cows, cattle, swine,

[5] The SPAW tool can be downloaded from USDA Agricultural Research Service's web site: http://hydrolab.arsusda.gov/SPAW/SPAWDownload.html

EEC ORIGINAL PKG

poultry, and veal calves, and Discharge Prohibition IV.E, will fulfill the requirements of this section.

C. Additional Measures Applicable to CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves

In addition to the requirements in sections V.A or V.B of this Order, the Discharger shall implement the following additional measures.

1. Additional Measures Applicable to the Production Area

   a. Weekly visual inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure.

   b. Daily visual inspections of all water lines, including drinking water or cooling water lines.

   c. Weekly inspections of the manure, litter, and process wastewater impoundments noting the level as indicated by a depth marker installed in all open surface liquid impoundments. Each depth marker shall clearly indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event or, for new source swine, poultry or veal calf CAFOs, other design storm event used in sizing the impoundment for no discharge in accordance with the requirements of section V.B, for the location of the permitted CAFO.

   d. Timely correction of any deficiencies that are identified in daily and weekly inspections.

   e. The maintenance of complete on-site records documenting implementation of all required additional measures for a period of 5 years, including the applicable records specified in section X.C (Operation and Maintenance Records) of the Monitoring and Reporting Program (Attachment E) of this Order.

2. Additional Measures Applicable to the Land Application Area

   a. The Discharger shall develop, prepare and implement an NMP in accordance with the requirements specified below and in section VII.C.3.b of this Order, and in compliance with the Technical Standards for Nutrient Management specified in Attachment C of this Order.

   b. The Discharger shall comply with the following requirements based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters. These requirements shall be incorporated into the Discharger's NMP.

EEC ORIGINAL PKG

i. **Determination of application rates.** Application rates for manure, litter, or process wastewater are to be developed that minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the Technical Standards for Nutrient Management (Attachment C).

ii. **Manure and soil sampling.** Manure, litter, and process wastewater shall be analyzed a minimum of once annually for nitrogen and phosphorus content and soil analyzed a minimum of once every 5 years for phosphorus content. The Discharger shall use the results of these analyses in determining application rates. Manure and soil sampling shall be conducted in compliance with the Technical Standards for Nutrient Management (Attachment C) and Monitoring and Reporting Program (Attachment E).

iii. **Inspect land application equipment for leaks.** The Discharger shall inspect equipment used for land application of manure, litter, or process wastewater. Inspections of equipment used to apply solid manure shall be made a minimum of once annually. Inspections of equipment use to apply liquid manure shall be made a minimum of once per day during application.

iv. **Setback requirements.** Unless the Discharger exercises one of the compliance alternatives provided for in subsections (a) and (b), below, of this section V.C.2.b.iv, manure, litter, process wastewater, or composting may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters.

(a) Vegetated buffer compliance alternative. The Discharger may substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited.

(b) Alternative practices compliance alternative. As a compliance alternative, the Discharger may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback. Any alternative practice implemented to comply with this section shall be submitted in writing for approval to the Executive Officer prior to implementation.

D. Effluent Limitations Applicable to the Production Area at CAFOs that Confine Horses, Sheep, and Ducks

1. For Horse, Sheep, and Duck CAFOs established as of February 14, 1974: There shall be no discharge of process wastewater pollutants into waters of the United States, except when all provisions of an EWMP, approved by the Executive Officer, are fully implemented and whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to

EEC ORIGINAL PKG

contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the CAFO.

2. Pretreatment Standards for Duck CAFOs. Duck CAFOs shall achieve the following performance standards:

   a. There shall be no introduction of process wastewater pollutants to a publicly owned treatment works (POTW).

   b. Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the Discharger, any process wastewater pollutants in the overflow may be discharged to a POTW.

E. Interim Effluent Limitations – Not Applicable

F. Land Discharge Specifications – Not Applicable

G. Reclamation Specifications – Not Applicable

VI. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in surface receiving waters:

1. Result in the concentration of dissolved oxygen in the receiving water to fall below 5.0 mg/L. When dissolved oxygen in the receiving water is already below 5.0 mg/L, the discharge shall not cause any further depression.

2. Result in the presence of oil, grease, floating material (liquids, solids, foam and scum) or suspended material in amounts that create a nuisance or adversely affect beneficial uses.

3. Result in the deposition of pesticides or combination of pesticides detectable in concentrations that adversely affects beneficial uses.

4. Result in discoloration in the receiving water that adversely affects beneficial uses.

5. Result in the discharge of biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

6. Result in an increase of turbidity that adversely affects beneficial uses.

EEC ORIGINAL PKG

7. Result in the normal ambient pH of the receiving water to fall below 6.0 or exceed 9.0 units.

8. Result in altering the natural receiving water temperature that adversely affects beneficial uses.

9. Result in the deposition of material that causes nuisance or adversely affects beneficial uses.

10. Result in the discharge of an individual chemical or combination of chemicals in concentrations that adversely affect beneficial uses.

11. Result in toxic pollutants to be present in the water column, sediments or biota in concentrations that adversely affect beneficial uses or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

12. Result in an increase in taste or odor-producing substances that adversely affect beneficial uses.

13. Result in the violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the federal CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to CWA section 303 or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.

14. For discharges to the New River, Alamo River, and Imperial Drains: Result in the concentration of total dissolved solids in the surface receiving water to exceed an annual average concentration of 4,000 mg/L or a maximum daily concentration of 4,500 mg/L.

15. For discharges to the Coachella Valley Drains and Palo Verde Valley Drains: Result in the concentration of total dissolved solids in the surface receiving water to exceed an annual average concentration of 2,000 mg/L or a maximum daily concentration of 2,500 mg/L.

B. Groundwater Limitations

The discharge shall not cause the underlying groundwater to be degraded, to exceed water quality objectives, to unreasonably affect beneficial uses, or to cause a condition of pollution or nuisance.

VII. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

EEC ORIGINAL PKG

2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:

   a. The Discharger shall comply with all conditions of this Order and all terms, conditions, and limitations specified in the Discharge Authorization Letter issued by the Executive Officer. Noncompliance constitutes a violation of the federal CWA and/or Porter-Cologne Water Quality Control Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification of waste discharge requirements; or denial of a permit renewal application.

   b. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Order, and shall maintain a copy of this Order at the site.

   c. Prior to any change in ownership or management of the permitted operation, the Discharger shall transmit a copy of this Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Water Board. Further, the Discharger shall notify the succeeding owner/operator of the requirements to obtain coverage under this General Permit (including the submittal of a new NOI and other required application submittals) and the Discharger shall submit a NOT to the Regional Water Board to indicate termination of permit coverage under the existing ownership of the CAFO.

   d. This Order does not authorize violation of any federal, state, or local laws or regulations.

   e. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

B. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP and future revisions thereto, in Attachment E of this Order. This MRP may be modified by the Executive Officer at any time during the term of this Order, and may include an increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected or minor clarifications on MRP requirements. Any increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected may be reduced back to the levels specified in the original MRP at the discretion of the Executive Officer. The Executive Officer may also determine the need to conduct additional monitoring on a case-by-case basis, as indicated in section VII.C of this Order.

EEC ORIGINAL PKG

C. Special Provisions

1. Reopener Provisions

a. This Order may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for an Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.

b. TMDLs for pathogens, pesticides, metals, dissolved oxygen, nutrients, and salt are to be developed by the Regional Water Board. The permit may be reopened and modified in the future to include appropriate requirements necessary to fully implement the approved TMDLs if needed.

2. Special Studies, Technical Reports and Additional Monitoring Requirements – Not Applicable

3. Best Management Practices and Pollution Prevention

a. Best Management Practices

i. The Discharger shall ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities. The Discharger shall develop and implement specific practices and operate and maintain associated structures to ensure adequate storage capacity to achieve permit limitations including:

(a) Maintain sufficient capacity in liquid manure, wastewater, or storm water storage structures to ensure compliance with all permit requirements, including:

- A minimum freeboard of two (2) feet for earthen-lined, above-grade storage structures and one (1) foot for synthetic-lined or below-grade storage structures shall be maintained at all times in the ponds.
- Following a storm event, the Discharger shall restore the wastewater holding capacity of retention ponds in a timely manner, consistent with the applicable provisions of the approved NMP and section VII.C.5.a (Transfer of Manure, Litter, and Process Wastewater) of this Order.

(b) Store raw manure in production buildings or in storage facilities or otherwise store it in such a way as to prevent polluted runoff.

EEC ORIGINAL PKG

(c) Remove manure and compostable material from the facility or land apply manure or compostable material in accordance with the facility's NMP within 180 days. Any manure or compostable material remaining at the facility after 180 days of being removed from the corrals is considered to be disposal[6] of manure or compostable material and is prohibited in accordance with section IV.F and Title 14, Division 7, Chapter 3.1 of the California Code of Regulations and by Imperial County Ordinance, Title 9.

- Large CAFOs shall prepare a manifest of the manure hauled away for each hauling event (Attachment H). The annual report prepared in accordance with Monitoring and Reporting Program No. R7-2013-0800 shall include a certification that a Manure Tracking Manifest was prepared for each manure hauling event.
- The Discharger shall be responsible for appropriate disposal of manure from the property over the 180-day period following removal of the manure from corrals. This means that disposal shall be coordinated with periods of rainfall such that manure can be removed from the facility within 180 days of being scraped from corrals.
- The Discharger may submit a written request to the Executive Officer for approval to authorize a longer storage time of manure or compostable material in the event that unforeseen circumstances justify a longer storage time. The Discharger must also seek concurrence with Imperial County for authorization of a longer storage time of manure or compostable material.

(d) Provide adequate storage capacity to ensure compliance with the Technical Standards for Nutrient Management (Attachment C), if applicable, and to meet the applicable effluent limitations of section V of this Order.

(e) Ensure proper operation and maintenance of all manure, litter, and storm water storage facilities, including all applicable operation and maintenance requirements specified in section VII.C.4 of this Order.

ii. The Discharger shall ensure that clean water is diverted, as appropriate, from the production area. Clean water includes rain falling on roofs of facilities, runoff from adjacent land, and other sources.

(a) If clean water is not diverted from coming into contact with manure, litter, process wastewater, raw materials, products, or by-products including feed, milk, eggs, or bedding, it shall be contained in accordance with permit requirements and the retention structures shall include adequate storage capacity for the undiverted water in accordance with the applicable requirements of section VII.C.3.a.i of this Order.

[6] Disposal is defined in Section 17852(a)(15) of Title 14, CCR

EEC ORIGINAL PKG

(b) All new roofs, buildings, and non-manured areas located on the CAFO shall be constructed or otherwise designed so that clean rainwater is diverted away from the sources of animal manure and waste containment facilities.

iii. The Discharger shall ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals or contaminants. The Discharger shall develop and implement controls to prevent the inappropriate introduction of chemicals into the manure, wastewater, and storm water storage and handling system. Examples include pesticides, hazardous and toxic chemicals, and petroleum products and by-products.

iv. The Discharger shall identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff of pollutants from the production area to waters of the United States.

b. Nutrient Management Plan (NMP)

Dischargers who apply manure, litter, or process wastewater to land under their control shall develop and fully implement an approved, site-specific NMP in addition to the EWMP. The NMP shall be prepared in accordance with section V.C.2 of this Order, and shall follow the guidelines included in Attachment C, Technical Standards for Nutrient Management. The Discharger shall also comply with the recordkeeping requirements described in sections X.B and X.D of the MRP.

i. There shall be no discharge of manure, litter, or process wastewater to a water of the United States from a CAFO as a result of the application of manure, litter, or process wastewater to land areas under the control of the CAFO, except where it is an agricultural storm water discharge. Where manure, litter, or process wastewater has been applied in accordance with a site-specific NMP, as specified in this section VII.C.3.b, consistent with 40 C.F.R. § 122.23(e), a precipitation related discharge of manure, litter, or process wastewater from land application areas under the control of the CAFO is considered to be an agricultural storm water discharge.

ii. The Discharger shall develop and implement site-specific conservation practices that are sufficient to minimize the discharge of pollutants to waters of the United States. These practices many include, but are not limited to residue management, conservation crop rotation, grassed waterways, strip cropping, vegetated buffers, riparian buffers, setbacks, terracing, and diversions. The following specific measures shall be implemented:

(a) The land application setbacks or compliance alternatives specified in section V.C.2.b.iv of this Order.

EEC ORIGINAL PKG

(b) Manure applied to cultivated cropland shall be incorporated into soil soon after application or appropriate containment (based on the specific crop grown) shall be provided.

(c) Land application areas that receive dry manure shall be managed through implementation of erosion control measures to minimize erosion and shall be consistent with the NMP.

(d) All process wastewater applied to land application areas shall infiltrate completely within 72 hours after application.

(e) Process wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with the NMP.

(f) For irrigated land application areas, there shall be no runoff from the field from the first irrigation after manure application and before planting.

iii. The Discharger shall identify protocols for appropriate testing of manure, litter, process wastewater, and soil.

(a) The Discharger shall identify and implement specific manure, wastewater, and soil sample collection and analysis protocols to be used in developing and implementing the NMP required in sections V.C.2.a and VII.C.3.b of this Order.

(b) At a minimum, the protocol shall specify the collection and analysis of manure, litter, process wastewater and soil as follows, in accordance with sections IX.C and IX.D of the MRP:

Material Analyzed	Parameter(s)	Minimum Frequency
Manure, litter, process wastewater	• Ammonium nitrogen • Total Kjeldahl nitrogen • Total phosphorus • pH	Annually
Soil	• Soluble phosphorus • pH	Once every 5 years for all fields under the control of the Discharger where manure, litter and process wastewater may be applied

(c) In all cases the sampling protocols for manure, litter, process wastewater, and soil shall be consistent with the Technical Standards for Nutrient Management (Attachment C).

iv. The Discharger shall develop and implement protocols to land apply manure, litter, and process wastewater in accordance with the Technical Standards for

EEC ORIGINAL PKG

Nutrient Management (Attachment C). Land application rates shall be consistent with the following:

(a) Land application of wastes for nutrient recycling from existing CAFOs shall not cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied wastes and soil or soil biota, to exceed the groundwater limitations set forth in this Order.

(b) The application of waste to cropland shall be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the NMP.

(c) Discharge of wastewater to disposal lands shall not result in surface runoff from disposal lands and shall be managed to minimize percolation to the groundwater.

(d) The NMP shall include the following information, which shall become site-specific terms of the approved NMP and incorporated into the Discharger's permit by reference in accordance section VII.C.3.b.ix:

- The maximum amounts of plant available nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the NMP, in pounds per acre, for each field.
- The outcome of the phosphorus risk transport assessment conducted for each field in accordance with the Technical Standards for Nutrient Management in Attachment C.
- The crops to be planted in each field or any other uses such as pasture or fallow fields. The NMP may include alternative crops that are not in the planned crop rotation. Alternative crops, where included, must be listed by field.
- Realistic yield goal for each crop and alternative crop, if included, or use identified for each field, determined in accordance with the Technical Standards for Nutrient Management in Attachment C.
- The nitrogen and phosphorus recommendation for each crop and alternative crop, if included, or use identified for each field, determined in accordance with the Technical Standards for Nutrient Management in Attachment C.
- The methodology by which the NMP accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied. Where land application rates are calculated using a software package that addresses the factors listed below, and the software addresses those factors in compliance with

EEC ORIGINAL PKG

all applicable requirements of the Order and the Technical Standards for Nutrient Management, use of the software package may be identified as the methodology for those factors addressed by the software:

- Results of soil tests conducted in accordance with the Technical Standards for Nutrient Management in Attachment C;
- Credits for all nitrogen in the field that will be plant available, including mineralization from prior manure applications and nutrient credits from previous legume crops, determined in accordance with the Technical Standards for Nutrient Management in Attachment C;
- The amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be land applied;
- Consideration of multi-year phosphorus application, to be conducted in accordance with the Technical Standards for Nutrient Management in Attachment C;
- All other applications of plant available nitrogen and phosphorus to the field;
- The form and source of manure, litter, and process wastewater;
- The timing and method of land application, in accordance with the Technical Standards for Nutrient Management in Attachment C, and;
- Volatilization of nitrogen and mineralization of organic nitrogen, in accordance with the Technical Standards for Nutrient Management in Attachment C.

(e) The NMP shall include projections for each of the following elements; these projections are included to demonstrate use of the methodology required in section VII.C.3.b.iv(d) above will not become site-specific terms of the approved NMP:

- Planned crop rotations for each field for the period of permit coverage;
- The projected amount of manure, litter, and process wastewater to be applied to each field;
- Projected credits for all nitrogen in the field that will be plant available;

EEC ORIGINAL PKG

- Consideration of multi-year phosphorus application, including identification of fields where such applications are planned;
- Accounting for all other additions of plant available nitrogen and phosphorus to the field;
- The predicted form, source, and method of application of manure, litter, and process wastewater for each crop.

(f) The Discharger shall calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology identified in the NMP in accordance with section VII.C.3.b.iv(d) above before land applying manure, litter, and process wastewater. The required calculations shall rely on the following data:

- A field-specific determination of soil levels of nitrogen and phosphorus, including:
  - for nitrogen, a concurrent determination of nitrogen that will be plant available, and
  - for phosphorus, the results of the most recent soil test conducted in accordance with the Technical Standards for Nutrient Management in Attachment C;
- The results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application in accordance with the Technical Standards for Nutrient Management in Attachment C.

v. The Discharger shall identify specific records that will be maintained to document the development, implementation, and management of the NMP and compliance with the minimum practices described in this section VII.C.3.c.i – iv and consistent with the record keeping requirements in sections X.B and X.D of the MRP.

vi. The NMP shall be prepared and submitted according to the following schedule:

(a) Existing CAFOs: as soon as possible, but no later than September 30, 2014. Manure, litter, and process wastewater may not be applied to land accept in accordance with the terms of an approved NMP. The NMP review and approval process may extend up to 90 days after NMP submittal. Owners and operators of existing CAFOs are encouraged to submit NMPs for approval early enough to allow for review and approval before manure, litter, or process wastewater is applied.

EEC ORIGINAL PKG

(b) New CAFOs: with the Discharger's NOI in accordance with section II.A, General Permit Application and Coverage.

(c) Existing CAFOs that do not currently apply, or new CAFOs that do not plan at the time of construction to apply, manure, litter, or process wastewater to land under their control: at least 90 days prior to the date the Discharger begins applying manure, litter or process wastewater to land under their control.

vii. The NMP shall be signed in accordance with section V.B of Attachment D of this Order, "Signatory and Certification Requirements."

viii. The Executive Officer will review the NMP to ensure that it contains sufficient information to support identification of site-specific terms that address the requirements of sections VII.C.3.b.iv(d) and (e). Upon approval by the Executive Officer, the NMP will be made available for public review and comment for 30 days.

(a) If there is no objection to the proposed NMP after the public review and comment period, the Executive Officer may issue an authorization letter to the Discharger making the terms of the approved NMP, as identified in subsection b.ix of this section VII.C.3, an enforceable part of the Order.

(b) If a written request for a hearing on the NMP is received within the 30-day public review and comment period, which includes the reason(s) the hearing is being requested (e.g., why the NMP is inadequate), the item will be placed on the next available Regional Water Board meeting agenda. Because of the need to comply with certain minimum noticing requirements, placement of this item on the agenda will be at least 30 days from the date when a hearing is requested plus the additional time necessary to follow the administrative procedures involved in preparing for the meeting.

(c) If possible, the Regional Water Board staff will attempt to resolve the issues of concern by arranging a meeting with the applicant and the interested person(s) requesting the hearing. If an agreement is reached in the meeting, a hearing may not be required. If the agreement reached requires significant changes to be made to the NMP, however, a new public notice and comment period may be required. If an agreement is not reached with the interested person(s) requesting the hearing, the hearing will proceed as scheduled. After testimony is taken at the hearing, the Regional Water Board will decide whether permit coverage shall commence or whether the NMP needs to be revised.

ix. The approved NMP referenced in the authorization letter issued to the Discharger is incorporated into this Order by reference. The information, protocols, BMPs, and other conditions in the NMP that address the

EEC ORIGINAL PKG

requirements of section VII.C.3.b.iv(d) constitute terms of the NMP, which are included as terms and conditions of this Order.

x. The approved NMP shall be fully implemented on the date of permit coverage or upon approval of the NMP. Note that Dischargers may not land apply manure, litter, or process wastewater except in accordance with an NMP approved by the Executive Officer.

xi. A current copy of the NMP shall be retained on site in accordance with section IV of Attachment D of this permit, "Standard Provisions – Records," and shall be provided to the Executive Officer upon request.

xii. The Discharger shall revise the NMP a minimum of once every 5 years. In addition, the Discharger shall revise the NMP more frequently, as necessary, whenever the facility makes a change in how it manages its operation, including the location, amount, method, timing or frequency of land application, so the NMP reflects the current operational characteristics and practices of the CAFO.

(a) The Discharger shall submit the revised NMP to the Executive Officer at least 90 days prior to implementation of the change and identify changes from the previous version. The results of annual calculations of the amount of manure, litter, and process wastewater to be applied, conducted as required in section VII.C.3.b.iv(f), are not required to be submitted to the Executive Officer.

(b) The Executive Officer will review the NMP to determine whether the NMP revisions necessitate revision to the terms of the NMP incorporated into the permit in accordance with section VII.C.3.b.ix.

(c) If revision to the terms is not necessary, the Executive Officer will notify the Discharger. Upon such notification, the Discharger may implement the revised NMP.

(d) If non-substantial revision to the terms is necessary, the Executive Officer will make the revised NMP publicly available and include it in the permit record, revise the terms of the NMP that are incorporated into the permit, and notify the Discharger and the public of changes to the NMP terms. Upon such notification, the Discharger may implement the revised NMP.

(e) If substantial revision, as shown in VII.C.3.b.xii.(f), to the terms is necessary, the Executive Officer will notify the public and make the proposed changes and the revised NMP available for public review and comment according to the procedures described in section VII.C.3.b.viii.

- If there is no objection to the proposed changes after the public review and comment period, the Executive Officer may issue an

EEC ORIGINAL PKG

authorization letter to the Discharger making the revised terms of the NMP, as identified in subsection b.ix of this section VII.C.3, an enforceable part of the Order.

- If a written request for a hearing on the revised NMP is received within the 30-day public review and comment period, which includes the reason(s) the hearing is being requested (e.g., why the proposed changes to the terms are inadequate), the item will be placed on the next available Regional Water Board meeting agenda. Because of the need to comply with certain minimum noticing requirements, placement of this item on the agenda will be at least 30 days from the date when a hearing is requested plus the additional time necessary to follow the administrative procedures involved in preparing for the meeting.

- If possible, the Regional Water Board staff will attempt to resolve the issues of concern by arranging a meeting with the applicant and the interested person(s) requesting the hearing. If an agreement is reached in the meeting, a hearing may not be required. If the agreement reached requires significant changes to be made to the proposed terms, however, a new public notice and comment period may be required. If an agreement is not reached with the interested person(s) requesting the hearing, the hearing will proceed as scheduled. After testimony is taken at the hearing, the Regional Water Board will decide whether implementation of the revised NMP may commence or whether the NMP needs additional revision.

- The Regional Water Board will notify the Discharger of any additional revisions to the NMP that may be required in order to approve the substantial revision to the terms of the NMP incorporated into the Order. The Regional Water Board will notify the Discharger and the public of the final decision concerning revisions to the terms and conditions of the permit. Upon notification of approval, the discharger may implement the revised NMP.

(f) The changes that are considered substantial changes to the terms of an NMP incorporated into this Order include, but are not limited to, the following:

- Addition of new land application areas not previously included in the Discharger's NMP. A land application area that is addressed by the approved NMP of another Discharger covered under this Order may be added and would not be considered a substantial change if the Discharger applies manure, litter, and process wastewater to that land application area in accordance with the terms of the approved NMP that includes that land application area.

EEC ORIGINAL PKG

- Any changes to the field-specific maximum amount of plant available nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the NMP, determined as required by section VII.C.3.b.iv(d).

- Addition of any crop or other use not included in the terms of the Discharger's approved NMP and corresponding field-specific rates of application expressed in accordance with section VII.C.3.b.iv(d).

- Changes to site-specific components of the Discharger's NMP, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the U.S., determined in accordance with the Technical Standards for Nutrient Management in Attachment C.

c. Engineered Waste Management Plan (EWMP)

i. The Discharger shall develop and fully implement an EWMP approved by the Executive Officer in accordance with Attachment B. The EWMP shall be submitted to the Regional Water Board's Executive Officer for approval and implemented as follows:

(a) For new CAFOs, after the adoption date of this Order, the EWMP shall be submitted with the NOI for permit coverage in accordance with the notification requirements in section II. The EWMP shall be implemented within 90 days following plan approval by the Executive Officer.

(b) For existing CAFOs that did not submit or revise the EWMP as required by Order R7-2008-0800, or whose EWMP approved under Order R7-2008-0800 does not reflect current operating conditions, the EWMP shall be submitted no later than the effective date of this Order and fully implemented within 90 days following plan approval by the Executive Officer.

ii. The EWMP shall be prepared by a registered professional engineer in the State of California, or other qualified individual, in accordance with the guidelines specified in Attachment B of this Order. The Executive Officer is hereby authorized to make necessary revisions to the guidelines for the preparation of an EWMP outlined in Attachment B.

iii. Upon receiving the EWMP, the Executive Officer may determine the need to prepare a groundwater monitoring program on a case by case basis as described in section IV of the Fact Sheet. Such a monitoring program would require the installation of monitoring wells at the facility.

iv. Prior to any modifications in the permitted facility that would result in a material change in the quality or quantity of a discharge, or its location, the Discharger shall report all pertinent information in writing to the Regional

EEC ORIGINAL PKG

Water Board, including a revised EWMP, and obtain revised requirements before any modifications are implemented.

d. Management Practices and Specifications for Composting Sites Not Covered by Individual Waste Discharge Requirements for Composting

Dischargers that operate composting operations on-site at the permitted facility shall implement appropriate management practices to prevent the discharge of pollutants from all composting facilities, unless the composting operations are regulated under other waste discharge requirements or county permits.

i. Public contact with waste shall be precluded through such means as fences, signs and other alternatives approved by the Executive Officer.

ii. Stockpiling and composting areas shall be at least[7]:

(a) 50 feet from property lines;

(b) 500 feet from domestic supply wells;

(c) 100 feet from non-domestic supply wells;

(d) 100 feet from any surface water bodies, including ephemeral streams but excluding Imperial Valley Drains; and

(e) 50 feet from Imperial Valley Drains.

iii. Unless a composting site survey was submitted under Order R7-2008-0800 that reflects the current site conditions, within 90 days of the effective date of this Order, the Discharger shall conduct a survey of the composting site and submit the results of this survey to the Executive Officer, to assure that the site has been properly graded and is adequately designed and constructed to retain all runoff from the composting operations and precipitation from a 100-year, 24-hour storm. Survey results shall be included in an updated topographical map of the site, extending one-quarter mile beyond the property boundary. In accordance with the requirements for storm water pollution prevention under Parts 122, 123, and 124, the map shall show, at a minimum, the following:

(a) The property boundary and all adjacent surface water bodies, including ephemeral streams;

(b) Specific areas of the site used for on-loading and off-loading, stockpiling and composting, and curing or storage of compost;

(c) Site access road and all on-site roads;

[7] Alternative compliance setback requirements are described under V.C.2.b.iv

EEC ORIGINAL PKG

(d) Grades and elevations; and

(e) Berms and/or water storage basins.

In addition to the above, the survey shall include a statement from a California-registered civil engineer certifying that the site is adequately graded and constructed to retain all runoff from the composting operations and precipitation from a 100-year, 24-hour storm. If the features listed in subsections iii(a) through (e) above are identified in a map included in the facility's approved EWMP, the map need not be recreated to satisfy this requirement.

iv. Annually, prior to the first day of November, any necessary erosion control measures shall be implemented and any necessary construction, maintenance, and/or repairs of drainage control facilities shall be completed to prevent erosion or flooding of the site.

v. The Discharger shall take adequate steps to ensure that there is no ponding of water at the site and that raw materials and/or compost are confined to storage and treatment areas.

vi. The Discharger shall immediately notify Regional Water Board staff of any flooding, slope failure or other change in site conditions which could impair the integrity of waste containment facilities or precipitation and drainage control structures.

vii. The Discharger shall immediately remove and relocate any wastes which are discharged at this site in violation of these requirements.

viii. The Discharger shall maintain trucking manifests on-site in accordance with the requirements in section X.E of the MRP.

ix. Within 90 days of the effective date of this Order the Discharger shall sever and plug any existing subsurface tile drainage system in the composting operation, treatment and storage areas.

x. One hundred eighty (180) days prior to cessation of the composting operations at the facility, the Discharger shall submit a proposal for assessing the extent of contamination caused by the operations of the facility, including, but not limited to assessing any contamination of soil, groundwater and on-site ponds. Within 90 days of approval of the proposal by the Executive Officer, the Discharger shall submit to the Executive Officer results of the contamination assessment and a closure plan for Executive Officer approval. The closure plan shall be implemented immediately after Executive Officer approval.

xi. The Discharger shall conduct monitoring in accordance with sections IX.E and IX.F of the MRP.

EEC ORIGINAL PKG

4. Construction, Operation and Maintenance Specifications

a. Retention ponds and manured areas at CAFOs in operation since November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Facilities existing before November 27, 1984 which are protected against 100-year peak stream flows, shall continue to provide such protection. Facilities built after November 27, 1984, shall be protected from any washout or erosion of wastes or covering material, and from any inundation which could occur as a result of floods having a predicted frequency of once in 100 years.

b. Retention ponds shall be lined with or underlain by soil that contains at least ten (10) percent clay and not more than ten (10) percent gravel or artificial materials or materials with equivalent impermeability. These ponds shall also be sited, designed, constructed and operated to ensure that wastes will be a minimum of five (5) feet above the highest anticipated elevation of underlying groundwater.

c. No new containment structures shall be constructed of manure, and manure shall not be used to improve or raise existing containment structures.

d. Ponds shall be managed to prevent breeding of mosquitoes, in particular:

i. An erosion control program shall ensure that small coves and irregularities are not created around the perimeter of the water surface.

ii. Weeds shall be minimized through control of water depth, harvesting, or herbicides.

iii. Dead algae, vegetation, and debris shall not accumulate on the water surface.

e. All composting operations at this facility shall comply with the laws of municipalities, counties, drainage districts, air quality control board, and other local agencies, including compliance with the applicable regulatory and permitting requirements of the County of Imperial Public Health Department for Compostable Materials Handling Operations.

f. Antidegradation Analysis for a New Facility or an Existing Facility that will undergo Significant Expansion[8]

Discharges from a new facility or an existing facility that will undergo significant expansion[9] within the next 5 years must conduct an antidegradation analysis and

[8] Section IV of the Fact Sheet addresses antidegradation requirements as they apply to existing facilities.

[9] "Significant expansion" shall be considered total replacement of process or production equipment or facilities or construction of new processes, production equipment, or facilities that are substantially independent of the existing facilities. In determining whether new processes or facilities are substantially independent, the Executive Officer may consider factors such as the extent to which the new facility is integrated with the

EEC ORIGINAL PKG

submit a report of that analysis to the Regional Water Board's Executive Officer for review and approval. The antidegradation analysis report shall be developed in accordance with the State Antidegradation Policy (Resolution No. 68-16) and the Federal Antidegradation Policy (40 C.F.R. § 131.12). The report shall consider any potential impacts the discharge may have on the receiving water quality and the receiving water body's designated beneficial uses, as defined in the Regional Water Board's Basin Plan. In considering potential impacts to receiving groundwaters, the report shall address the soil types underlying the new or expanded facility, including the permeability of the soils and other soil properties relevant to the potential for wastewater to be discharged to groundwater, the soils' suitability for construction of the proposed facilities, the depth to groundwater, and the locations of wells and other potential conduits to groundwater. In addition, the report shall provide: information on the quality of the proposed discharge; an evaluation of the potential impacts of the discharge; CEQA documentation for the proposed project; a summary that identifies whether the proposed discharge will result in degradation of water quality; and a certification that satisfies both the Federal and State antidegradation policies.

5. Other Special Provisions

a. Transfer of Manure, Litter, and Process Wastewater – Applicable to Large CAFOs

In cases where CAFO-generated manure, litter, or process wastewater is sold, given away or otherwise transferred to other persons (i.e., for use or disposal on land not under the control of the permitted CAFO), the Discharger shall comply with the following conditions:

i. Provide the recipient(s) with the most current representative information on the nutrient content of the manure, litter, and/or process wastewater.

(a) Manure, litter, and process wastewater must be tested for nitrogen and phosphorus at least annually; and

(b) Sampling and analysis must be conducted in accordance with the requirements of section IX.C of the MRP and the specifications in the Technical Standards for Nutrient Management (Attachment C).

ii. Retain the applicable records specified in section X.A of the MRP, Manure Transfer Records, for transfer of manure, litter and process wastewater. In accordance with section IV of Attachment D, "Standard Provisions – Records," these records shall be maintained on-site for a period of 5 years and submitted to the Regional Water Board upon request.

b. Compliance with Applicable Storm Water Requirements

existing facility and the extent to which the new facility is engaged in the same general type of activity as the existing facility.

EEC ORIGINAL PKG

In the event that there are storm water discharges associated with regulated, non-CAFO or non-composting industrial activities, the Discharger shall submit a NOI and/or maintain coverage under the State Water Board Order for Discharges of Storm Water Associated with Industrial Activities (NPDES General Permit No. CAS000001).

i. All storm water discharges from this facility shall comply with the laws of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm water drain systems or other courses under their jurisdiction.

ii. Storm water discharges from the facility shall not cause or threaten to cause pollution or contamination.

iii. Storm water discharges associated with industrial activity from the facility shall not contain hazardous substances equal to or in excess of a reportable quantity listed in Part 117 and/or Part 302.

6. Required Submittals, Reports, and Compliance Schedules

a. Deliverables and Due Dates. The Discharger shall comply with the following compliance schedules as summarized in Table 3:

EEC ORIGINAL PKG

Table 3. Deliverables and Due Dates

Deliverable	Description (Permit Reference)	Due Date
Notice of Intent (NOI) II.A.1	Existing Enrollees (under Order R7-2008-0800) must submit a completed NOI form for Existing CAFOs Enrolled under Order R7-2008-0800 (Attachment K) to enroll into Permit. Existing Enrollees must submit an NOT to terminate permit coverage.	September 30, 2014
	New Enrollees must submit a completed NOI form (USEPA Form 2B) and the appropriate filing fee to enroll into Permit.	*New CAFOs that do not propose to apply manure:* At least 30 days before the start of permit coverage[a] *New CAFOs that propose to apply manure:* At least 90 days before the start of permit coverage
Engineered Waste Management Plan (EWMP) II.A.1, VII.C.3.c, Attachment B	Existing Enrollees have submitted an EWMP to the Regional Water Board.	*EWMP submitted for Order R7-2008-0800 reflects current operating conditions:* N/A *EWMP submitted for Order R7-2008-0800 does not reflect current operating conditions:* September 30, 2014
	New Enrollees must submit an EWMP for the Facility.	*New CAFOs:* At least 30 days before the start of any new discharge
	Dischargers planning modifications to the CAFO that would result in a material change in the discharge must submit a revised EWMP to the Regional Water Board.	*Enrollees planning modifications:* Before modifications are implemented
Nutrient Management Plan (NMP) II.A.1, V.C.2.a, VII.C.3.b, Attachment C	All Enrollees that land apply manure, litter, or process wastewater must develop a NMP and submit to Regional Water Board.	*Existing CAFOs:* As soon as possible but no later than September 30, 2014[b] *New CAFOs:* With the NOI *Enrolled CAFOs that did not plan to land apply at the time of enrollment:* at least 90 days prior to commencing land application
Composting Site Survey VII.C.3.d.iii	Dischargers with on-site composting operations that did not submit a site survey under R7-2008-0800 shall submit the results of a survey of the composting site survey conducted to assure that the site has been properly graded and is designed and constructed as required.	Within 90 days of the effective date of Order
Erosion Control Measures	Dischargers shall implement necessary erosion control measures and complete any necessary construction, maintenance, and/or repairs of drainage control facilities to prevent erosion or flooding of the site	Annually, prior to the first day of November
NMP VII.C.3.b.x	All Enrollees that land apply manure, litter, or process wastewater must implement requirements of approved NMP.	Within 30 days of approval
Revised NMP	Changes to the NMP must be submitted to the	At least 90 days before

EEC ORIGINAL PKG

Deliverable	Description (Permit Reference)	Due Date
VII.C.3.b.xii	Executive Officer.	implementing the change
Discharge Notification Report MRP XI.D	The Discharger shall report any noncompliance that may endanger human health or the environment.	*Orally:* Immediately *Certification of notification of appropriate agency with jurisdiction over the affected water bodies:* Within 24 hours after becoming aware of a discharge to a drainage channel or a surface water *Written:* Within 5 days of becoming aware of the incident
Transfer of Ownership – Order transmittal letter and Notice of Termination (NOT) VII.A.2.c	For transfers of ownership or management, the Discharger shall: • Transmit a copy of this Order to the succeeding owner/operator and forward a copy of the transmittal letter to the Regional Water Board. • Notify the succeeding owner/operator of the requirement to obtain coverage under the General Permit. • Submit an NOT to the Regional Water Board.	Prior to the change in ownership or management
Report of Facility Modifications VII.C.3.c.iv	For modifications that would result in material change in the quality or quantity of discharges or the location of discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board.	Prior to modifications
Annual Report Attachment E, XI.C; Attachment G	Each Enrollee shall submit an Annual Report that includes, if applicable: • Annual Report of Animal Waste Discharge • Composting Inventory • Land Application of Manure, Litter, and Process Wastewater Report • Certification	February 15th of each year
Antidegradation Analysis for New Facility or Significant Expansion of Existing Facility VII.C.4.f	Discharges from a new facility or an existing facility that will undergo significant expansion within the next 5 years shall be required to submit an antidegradation analysis report to the Regional Water Board's Executive Officer for review and approval. The antidegradation analysis report shall be developed in accordance with the State Antidegradation Policy (Resolution No. 68-16) and the Federal Antidegradation Policy (section 131.12). The report shall consider any potential impacts the discharge may have on the receiving water quality and the receiving water bodies designated beneficial uses, as defined in the Regional Water Board's Basin Plan.	Prior to start of construction of significant changes to the facility

a. Permit coverage is required at the time of a discharge from a CAFO.
b. The NMP must be reviewed by the Executive Officer and the public, approved, and the terms incorporated into the permit prior to land application of manure, litter, or process wastewater.

EEC ORIGINAL PKG

VIII. COMPLIANCE DETERMINATION

A. Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

B. Compliance determination with the terms of this Order shall be based on the following:

1. Periodic inspections by Regional Water Board staff;

2. Evaluation of the annual report submitted according to the Monitoring and Reporting Program of this Order; and

3. Any other information deemed necessary by the Executive Officer.

EEC ORIGINAL PKG

ATTACHMENT A – DEFINITIONS

Agricultural Material
Agricultural material means material of plant or animal origin, which result from the production and processing of farm, ranch, agricultural, horticultural, aquacultural, silvicultural, floricultural, vermicultural, or viticultural products, including manures, orchard and vineyard prunings, and crop residues.

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

Application
Application means the Notice of Intent (NOI) to Comply with the Terms of the General Permit to Discharge Wastes Associated with Confined Animal Feeding Operations.

Arithmetic Mean (μ)
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

$$\text{Arithmetic mean} = \mu = \Sigma x / n$$

where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Best Management Practices (BMPs)
BMPs are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and non-point discharges including storm water. BMPs include structural and non-structural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

Biosolids
Biosolids refer to non-hazardous sewage sludge as defined in 40 C.F.R. § 503.9.

Coefficient of Variation (CV)
CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Compost
Compost means compost feedstock that is in the process of being rapidly decomposed and is unstable. Active compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams per gram of compost per day, or the equivalent of oxygen uptake.

Compostable Material
Compostable material is defined as any organic material that when accumulated will become active compost as defined in section 17852(a)(11) of Title 14, CCR.

EEC ORIGINAL PKG

Concentrated Animal Feeding Operation (CAFO)
CAFO means an AFO which is defined as a Large CAFO or Medium CAFO by 40 C.F.R. § 122.23 (b)(4) and (6), or that is designated as a CAFO.

Detected, but Not Quantified (DNQ)
DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Estimated Chemical Concentration
The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Existing Discharger
Any Discharger that is not a new Discharger.

Fecal Coliform
Fecal coliform means the bacterial count (Parameter 1) at 40 C.F.R. § 136.3 in Table 1A, which also cites the approved methods of analysis.

Finished Compost
Finished compost is defined as a stabilized compost in which any organic material that has undergone the Process to Further Reduce Pathogens (PFRP), as described in section 17868.3 of Title 14, CCR, and has reached a stage of reduced biological activity, as indicated by reduced temperature and rate of respiration below that of active compost.

Food Material
Food material means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream, and that does not meet the definition of "agricultural material." Food material may include material from food facilities as defined in California Health and Safety Code section 113785, grocery stores, institutional cafeterias (such as, prisons, schools and hospitals) or residential food scrap collection.

Grab Sample
Grab sample means a sample which is taken from a waste stream on a one-time basis without consideration of the flow rate of the waste stream and without consideration of time.

Green Material
Green material means any plant material that is separated at the point of generation, contains no greater than 1.0 percent of physical contaminants by weight, and meets the requirements of section 17868.5 of Title 14, CCR. Green material includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

Green Waste
Green waste consists of or contains waste from plants, including leaves, clippings, cuttings, grass trimmings, weeds, shrubbery, bushes, trees, residential or community garden wastes, and untreated wood wastes.

EEC ORIGINAL PKG

Infeasible
Infeasible means not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Land Application
Land application means the application of manure, litter, or process wastewater onto or incorporated into the soil. Land application does not include the use of process wastewater for dust control within the production area.

Land Application Area
Land application area means land under the operational control of a CAFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.

Large CAFO
Large CAFO means an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories: (i) 700 mature dairy cattle, whether milked or dry; (ii)1,000 veal calves; (iii)1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (iv) 2,500 swine each weighing 55 pounds or more; (v)10,000 swine each weighing less than 55 pounds; (vi) 500 horses; (vii) 10,000 sheep or lambs; (viii) 55,000 turkeys; (ix) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system; (x)125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; (xi) 82,000 laying hens, if the AFO uses other than a liquid manure handling system; (xii) 30,000 ducks (if the AFO uses other than a liquid manure handling system); or (xiii) 5,000 ducks (if the AFO uses a liquid manure handling system).

Liquid Manure Handling System
Liquid manure handling system means a system that collects and transports or moves waste material with the use of water, such as in washing of pens and flushing of confinement facilities. This would include the use of water impoundments for manure and/or wastewater treatment.

Load Allocation (LA)
The portion of a receiving water's total maximum daily load that is allocated to one of its non-point sources of pollution or to natural background sources.

Manure
Manure is defined to include manure, litter, bedding, compost and raw materials or other materials commingled with manure or set aside for land application or other use.

Median
The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

EEC ORIGINAL PKG

Medium CAFO
Medium CAFO means any AFO that stables or confines as many or more than the numbers of animals specified in any of the following categories: (i) 200 to 699 mature dairy cattle, whether milked or dry cows; (ii) 300 to 999 veal calves; (iii) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (iv) 750 to 2,499 swine each weighing 55 pounds or more; (v) 3,000 to 9,999 swine each weighing less than 55 pounds; (vi)150 to 499 horses, (vii) 3,000 to 9,999 sheep or lambs, (viii) 16,500 to 54,999 turkeys, (ix) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system; (x) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; (xi) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system; (xii) 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or (xiii) 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system) and either one of the following conditions are met (a) pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or (b) pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Method Detection Limit (MDL)
MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML)
ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Municipality
Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act (CWA).

New Discharger
New Discharger includes any new CAFOfrom which there will be a discharge of pollutants.

New Source
New Source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- For CAFOs that confine dairy cows and cattle other than veal calves, after April 12, 2003.
- For CAFOs that confine swine, poultry, or veal calves, after January 19, 2009.

EEC ORIGINAL PKG

A building, structure, facility, or installation constructed after the applicable date above is a new source if:

(i) It is constructed at a site at which no other source is located; or
(ii) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
(iii) Its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the Director shall consider such factors as the extent to which the new facility is integrated with the existing plant; and the extent to which the new facility is engaged in the same general type of activity as the existing source.

Construction on a site at which an existing source is located results in a modification subject to 40 CFR § 122.62 rather than a new source (or a new discharger) if the construction does not create a new building, structure, facility, or installation meeting the criteria (i), (ii), or (iii), above, but otherwise alters, replaces, or adds to existing process or production equipment.

For purposes of determining whether a discharger is a new source, "facility" means buildings, structures, process or production equipment or machinery which form a permanent part of the new source and which will be used in its operation, if these facilities or equipment are of such value as to represent a substantial commitment to construct. It excludes facilities or equipment used in connection with feasibility, engineering, and design studies regarding the source or water pollution treatment for the source.

Not Detected (ND)
ND results are those sample results less than the laboratory's MDL.

Notice of Intent (NOI)
NOI is a form submitted by the owner/operator applying for coverage under a general permit. It requires the applicant to submit the information necessary for adequate program implementation, including, at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). [(40 C.F.R. § 128.28(b)(2)(ii)].

Process Wastewater
Process wastewater means water directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with or is a constituent of raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

Production Area
Production area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal containment area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or

EEC ORIGINAL PKG

pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

Publicly Owned Treatment Works (POTW)
POTW means a treatment works as defined in 40 C.F.R. part 212, which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in 40 C.F.R. § 502(4), which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Quality Assurance (QA)
Quality assurance is a practice in toxicity testing that addresses all activities affecting the quality of the final effluent toxicity data. QA includes practices such as effluent sampling and handling, source and condition of test organisms, equipment condition, test conditions, instrument calibration, replication, use of reference toxicants, recordkeeping, and data evaluation.

Quality Control (QC)
Quality control is the set of more focused, routine, day-to-day activities carried out as part of the overall QA program.

Report of Waste Discharge
For the purposes of this General Order, references to the Report of Waste Discharge (ROWD) shall include the Notice of Intent and any other application information submitted to the Regional Water Board.

Sample
Sample is a representative portion of a specific environmental matrix that is used in testing.

Setback
Setback means a specified distance from waters of the United States or potential conduits to waters of the United States where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: Open drainage ditches, tile drainage lines, intake structures, sinkholes, and agricultural well heads.

Sewage Sludge
Sewage sludge is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

EEC ORIGINAL PKG

Sewage sludge that has been classified as hazardous shall be disposed in accordance with 40 C.F.R. part 261.

Significant Storm Event
Significant storm event means a storm event which results in continuous discharge of storm water for a minimum of one hour, or intermittent discharge of storm water for a minimum of three hours in a 12-hour period.

Small CAFO
Small CAFO means an AFO that is designated as a CAFO and is not a Medium or Large CAFO.

Source of Drinking Water
Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

Standard Deviation (σ)
Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:
x is the observed value;
μ is the arithmetic mean of the observed values; and
n is the number of samples.

Statistic
Statistic is a computed or estimated quantity such as the mean, standard deviation, or Coefficient of Variation.

Technology-Based Effluent Limitation
A technology-based effluent limitation is a permit limit for a pollutant that is based on the capability of a treatment method to reduce the pollutant to a certain concentration.

The Act
The Act means Federal Water Pollution Control Act as amended, also known as the Clean Water Act (CWA) as amended, which is set forth at 33 USC 1251 et seq.

Total Maximum Daily Load (TMDL)
A TMDL is the sum of the individual waste load allocations and load allocations for receiving water. A margin of safety is included with the two types of allocations so that any additional loading, regardless of source, would not produce a violation of water quality standards.

Treatment Works
Treatment works is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

Vector Attraction
Vector Attraction is the characteristic of a material that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

EEC ORIGINAL PKG

Vegetated Buffer
Vegetated buffer means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching waters of the United States.

Waste Load Allocation (WLA)
The portion of a receiving water's total maximum daily load that is allocated to one of its existing or future point sources of pollution.

Waters of the United States
Waters of the United States means: (1) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (2) all interstate waters, including interstate wetlands; (3) all other waters such as intrastate lakes, rivers, and streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (a) which are or could be used by interstate or foreign travelers for recreational or other purposes; from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or, which are or could be used for industrial purposes by industries in interstate commerce; (4) all impoundments of waters otherwise defined as waters of the United States; (5) tributaries of waters identified in (1) through (4) of this definition; (6) the territorial sea; and (7) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in items (1) through (6) of this definition.

EEC ORIGINAL PKG

ATTACHMENT B – REQUIREMENTS FOR AN ENGINEERED WASTE MANAGEMENT PLAN

The Engineered Waste Management Plan shall be prepared by a registered professional engineer in the State of California, or other qualified individual, and shall address Item Nos. 1 through 7, below.

1. A site plan that specifies:

   a. The address and legal description of the property (i.e., Assessor's Parcel Number and Township, Range, Section(s) and Baseline Meridian);

   b. The name, address, and telephone number of the owner and operator of the property;

   c. Total gross acreage of the property, showing property boundaries and all existing and proposed facilities including buildings, storage areas, berms/levees, holding ponds, pumping facilities, culverts, drainage easements, disposal areas, croplands (whether farmed by the owner/operator or another party), etc.;

   d. Present and proposed animal population (numbers of each: milk cows, dry cows, calves, heifers, etc.) and volume of washwater generated; and

   e. Overall site dimensions, contours, a vicinity map, north arrow, and the date the plan was prepared. The plan should be drawn on a standard blue print format using an appropriate scale that shows sufficient details of all facilities.

2. Engineering calculations showing that containment structures are able to retain all wastewater generated from the facility, including all of the precipitation on and drainage through waste areas (e.g., manured areas) resulting from storms of up to and including the 25-year, 24-hour storm as required by the effluent limitations in Part V.A of the permit.

3. Engineering data showing that:

   a. Containment structures are lined with or underlain by soil that contains at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent permeability; and

   b. Containment structures are sited, designed, constructed, and operated to ensure that bottoms are at a minimum of five feet above the highest anticipated elevation of underlying ground water.

   For existing CAFOs whose structures fail to meet the soil and siting criteria, the EWMP shall also include proposed measures to ensure the structures meet the soil and siting criteria. The measures shall include a description of the proposed construction materials and compaction method to be used to build liners, berms/levees, and other containment facilities. The proposed measures shall demonstrate that seepage from containment structures will not exceed 1×10^{-6} cm/sec.

EEC ORIGINAL PKG

4. An engineering report (with a map to scale, calculations, and specifications as necessary), showing whether the retention ponds and manured areas at the site are either:
   a. Protected from inundation or washout by overflow from any stream channel during 20-year peak storm flow if the site has been in operation on or before November 27, 1984; or

   b. Protected from inundation or washout by overflow from any stream channel during 100-year peak storm flow if the site has been in operation after November 27, 1984.

   For existing concentrated animal feeding operations (CAFOs) whose ponds and manure areas fail to meet the appropriate flood protection criteria based on when the facility started operations, the report shall also include proposed measures to protect the ponds and manured areas against the corresponding flood event.

5. An operational and maintenance plan to ensure that:

   a. All precipitation and surface drainage from outside manured areas, including that collected from roofed areas resulting from up to and including a 25-year, 24-hour storm or other design storm event used in sizing the impoundment for no discharge in accordance with the requirements of section V.B of the Order, shall be diverted away from the manured areas, unless such drainage is fully contained.

   b. Ponds shall be managed to prevent breeding of mosquitoes, erosion, and excess weeds, algae, and vegetation;

   c. Holding ponds provide maximum pond capacity prior to winter storms; periodic dredging, etc. animals at the facility shall be prevented from entering surface waters within the confined areas; and

   d. There shall be no discharge to surface waters from containment structures, unless chronic, catastrophic or cumulative rainfall causes overflow from a storage facility designed, constructed, maintained, operated to contain all process generated wastewater plus the runoff from a 25-year, 24-hour storm, or other design storm event used in sizing the impoundments at new source swine, poultry, and veal calf CAFOs for zero discharge.

6. A proposed plan for the handling and disposal of manure. The manure handling and disposal plan shall be consistent with the facility's Nutrient Management Plan (NMP), as applicable.

EEC ORIGINAL PKG

ATTACHMENT C – TECHNICAL STANDARDS FOR NUTRIENT MANAGEMENT

Dischargers that land apply manure, litter, or process wastewater shall comply with the following technical standards for nutrient management.

Sampling Requirements

The Discharger shall use sample containers and sample handling, storage, and preservation methods that are accepted or recommended by the selected analytical laboratory or, as appropriate, in accordance with approved U.S. Environmental Protection Agency (USEPA) analytical methods. The following sampling procedures are standards currently recognized by the Regional Water Board. When special procedures appear to be necessary at an individual facility, the Discharger may request approval of alternative sampling procedures for nutrient management. The Executive Officer will review such requests and if adequate justification is provided, may approve the requested alternative sampling procedures.

Soil Sampling and Analysis

1. At least once every 5 years, commencing with the first full calendar year regulated by the Order, the Discharger shall collect and analyze representative soil samples from all land application areas under the Discharger's control where process wastewater and/or manure is applied. Soil samples shall be collected following harvest of a crop and before nutrients are added for the following crop.

2. Soil samples shall be collected as follows:

    a. Samples shall be collected from each land application area receiving manure and/or process wastewater. A single sample shall represent no more than 10 acres; samples shall be composited for every 80 acres. Samples shall be composited by:

        i. Placing equal volumes of soil from each 10-acre sample site for each land application area and sample depth, in a clean plastic bucket. Moist soils may be air dried until they can be mixed easily.

        ii. Thoroughly mixing the sample and placing at least one pint of the composite sample in a clean plastic container to be shipped to the laboratory. The laboratory should be consulted for the exact amount of sample and the sample container needed.

    b. All samples from the same depth interval for all sites within each land application area shall be composited for analyses.

        i. For land application areas to be planted in vegetables, samples shall be collected from a depth of 0 to 12 inches.

EEC ORIGINAL PKG

ii. For land application areas to be planted in field crops, subsamples shall be collected from 0 to 24 inches. Samples from each site shall be split into two sections representing depth intervals 0 to 12 inches and12 to 24 inches.

c. Soil samples shall be collected with soil probes or augers from a minimum of 10 sites in each land application area and composited as described below.

i. At least three of the 10 samples shall be from the upper third of the land application area.

ii. In fields where soil texture, crop yield, or other soil-related factors vary, at least 10 samples shall be collected from each different area and composites from each area shall be analyzed separately.

iii. Sample locations in each land application area shall be recorded on a sketch for future sampling consistency.

iv. Soil probes or augers shall be cleaned thoroughly between samples by wiping clean with a damp cloth.

Manure Sampling

Manure samples shall be collected as follows:

1. At least 10 equal-size samples of manure shall be collected from various portions of the manure pile, with most samples from the center. No more than two samples shall be collected from the surface and two from the bottom.

2. The 10 samples shall be placed in a container and mixed well before a subsample is placed in a clean container provided by or approved by the analytical laboratory that will receive the samples.

3. Sample containers that are reused shall be washed with soap and thoroughly rinsed with clean (tap) water.

Process Wastewater Sampling

Process wastewater composite samples shall be collected as follows:

1. A representative composite sample of process wastewater shall be prepared based on a minimum of three time-series samples collected during a discharge event that are representative of the beginning, middle, and end of the process wastewater discharge. These samples shall be combined in a single container, mixed, and poured into a clean container provided by or approved by the laboratory that will receive the samples. Containers that are reused shall be washed with soap and thoroughly rinsed with clean (tap) water.

EEC ORIGINAL PKG

2. The samples shall be collected at a point that is prior to any dilution or blending with irrigation water and shall be representative of the process wastewater applied to the land application area.

Analytical Requirements

1. Analyses of soil samples shall be conducted using methods utilized by the North American Proficiency Testing (NAPT) program or accepted by the University of California (available on the Internet at http://anlab.ucdavis.edu/analyses/soil).

2. Analyses of manure shall be conducted by: methods utilized by the Manure Analyses Proficiency (MAP) Testing Program or accepted by the University of California; and laboratories participating in the MAP Testing Program or other programs whose tests are accepted by the University of California.

3. Analyses of process wastewater samples shall be conducted using methods described by the MAP Testing Program or California Department of Health Services Environmental Laboratory Analytical Procedures accredited for wastewater analyses.

Crop Nutrient Requirements

Each crop's nutrient requirements for nitrogen and phosphorus shall be determined based on recommendations from the University of California Cooperative Extension's Guidelines for Vegetable Crops – Bulletin 104-V (available for purchase - see http://ceimperial.ucanr.edu/files/131143.doc) or Guidelines for Field Crops – Bulletin 104-F (available for purchase – see http://ceimperial.ucanr.edu/files/131142.docx), or from historic crop nutrient removal. Nutrient requirements based on historic crop nutrient removal must be clearly documented in the Nutrient Management Plan (NMP). Alternative sources for crop nutrient requirements, including phosphorus recommendations based on soil test phosphorus levels, if required, may be proposed by clearly documenting the recommendations and the source of the recommendations in the NMP.

Available Nutrients

1. A nutrient budget for nitrogen shall be prepared that considers all potential sources of nutrients including, but not limited to animal manure and organic byproducts, waste water, commercial fertilizer, crop residues, legume credits, and irrigation water. A nutrient budget for phosphorus is required for fields rated "Medium" or higher risk using the Phosphorus Index.

2. Nutrient values of soil, manure, process wastewater, and irrigation water shall be determined based on laboratory analysis. "Book values" for manure and process wastewater may be used for planning of first year application(s) during initial development of the NMP if necessary. Acceptable book values are those values recognized by American Society of Agricultural and Biological Engineers (ASABE), the Natural Resources Conservation Service (NRCS), and/or the University of California that accurately estimate

EEC ORIGINAL PKG

the nutrient content of the material. The nutrient content of commercial fertilizers shall be derived from the published values certified by the California Department of Food and Agriculture.

3. Nutrient credit from previous legume crops shall be determined using values based on University of California's Manure Technical Guide Series for Crop Management Professionals, *Legume N Credit for Crops Following Alfalfa* published in December 2009 (http://groups.ucanr.org/manuremanagement/files/74626.pdf). For legumes other than alfalfa, nutrient credits shall be determined by methods acceptable to the University of California Cooperative Extension, NRCS, or a specialist certified in preparing NMPs and the methods and values used shall be documented in the NMP.

Nutrient Application Rates

General

1. NMPs shall specify the form, source, amount, timing, and method of application of nutrients on each field to minimize nitrogen and/or phosphorus movement to surface and/or ground waters to the extent necessary to meet the provisions of the Order.

2. Where crop material is not removed from the field, waste applications are not allowed. For example, if a pasture is not grazed or mowed (and cuttings removed from the field), waste shall not be applied to the pasture.

3. Manure and/or process wastewater will be applied to the field for use by the first crop covered by the NMP only to the extent that soil tests indicate a need for nitrogen application.

4. Nutrient application rates shall not attempt to approach a site's maximum ability to contain one or more nutrients through soil adsorption. Excess applications or applications that cause soil imbalances should be avoided. Excess manure nutrients generated by the Discharger shall be handled by export to a good steward of the manure, or the development of alternative uses.

5. Planned rates of nutrient application shall be determined based on soil test results, nutrient credits, manure and process wastewater analysis, crop requirements and growth stage, seasonal and climatic conditions, and use and timing of irrigation water.

   a. For purposes of calculating nutrient credits, mineralization rates for prior manure applications shall be determined using the values provide in Table C-1. Alternative values may be used if they are recognized by ASABE, the NRCS, and/or the University of California. Alternative mineralization rates and the source of the alternative rates must be documented in the NMP and are subject to approval of the Executive Officer.

EEC ORIGINAL PKG

Table C-1. Mineralization rates for nitrogen – dairy manure

Waste and nitrogen content	Years after initial application		
	1	2	3
	Percent available[a] (percent of original N applied, accumulative)		
Fresh bovine waste, 3.5% N	75	84	85.6
Dry corral manure, 2.5% N	40	55	57.7
Dry corral manure, 1.5% N	35	44.7	47.2
Dry corral manure, 1.0% N	20	28	29.4
a. Table assumes annual applications on the same site. If a one-time application, the decay series can be estimated by subtracting year 1 from year 2 and year 2 from year 3. The decay rate becomes essentially constant after 3 years.			
Source: Alison Van Eenennaam. No date. *Dairy Manure as a Soil Amendment.* University of California Cooperative Extension *after* Azevedo, J. and P. R. Stout. 1974. *Farm animal manures: an overview of their role in the agricultural environment.* University of California, Manual 44.			

Table C-5. Mineralization rates for nitrogen – other manure types

Waste and management	Years after initial application		
	1	2	3
	Percent available[a] (percent of original N applied, accumulative)		
Fresh poultry manure	90	92	93
Fresh swine or cattle manure	75	79	81
Layer manure from pit storage	80	82	83
Swine or cattle manure stored in covered storage	65	70	73
Swine or cattle manure stored in open structure or pond (undiluted)	60	66	68
Cattle manure with bedding stored in roofed area	60	66	68
Effluent from lagoon or diluted waste storage pond	40	46	49
Manure stored on open lot, cool-humid	50	55	57
Manure stored on open lot, hot-arid	45	50	53
a. Table assumes annual applications on the same site. If a one-time application, the decay series can be estimated by subtracting year 1 from year 2 and year 2 from year 3. For example, the decay series for fresh poultry manure would be 0.90, 0.02, 0.01. The decay rate becomes essentially constant after 3 years.			
Source: Table 11-9, USDA-NRCS Agricultural Waste Management Field Handbook			

b. Realistic yield goals for the crop(s) to be grown shall be used in determining crop nutrient requirements. Where historic crop yield data are available, those data must be used to determine yield goals by calculating the average of the 3 highest yields for the 5 most recent years the crop was grown in the field. Where historic crop yield data are unavailable, realistic yield goals may be based on average yields published by the

EEC ORIGINAL PKG

Imperial County Agriculture Commissioner using the average of the 3 highest yields for the 5 most recent years reported.[1]

Actual applications of nitrogen and phosphorus to any crop shall be limited to the amounts specified below.

Nitrogen

1. The California Nitrogen Index, located in Section I of the NRCS Field Office Technical Guide (Agronomy Technical Note No. 72), shall be used to assess the risk of nitrogen loss via leaching from each field. The manure application rates, best management practices, and other relevant variables used in the index evaluation that impact nitrogen leaching potential shall be documented in the NMP. Nitrogen shall be managed to minimize leaching in accordance with the recommendations of the Nitrogen Leaching Index as follows:

   a. **Very Low (0 – 10) or Low (>10 – 22) Risk:** Fields with a very low or low risk for N leaching may be managed using application rates and best management practices consistent with those used in the Nitrogen Index evaluation to result in the very low or low risk rating.

   b. **Medium Risk (>22 – 33):** Fields with a medium risk for N leaching may be managed using application rates and best management practices consistent with those used in the Nitrogen Index evaluation to result in the medium risk rating. The operator should consider use of practices to further reduce N loss potential and improve N use efficiency, particularly for fields where the Nitrogen Index predicts very high soil residual nitrate.

   c. **High (>33 – 45) or Very High (>45 – 58) Risk:** For fields with a high or very high risk for N leaching, nitrogen management practices must be re-evaluated. Nitrogen budgets should be used as the basis for modifying practices. Practices must be modified to reduce the nitrogen inputs that increase the risk of N leaching. Inputs of organic or inorganic N should be reduced and/or managed to better synchronize N applications with N uptake by the crop.

2. Total nitrogen from all sources including residual nitrogen in the soil and nitrogen applied in the form of manure, process wastewater, commercial fertilizer, compost, and other amendments as well as irrigation water[2] for each field shall not exceed the recommended nitrogen application rate during the year of application or harvest cycle. Additional nitrogen may be applied if the following conditions are met:

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[1] The Imperial County Agricultural Commissioner's Office publishes annual Agricultural Crop and Livestock Reports on its website: http://www.co.imperial.ca.us/ag/Departments_A/agricultural_crop_&_livestock_reports.htm

[2] Where available, existing published data on irrigation water nitrogen content may be used in determining the total amount of nitrogen applied. For example, Imperial Irrigation District publishes the results water quality analyses for the All-American Canal, East Highline Canal, Central Main Canal, and Westside Main Canal: http://www.iid.com/index.aspx?page=183.

EEC ORIGINAL PKG

a. Plant tissue testing has been conducted and it indicates that additional nitrogen is required to obtain a crop yield typical for the soils and other local conditions;

b. The amount of additional nitrogen applied is based on the plant tissue testing and is consistent with University of California Cooperative Extension written guidelines or written recommendations from a professional agronomist;

c. The form, timing, and method of application make the nitrogen immediately available to the crop; and

d. Records are maintained documenting the need for additional applications.

Phosphorus

1. The California Phosphorus Index, located in Section I of the NRCS Field Office Technical Guide (Agronomy Technical Note No. 62), shall be used to evaluate the risk of phosphorus transport. The California Phosphorus Index shall be used to assess all fields where manure, litter, or process wastewater will be applied, regardless of whether the field is in an area with a known phosphorus impairment. Phosphorus applications shall be made to each field based on the Phosphorus Index Risk Rating as follows:

   a. **Low Risk:** Fields with low risk for P loss may receive manure at rates based on the N content of the manure and calculated to meet crop nitrogen needs based on a nitrogen budget. Commercial P fertilizers may be applied, if needed, utilizing soil or tissue sampling procedures and the P response threshold of the crop.

   b. **Medium Risk:** Fields with medium risk for P loss may receive manure at rates based on the N content of the manure and calculated to meet crop nitrogen needs based on a nitrogen budget. Commercial P fertilizers may be applied, if needed, utilizing soil or tissue sampling procedures and the P response threshold of the crop. Existing management on these fields will probably lead to higher risk over time. Risk should be monitored periodically using the P Index.

   c. **High Risk:** Fields at high risk for P loss may receive manure at rates to meet crop P requirements based on the P content of the manure and anticipated crop yield. Commercial P fertilizers or organic fertilizers may be applied, utilizing soil or tissue sampling procedures and the P response threshold of the crop. The Discharger shall prepare and implement a conservation plan that will lower the risk category to at least Medium when implemented. After implementation of the conservation plan has lowered the risk level, the actions required at the lower risk levels will apply.

   d. **Very High Risk:** Fields rated very high risk for P loss must not receive manure or other organic forms of P fertilizer. Commercial P fertilizers may be applied according to University of California guidelines, or guidelines recognized by the University, utilizing soil or tissue sampling procedures and P response thresholds for the crop. P may not be applied from any source if the Soil Test P exceeds 80 ppm (Olsen) or 120 ppm (Bray). When seeding winter vegetables into soils below 55 degrees Fahrenheit, 30 lbs./ac or less of P_2O_5 may be injected as a starter fertilizer. The Discharger shall

EEC ORIGINAL PKG

prepare a conservation plan that will lower the risk category to at least High when implemented. After implementation of the conservation plan has lowered the risk level, the actions required at the lower risk levels will apply.

2. A single application of phosphorus applied as manure may be made at a rate equal to the recommended phosphorus application or estimated phosphorus removal in harvested plant biomass for the crop rotation or multiple years in the crop sequence. When such applications are made, the application rate shall:

   - not exceed the recommended nitrogen application rate during the year of application, or
   - not exceed the estimated nitrogen removal in harvested plant biomass during the year of application when there is no recommended nitrogen application.
   - be consistent with the P Index risk category of the field, including:
     - applications shall not be made on fields rated Very High Risk
     - applications may be made on fields rated High Risk only where the application is consistent with the required conservation plan

   In addition, when such applications are made, no additional phosphorus may be applied until the amount applied in the single application has been removed through plant uptake and harvest (e.g., no additional applications for the number of years covered by the single application).

EEC ORIGINAL PKG

ATTACHMENT D – STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

EEC ORIGINAL PKG

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 C.F.R. § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 C.F.R. § 122.41(i)(1));

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 C.F.R. § 122.41(i)(2));

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 C.F.R. § 122.41(i)(3)); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 C.F.R. § 122.41(i)(4).)

G. Bypass

1. Definitions

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

EEC ORIGINAL PKG

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and

   c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)I(C).)

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

5. **Notice**

   a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)

   b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

EEC ORIGINAL PKG

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

   b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

   c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

   d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

EEC ORIGINAL PKG

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 122.41(j)(4); § 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

EEC ORIGINAL PKG

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)

2. All permit applications shall be signed by a general partner or the proprietor, respectively. (40 C.F.R. § 122.22(a)(2).)

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

   c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

EEC ORIGINAL PKG

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 for knowing violations." (40 C.F.R. § 122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):

EEC ORIGINAL PKG

a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R.§ 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any

EEC ORIGINAL PKG

report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(1)):

a. 100 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(1)(i));

b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));

c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or

d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(2)):

a. 500 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(2)(i));

b. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));

c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or

d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

EEC ORIGINAL PKG

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Table of Contents

I. General Monitoring Provisions E-3
II. Monitoring Locations E-4
III. Influent Monitoring Requirements – Not applicable E-5
IV. Effluent Monitoring Requirements E-5
A. Monitoring Locations EFF-001 and EFF-002 ..... E-5
V. Whole Effluent Toxicity Testing Requirements – Not applicable E-6
VI. Land Discharge Monitoring Requirements – Not applicable E-6
VII. Reclamation Monitoring Requirements – Not applicable E-6
VIII. Receiving Water Monitoring Requirements E-6
A. Monitoring Location RSW-001 ..... E-6
B. Monitoring Location RSW-002 ..... E-7
C. Monitoring Location RGW-001 ..... E-8
IX. Other Monitoring Requirements E-8
A. Production Area Visual Inspections – Applicable To CAFOs That Confine Dairy Cows, Cattle, Swine, Poultry And Veal Calves E-8
B. Production Area Visual Inspections – Applicable to All CAFOs E-9
C. Manure, Litter, and Process Wastewater Monitoring – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control or to Large CAFOs that Transfer Manure, Litter, or Process Wastewater to Other Persons E-9
D. Soil Monitoring – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control E-10
E. Materials Monitoring – Applicable to CAFOs that Operate On-site Composting Operations ..E-10
F. Flood Protection and Storm Water Monitoring – Applicable to CAFOs that Operate On-site Composting Operations E-11
X. Record Keeping Requirements E-11
A. Manure Transfer Records – Applicable to Large CAFOs E-12
B. Nutrient Management Plan – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control E-12
C. Operation and Maintenance Records – Applicable to All CAFOs E-12
D. Land Application Records – Applicable to All CAFOs E-13
E. Trucking Manifests – Applicable to CAFOs that Operate On-site Composting Operations E-14
XI. Reporting Requirements E-14
A. General Monitoring and Reporting Requirements E-14
B. Electronic Self-Monitoring Reports (eSMRs) E-14
C. Annual Reports E-16
D. Unauthorized Discharges E-16
E. Flood Protection Monitoring Reports – Applicable to CAFOs that Operate On-site Composting Operations E-17
F. Revised Nutrient Management Plan Reporting – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control E-17
XII. Summary of Monitoring, Record-Keeping, and Reporting Requirements E-17

List of Tables

Table E-1. Monitoring Station Locations E-5
Table E-2. Effluent Monitoring at EFF-001 and EFF-002 ..... E-5

EEC ORIGINAL PKG

Table E-3. Receiving Water Monitoring Requirements at RSW-001 (Upstream) E-6
Table E-4. Receiving Water Monitoring Requirements at RSW-002 (Downstream) E-7
Table E-5. Ground Water Monitoring at RGW-001 ..... E-8
Table E-6. Production Area Visual Inspections E-8
Table E-7. Production Area Visual Inspections E-9
Table E-8. Manure, Litter, and Process Wastewater Monitoring E-9
Table E-9. Soil Monitoring E-10
Table E-10. Materials Monitoring Record Keeping Requirements E-10
Table E-11. Storm Water Discharge Monitoring E-11
Table E-12. Operation and Maintenance Record Keeping Requirements E-12
Table E-13. Land Application Record Keeping Requirements E-13
Table E-14. Monitoring Periods and Reporting Schedule E-15
Table E-15. Summary of Monitoring, Record Keeping, and Reporting Requirements E-17

EEC ORIGINAL PKG

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

Title 40 of the Code of Federal Regulations (C.F.R.) § 122.48 requires that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this Regional Water Board.

B. All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Public Health, unless otherwise specified by this Order or Monitoring and Reporting Program. Laboratories analyzing monitoring samples shall be certified by the Department of Public Health, in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports.

C. The collection, preservation and holding times of all samples shall be in accordance with the test procedures under 40 C.F.R. part 136 (revised as of May 14, 1999) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (USEPA), unless otherwise specified in this MRP. In addition, the Regional Water Board and/or USEPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 C.F.R. part 136.

D. The permittee must utilize analytical methods specified in this permit, see Attachment C. If no test procedure is specified, the permittee shall analyze the pollutant using:

1. A test procedure listed in 40 C.F.R. § 136.3; or

2. An alternative test procedure approved by USEPA as provided in 40 C.F.R. §§ 136.4 or 136.5; or;

3. A test procedure listed in 40 C.F.R. part 136, with modifications allowed by USEPA as provided in 40 C.F.R. § 136.6.

Guidance on procedures for approval of alternative and new test procedures can be obtained from the following references: *Protocol for EPA Approval of Alternative Test Procedures for Organic and Inorganic Analytes in Wastewater and Drinking Water* (EPA 821-B-98-002, March 1999); and *Protocol for EPA Approval of New Methods for Organic and Inorganic Analytes in Wastewater and Drinking Water* (EPA 821-B-98-003, March 1999).

EEC ORIGINAL PKG

E. In accordance with the test procedures under Part 136, samples shall be analyzed as soon as possible after collection.

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

G. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this MRP.

H. Whenever the Discharger monitors any pollutant more frequently than is required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.

I. Except for data determined to be confidential under Section 308 of the Clean Water Act (CWA), all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of the USEPA. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act and Section 13387 of the California Water Code.

II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

EEC ORIGINAL PKG

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Production Area Discharge Point 001	EFF-001	Discharges from the production area, after exiting the production area and before contact with the receiving water and/or dilution by any other water or waste. If more than one production area discharge point is authorized by the General Permit, monitoring locations shall be named EFF-001A, EFF-001B, etc.
Land Application Area Discharge Point 002	EFF-002	Discharges from the land application area(s), including discharges from tile drainage systems, after exiting the land application area and before contact with the receiving water and/or dilution by any other water or waste. If more than one land application area discharge point is authorized by the General Permit, monitoring locations shall be named EFF-002A, EFF-002B, etc.
Receiving Surface Water	RSW-001	Receiving water monitoring location not to exceed 100 feet upstream from the location where the discharge from the production area or land application area enters the receiving water.
Receiving Surface Water	RSW-002	Receiving water monitoring location not to exceed 50 feet downstream from the location where the discharge from the production area or land application area enters the receiving water.
Receiving Ground Water[1]	RGW-001	Ground water monitoring wells installed to implement a ground water monitoring program, as required by the Executive Officer. If more than one ground water monitoring well is installed, monitoring locations shall be named RGW-001, RGW-002, etc.

[1] Applies to Dischargers required by the Executive Officer, upon review of the EWMP, to prepare a ground water monitoring program.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Locations EFF-001 and EFF-002

1. The Discharger shall monitor production area and land application area discharges (except agricultural stormwater discharges to waters of the U.S.) at EFF-001 and EFF-002 (including EFF-001A, EFF-001B, etc. and EFF-002A, EFF-002B, etc., as applicable) as follows:

Table E-2. Effluent Monitoring at EFF-001 and EFF-002

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and ML
Date of discharge	n/a	n/a		n/a
Time of discharge	n/a	n/a		n/a
Volume	Gallons or Acre-inches	Estimate	1x/Discharge Event	See Section I.C and I.D of the MRP
Nitrate-Nitrogen	mg/L	Composite[1]		
Total Kjeldahl Nitrogen	mg/L	Composite[1]		
Phosphorus, Total	mg/L	Composite[1]		

EEC ORIGINAL PKG

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and ML
(as P)				
Dissolved Oxygen	mg/L	Composite[1]		
Total Dissolved Solids (TDS)	mg/L	Composite[1]		
Total Suspended Solids (TSS)	mg/L	Composite[1]		
E. coli	MPN/100 mL	Composite[1]		
Fecal Coliform	MPN/100 mL	Composite[1]		
Enterococcus[2]	MPN/100 mL	Composite[1]		

[1] A representative composite sample of wastewater shall be prepared based on a minimum of three time-series samples collected during a discharge event that are representative of the beginning, middle, and end of the wastewater discharge. These samples shall be combined in a single container, mixed, and poured into a clean container provided by or approved by the laboratory that will receive the samples.
[2] For discharges to the New River

2. The Discharger shall orally report to the Governor's Office of Emergency Services (800) 852-7550 and Regional Water Board (760) 346-7491, the discharge event as soon as: (1) the Discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures. The oral notification shall be followed by a written report to be provided within 5 days of the initial oral notification, in accordance with section XI.D of the MRP.
3. Monitoring results shall be recorded and submitted in accordance with section X and XI.B.3 of the MRP.
4. Records of discharge shall be maintained using the Discharge Notification Form provided as Attachment J.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE

VII. RECLAMATION MONITORING REQUIREMENTS – NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS

A. Monitoring Location RSW-001

1. When there is a discharge from the concentrated animal feeding operation (CAFO), the Discharger shall monitor the receiving water at RSW-001 as follows. In the event that no receiving water is present at RSW-001, no receiving water monitoring data are required for RSW-001:

Table E-3. Receiving Water Monitoring Requirements at RSW-001 (Upstream)

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method

EEC ORIGINAL PKG

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	Standard Units	Grab	1x/Discharge Event	See Section I.C and I.D of the MRP
Temperature	°F	Grab		
Nitrate-Nitrogen	mg/L	Grab		
Total Kjeldahl Nitrogen	mg/L	Grab		
Phosphorus, Total (as P)	mg/L	Grab		
Dissolved Oxygen	mg/L	Grab		
TDS	mg/L	Grab		
TSS	mg/L	Grab		
E. coli	MPN/100 mL	Grab		
Fecal Coliform	MPN/100 mL	Grab		
Enterococcus[1]	MPN/100 mL	Grab		
[1]. For discharges to the New River				

2. Records of surface receiving water monitoring shall be maintained in accordance with section X of the MRP and reported in accordance with section XI.B.2 of the MRP.

B. Monitoring Location RSW-002

1. When there is a discharge from the CAFO, the Discharger shall monitor the receiving water at RSW-002 as follows. In the event that no receiving water is present at RSW-001 and the water present at RSW-0002 is composed entirely of effluent from the discharge, no receiving water monitoring data are required for RSW-002:

Table E-4. Receiving Water Monitoring Requirements at RSW-002 (Downstream)

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	Standard Units	Grab	1x/Discharge Event	See Section I.C and I.D of the MRP
Temperature	°F	Grab		
Nitrate-Nitrogen	mg/L	Grab		
Total Kjeldahl Nitrogen	mg/L	Grab		
Phosphorus, Total (as P)	mg/L	Grab		
Dissolved Oxygen	mg/L	Grab		
TDS	mg/L	Grab		
TSS	mg/L	Grab		
E. coli	MPN/100 mL	Grab		
Fecal Coliform	MPN/100 mL	Grab		
Enterococcus[1]	MPN/100 mL	Grab		
[1]. For discharges to the New River				

2. Records of surface receiving water monitoring shall be maintained in accordance with section X of the MRP and reported in accordance with section XI.B.2 of the MRP.

EEC ORIGINAL PKG

C. Monitoring Location RGW-001

1. Upon receiving the EWMP, the Regional Water Board's Executive Officer shall determine the need to prepare a ground water monitoring program on a case-by-case basis. Such a monitoring program would require the installation of monitoring wells at the facility. Dischargers that are required by the Executive Officer to prepare a ground water monitoring program shall monitor all monitoring locations RGW-001, RGW-002, etc. as follows:

Table E-5. Ground Water Monitoring at RGW-001

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Dissolved Solids	mg/L	Grab	1x/Quarter[1]	See Section I.C and I.D of the MRP
Nitrate-Nitrogen	mg/L	Grab		
pH	Standard Units	Grab		
E. coli	MPN/100 mL	Grab		
Fecal Coliform	MPN/100 mL	Grab		
Enterococcus[2]	MPN/100 mL	Grab		

[1] Quarterly sampling shall be conducted in January, April, July, and October
[2] For facilities adjacent to the New River

2. Ground water elevation and gradient shall be determined when quarterly monitoring is conducted.

3. Ground water monitoring results shall be recorded in accordance with section X of the MRP and submitted with the annual report.

IX. OTHER MONITORING REQUIREMENTS

A. Production Area Visual Inspections – Applicable To CAFOs That Confine Dairy Cows, Cattle, Swine, Poultry And Veal Calves

1. The Discharger shall conduct visual inspections of the production area as follows, in accordance with the requirements of section V.C.1 of this Order.

Table E-6. Production Area Visual Inspections

Inspection Type	Minimum Monitoring Frequency
All stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to wastewater storage and containment structures	1x/Week
All water lines, including drinking water and cooling water lines	1x/Day[1]
Manure, litter, and process wastewater impoundments, noting the level of all open surface liquid impoundments as indicated by the depth marker installed in accordance with section V.B.1.c of this Order.	1x/Week

2. The Discharger shall maintain complete on-site records in accordance with section X.C of the MRP.

3. The Discharger shall certify in the annual report that production area visual inspections have been documented as required.

EEC ORIGINAL PKG

B. Production Area Visual Inspections – Applicable to All CAFOs

1. The Discharger shall conduct visual inspections of the production area as follows:

Table E-7. Production Area Visual Inspections

Inspection Type	Minimum Monitoring Frequency
All storm water containment structures	During each significant storm event
Manure and wastewater storage areas and land application areas, noting any discharges from the property that is under control of the Discharger	1x/Day during land application events

2. The Discharger shall record the approximate time of each storm-related discharge that results in off-property discharges of stormwater commingled with wastewater or manure, and its approximate duration.

3. The results of all inspections required by this section IX.B shall be recorded in accordance with section X.C of the MRP. Records shall be maintained on site at the permitted facility for a period of 5 years, in accordance with section IV of Attachment D, Standard Provisions – Records and shall be submitted with the annual report.

C. Manure, Litter, and Process Wastewater Monitoring – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control or to Large CAFOs that Transfer Manure, Litter, or Process Wastewater to Other Persons

1. The Discharger shall conduct sampling and analysis as follows, in accordance with the requirements of sections V.C.2.b.ii and VII.C.3.b.iii of this Order. This monitoring is for nutrient management and is expected to be part of the Nutrient Management Plan (NMP) for Dischargers that land apply manure, litter, or process wastewater. All Large CAFOs shall provide the results of the required monitoring to recipients of any manure, litter, or process wastewater transferred to other persons, in accordance with section VII.C.5.a.i of this Order. Monitoring shall be performed to determine the nutrient and salt content of process wastewater and manure separately.

Table E-8. Manure, Litter, and Process Wastewater Monitoring

Parameter	Units[a]	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Ammonium-Nitrogen	mg/L mg/kg lb/ton lb/1,000 gallons	Consistent with Technical Standards for Nutrient Management (Attachment C)	1x/Year	Consistent with Technical Standards for Nutrient Management (Attachment C)
Total Kjeldahl Nitrogen				
Phosphorus, Total				
pH	Standard Units			
Percent moisture	%			

a. Results shall be reported in the units appropriate to the type of material analyzed (solid or liquid) and that support the required land application rate calculations, as applicable.

EEC ORIGINAL PKG

2. Dischargers that apply manure, litter, or process wastewater to land under the CAFO's control shall inspect land application equipment for leaks as follows:

   a. Solid manure application equipment: a minimum of once annually

   b. Liquid manure application equipment: a minimum of once daily during application

3. Records of monitoring results shall be maintained on site in accordance with section X of the MRP.

D. Soil Monitoring – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control

1. Dischargers that land apply manure, litter, or process wastewater shall conduct soil sampling and analysis as follows, in accordance with the requirements of sections V.C.2.b.ii and VII.C.3.b.iii of this Order. This monitoring is for nutrient management and is expected to be part of the NMP.

Table E-9. Soil Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Soluble Phosphorus	mg/kg lbs/acre	Consistent with Technical Standards for Nutrient Management (Attachment C)	1x/5 Years	Consistent with Technical Standards for Nutrient Management (Attachment C)
pH	Standard Units			

2. Records of monitoring results shall be maintained on site in accordance with section X of the MRP.

E. Materials Monitoring – Applicable to CAFOs that Operate On-site Composting Operations

1. Dischargers with on-site composting operations that are operated by the CAFO owner or operator shall conduct materials monitoring as follows, in accordance with the requirements of section VII.C.3.d.xi of this Order.

Table E-10. Materials Monitoring Record Keeping Requirements

Parameter	Units	Frequency
Quantity of manure received from each source	tons	1x/Month
Quantity of greenwaste received from each source		
Quantity of fertilizer received from each source		
Quantity of composted material shipped off site		
Estimated quantity of raw materials on site		
Estimated quantity of in-process-inventory on site		
Estimated quantity of finished compost on site		

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2. Monitoring results shall be recorded in accordance with section X of the MRP and submitted with the annual report.

3. The Discharger shall maintain trucking manifests in accordance with the requirements of section X.D of the MRP.

F. Flood Protection and Storm Water Monitoring – Applicable to CAFOs that Operate On-site Composting Operations

1. The Discharger shall inspect all internal and external flood protection facilities at least quarterly and following each storm which generates any storm water flow through the drainage system.

2. The Discharger shall monitor, collect, and analyze samples of stormwater discharges from composting operations as specified in table E-10.

Table E-11. Storm Water Discharge Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Suspended Solids	mg/L	Grab	1x/Discharge Event	See Section I.C and I.D of the MRP
pH	pH units	Grab		
Specific Conductance	µmhos/cm	Grab		
Total Organic Carbon[1]	mg/L	Grab		
Iron	mg/L	Grab		
Nitrate+Nitrite Nitrogen	mg/L	Grab		
Lead	µg/L	Grab		
Hardness (measured as $CaCO_3$)	mg/L	Grab		
Zinc	µg/L	Grab		
Phosphorus	mg/L	Grab		

[1] Oil and grease (total oil and grease shall include the polar and non-polar fraction of oil and grease materials) may be substituted for total organic carbon.

3. The Discharger shall document any erosion control or drainage problems and/or related maintenance.

4. Flood Protection Monitoring results shall be reported in accordance with section XI.E of the MRP.

5. Storm water discharge monitoring results shall be reported with the annual report in accordance with section XI.C of the MRP.

X. RECORD KEEPING REQUIREMENTS

All records shall be retained on site at the permitted operation for a period of five (5) years from the date they are created and made available to the Regional Water Board or its designee upon request.

EEC ORIGINAL PKG

A. Manure Transfer Records – Applicable to Large CAFOs

1. The Discharger shall record each manure-hauling event on a manure tracking manifest form (Attachment H). These records shall include the following:

   c. Date of transfer;

   d. Amount of manure, litter, and/or process wastewater that leaves the permitted operation; and

   e. Name and address of the recipient

2. The Discharger shall certify in the annual report that manure tracking manifests have been prepared as required.

B. Nutrient Management Plan – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control

1. The Discharger shall maintain on-site a current site-specific NMP that reflects existing operational characteristics.

2. The Discharger shall maintain on-site all necessary records to document that the NMP is being implemented in accordance with the applicable nutrient management practices defined in sections V.C.2 and VII.C.3.b of this Order.

3. These records shall be submitted in accordance with the MRP or otherwise made available to the Regional Water Board upon request.

C. Operation and Maintenance Records – Applicable to All CAFOs

1. The Discharger shall maintain the records described in Table E-12.

Table E-12. Operation and Maintenance Record Keeping Requirements

Parameter	Units	Frequency
Applicable to CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves		
Documentation of visual inspection of all water lines	N/A	1x/Day[1]
Documentation of visual inspections of manure, litter, and process wastewater impoundments, stormwater diversions structures, runoff diversion structures, and devices channeling contaminated stormwater to wastewater storage and containment structures	N/A	1x/Week
Documentation of depth of manure and process wastewater in all liquid impoundments	feet	1x/Week
Documentation of all actions taken to correct deficiencies identified as a result of the production area visual inspections. Deficiencies not corrected within 30 days shall be accompanied by an explanation of the factors preventing immediate correction.	N/A	As necessary
Applicable to All CAFOs		
Documentation of visual inspections of all storm water containment structures	N/A	During each significant storm event

EEC ORIGINAL PKG

Parameter	Units	Frequency
Documentation of visual inspections of manure and wastewater storage areas including records of any discharges from the property that is under control of the Discharger	N/A	1x/Day during land application events
Design documentation for all manure, litter, and wastewater storage structures including the following information:		
a. Volume for solids accumulation	Cubic yards or gallons	Once in the permit term unless revised
b. Design treatment volume		
c. Total design storage volume2		
d. Days of storage capacity	Days	
Documentation of animal mortality handling practices	N/A	As necessary
Documentation of controls to prevent the inappropriate introduction of chemicals into manure, wastewater, and stormwater handling systems.	N/A	As necessary
Implementation and maintenance of conservation practices implemented to control runoff of pollutants from the production area.	N/A.	As necessary

[1] Visual inspections shall take place daily. The completion of such inspections may be documented in a manner appropriate to the operation, either by maintaining a daily log or by making a weekly entry, when updating other weekly records that required daily inspections have been completed.

[2] Total design volume includes normal precipitation less evaporation on the surface of the structure for the storage period, normal runoff from the production area for the storage period, 25-year, 24-hour (or other design storm used for demonstrating compliance with zero discharge requirements for new swine poultry, and veal calf CAFOs) runoff from the production area, and residual solids.

2. Records of visual inspections of storm water management structures and water lines shall be maintained using the Weekly Storm Water and Wastewater Management Structure and Water Lines Inspection Log Sheet provided as Attachment I.

D. Land Application Records – Applicable to All CAFOs

Dischargers who land apply manure, litter, or process wastewater shall maintain the records described in Table E-13.

Table E-13. Land Application Record Keeping Requirements

Parameter	Units	Frequency
Documentation of the crop and expected yield for each field	bushel/acre tons/acre	Seasonally
Documentation of the test methods and sampling protocols used to sample and analyze manure, litter, and wastewater and soil	N/A	Once in the permit term unless revised
Documentation of the basis for determining the application rates used for each field where manure, litter, or wastewater is applied	N/A	
Documentation showing the total nitrogen and phosphorus to be applied to each field including nutrients from the application of manure, litter, and wastewater and other sources	pounds/acre	
For each land application event where manure, litter, or process wastewater is applied, documentation of the following by field:		
a. Date of application	Month/day/year	1x/Day
b. Method of application	N/A	

EEC ORIGINAL PKG

Parameter	Units	Frequency
c. Weather conditions at the time of application and for 24 hours prior to and following application	N/A	
d. Total amount of nitrogen and phosphorus applied including quantity/volume of manure, litter, or process wastewater applied including calculations	pounds/acre	
Documentation of dates of manure application equipment inspection:	Month/day/year	
a. Solid manure application equipment		1x/Year
b. Liquid manure application equipment		1x/Day During Land Application
Results of annual calculation of the amount of manure, litter, and process wastewater to be land applied, conducted as required in section VII.C.3.b.iv(f)	Tons/acre Gallons/acre	1x/Year
Documentation of visual inspections of land application areas, including records of any discharges from the property that is under control of the Discharger	N/A	1x/Day during land application events

E. Trucking Manifests – Applicable to CAFOs that Operate On-site Composting Operations

1. The Discharger shall maintain on-site, in an orderly manner, trucking manifests (or its equivalent). These should clearly indicate the amounts, dates and sources/destinations of all incoming/outgoing material.

2. These documents shall be available for Regional Water Board staff review.

XI. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. The results of any analysis taken more frequently than required using analytical methods, monitoring procedures and performed at the locations specified in this MRP shall be reported to the Regional Water Board.

3. The Discharger shall ensure laboratory analytical results are consistent with the requirements contained in 40 C.F.R. part 136, where appropriate, with regard to significant figures. Part 136 specifies for some analytical methods, the number of significant figures to which measurements are made.

4. The Discharger shall report promptly in writing to the Regional Water Board of any changes or proposed changes in the size of the animal population, if it increases beyond the design capacity of the facility specified in the EWMP.

B. Electronic Self-Monitoring Reports (eSMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using

EEC ORIGINAL PKG

the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-14. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
1/Quarter	October 1, 2014	January 1 – March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	Submit with Annual Report
1/Year	October 1, 2014	January 1 through December 31	February 15
1x/Discharge Event	October 1, 2014	January 1 through December 31	Oral: As soon as possible after learning of the discharge without impeding emergency measures Written: Within 5 days of the oral notification

3. Reporting Protocols. The Discharger shall report with each sample result the applicable reported Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in Part 136.

The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+/- a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

EEC ORIGINAL PKG

d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

C. Annual Reports

1. By February 15 of each year, the Discharger shall submit an Annual Report (Attachment G) for the previous calendar year.

2. The Discharger shall attach a cover letter to the Annual Report. The information contained in the cover letter shall clearly identify violations of the WDRs and report any noncompliance that occurred during the year. Further, the cover letter shall discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations shall include a description of the requirement that was violated and a description of the violation.

D. Unauthorized Discharges

The Discharger shall notify the Office of Emergency Services ((800) 852-7550), the local health officer or directors of environmental health with jurisdiction over affected water bodies, and the Regional Water Board ((760) 346-7491) by telephone to report any noncompliance that may endanger human health or the environment as soon as: (1) the Discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures. During non-business hours, the Discharger shall leave a voice message on the Regional Water Board's voice recorder.

Although State and Regional Water Boards do not have duties as first responders, it is important to ensure that the agencies that do have first responder duties are notified in a timely manner in order to protect public health and beneficial uses. To carry out this objective, the following notification requirements are to be implemented:

1. A certification submitted to the Regional Water Board as soon as possible but no later than twenty-four (24) hours after becoming aware of a discharge to a drainage channel or a surface water that the State Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies have been notified of the discharge, and

2. A written report that shall be submitted to the Regional Water Board within 5 business days of the time the Discharger becomes aware of the discharge. The written report shall contain:

a. The approximate date and time of the discharge;

b. The flow rate and duration of the discharge;

EEC ORIGINAL PKG

c. A description of the noncompliance including the specific type and source of the waste discharges (e.g., overflow from holding pond, rainfall runoff from the manure storage areas, etc.) and the cause of the noncompliance; and

d. The anticipated time to achieve full compliance and a time schedule and a plan to implement necessary corrective actions to reduce, eliminate, and prevent the recurrence of the discharge.

3. The Discharger shall report all intentional or unintentional spills in excess of one thousand (1,000) gallons occurring within the facility to the Regional Water Board in accordance with the above time limits.

E. Flood Protection Monitoring Reports – Applicable to CAFOs that Operate On-site Composting Operations

If significant damage to the flood protection facilities is found, the Discharger shall report this information to the Regional Water Board immediately by telephone, and transmit by letter within 2 weeks of its occurrence the following information:

1. Location and extent of damage;

2. Interim measures to be taken to assure that no wastes are discharged from the facility; and

3. Time schedule for repairs.

F. Revised Nutrient Management Plan Reporting – Applicable to CAFOs that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control

If the Discharger revises the approved NMP, the Discharger shall submit the revised NMP to the Executive Officer at least 90 days prior to implementation of the change with identification of changes from the previous version.

XII. SUMMARY OF MONITORING, RECORD-KEEPING, AND REPORTING REQUIREMENTS

Table E-15 provides a summary of monitoring, record keeping, and reporting requirements contained in the MRP. This table is provided as a tool to facilitate compliance with the monitoring, reporting and record keeping requirements of this Order. This table is not comprehensive. Dischargers must read sections referenced in the "Permit Reference" columns for the details of each requirement summarized in the table.

Table E-15. Summary of Monitoring, Record Keeping, and Reporting Requirements

Permit Reference				Requirement	Monitoring Frequency	Report Due
Order	MRP					
	Monitoring	Records	Reports			

EEC ORIGINAL PKG

Note: This table is provided as a tool to facilitate compliance with the monitoring, reporting, and record keeping requirements of this Order. This table is not comprehensive. Dischargers must read sections referenced in the "Permit Reference" columns for the details of each requirement summarized below.						
I. Monitoring Requirements for All CAFOs						
				Production Area Visual Inspections:		
	IX.B.1	IX.B.1, X.C	XI.C, Att. G	1) Manure, litter, and process wastewater impoundments	Weekly	Annual Report (certification)
	IX.B.1	IX.B.1, X.C		2) Storm water containment structures	During each significant storm event	N/A
	IX.B.1	IX.B.1, X.C		3) Manure and wastewater storage areas and land application areas (note any discharges from the property)	1x/Day during land application events	N/A
	IV.A	IV.A	XI.D, Att. J	Effluent Monitoring - Sample and analyze discharges from the production and land application area (except agricultural stormwater discharges)	1x/Discharge	1) As soon as possible without impeding emergency measures 2) Written report within 5 days
VII.A.2.c				Report changes in ownership or management	As necessary	Prior to change
VII.C.3.c.iv				Report modifications which would result in a change in the quality or quantity of discharges	As necessary	Prior to change
	VIII.A, VIII.B	VIII.A, VIII.B		Sample and analyze surface receiving waters upstream and downstream of the point of discharge from production and land application areas (except agricultural stormwater discharges)	1x/Discharge	1) As soon as possible without impeding emergency measures 2) Written report within 5 days
VII.C.3.c.iii	VIII.C	VIII.C		Ground Water Monitoring (only Dischargers required by the Executive Officer to prepare a ground water monitoring program): 1) Sample and analyze ground water according to the approved monitoring program 2) Determine ground water elevation and gradient	1x/Quarter	In accordance with Discharger's Ground Water Monitoring Program
II. Monitoring Requirements for Dairy, Cattle, Swine, Poultry and Veal Calf CAFOs (Items listed under section I, and the following:)						
				Production Area Visual Inspections:		

EEC ORIGINAL PKG

Permit Reference				Requirement	Monitoring Frequency	Report Due
Order	MRP					
	Monitoring	Records	Reports			
Note: This table is provided as a tool to facilitate compliance with the monitoring, reporting, and record keeping requirements of this Order. This table is not comprehensive. Dischargers must read sections referenced in the "Permit Reference" columns for the details of each requirement summarized below.						
V.C.1	IX.A.1	X.C, Att. I	XI.C, Att. G	1) All water lines, including drinking water or cooling water lines	1x/Day	Annual Report (certification)
	IX.A.1	X.C, Att. I	XI.C, Att. G	2) Storm water diversion devices, 3) Runoff diversion structures 4) Devices channeling contaminated storm water to storage/containment structures 5) Document level in all open surface liquid impoundments	1x/Week	Annual Report (certification)
		X.C		6) Document corrective actions	As necessary	N/A
		X.C		Design documentation for manure, litter, and wastewater storage structures	1x/permit term	N/A
IV.E		X.C		Document animal mortality handling practices	As necessary	N/A
III. Monitoring Requirements for Large CAFOs that Transfer Manure, Litter or Process Wastewater to Other Persons (Items listed under section I, items listed under section II if applicable, and the following:)						
VII.C.5.a		X.A, Att. H	XI.C	Prepare manure tracking manifest	Every manure or process wastewater hauling event	Annual Report (certification)
V.C.2.b.ii VII.C.3.b.iii VII.C.5.a.i	IX.C.1	IX.C.1		Sample and analyze manure, litter, and process wastewater	Annually	N/A
IV. Dischargers that Apply Manure, Litter, or Process Wastewater to Land Under the CAFO's Control (Items listed under section I, items listed under sections II and III if applicable, and the following:)						
V.C.2.b.ii VII.C.3.b.iii	IX.C.1	IX.C.1		Sample and analyze manure, litter, and process wastewater	1x/Year	N/A
V.C.2.b.iii	IX.C.2	X.D		Inspect land application equipment for leaks	Periodically	N/A
V.C.2.b.ii VII.C.3.b.iii	IX.D	IX.D		Soil Monitoring - Sample and analyze soil in the croplands to be used for land application of manure, litter, or process wastewater	1x/5 years	N/A

EEC ORIGINAL PKG

Permit Reference				Requirement	Monitoring Frequency	Report Due
Order	MRP					
	Monitoring	Records	Reports			
Note: This table is provided as a tool to facilitate compliance with the monitoring, reporting, and record keeping requirements of this Order. This table is not comprehensive. Dischargers must read sections referenced in the "Permit Reference" columns for the details of each requirement summarized below.						
V.C.2.a VII.C.3.b.v and xi		X.B X.C		Nutrient Management Plan (NMP): 1) Maintain on-site a current site-specific NMP 2) Maintain on-site documentation of NMP implementation	N/A	NMP submitted by 9/30/2014 or 90 days prior to land application
				Land Application Records:		
VII.C.3.b.v		X.D		1) Document crop and expected yield for each field	Seasonally	N/A
VII.C.3.b.v		X.D		2) Document test methods and sampling protocols used for manure, litter, wastewater, and soil monitoring 3) Document basis for determining application rates used for each field 4) Document total N and P to be applied to each field	1x/Permit Term unless revised	N/A
VII.C.3.b.v		X.D		5) Date of application 6) Method of application 7) Weather conditions at the time of, and for 24 hours before and after application 8) Total amount of N and P and total volume of manure actually applied to each field	Every land application event	N/A
VII.C.3.b.iv(f)		X.D		9) Results of annual calculation of manure, litter, or wastewater to be applied	1x/Year	N/A
VII.C.3.b.xii(a)				NMP revisions	As necessary	Submit revised NMP 90 days prior to implementing the change
V. Dischargers that Operate On-Site Composting Operations (unless covered under separate WDRs) (Items listed under section I, items listed under sections II, III and IV if applicable, and the following:)						
VII.C.3.d.iii				Composting Site Survey required if not previously submitted	Once	Within 90 days of Order effective date

EEC ORIGINAL PKG

Permit Reference				Requirement	Monitoring Frequency	Report Due
Order	MRP					
	Monitoring	Records	Reports			
Note: This table is provided as a tool to facilitate compliance with the monitoring, reporting, and record keeping requirements of this Order. This table is not comprehensive. Dischargers must read sections referenced in the "Permit Reference" columns for the details of each requirement summarized below.						
VII.C.3.d.xi	IX.E	IX.E	XI.C, Att. G	Materials Monitoring: 1) Monitor quantities of manure, greenwaste and fertilizer received from each source. 2) Monitor Quantity of composted material shipped off-site. 3) Estimate quantities of raw materials, in-process inventory and finished compost on-site	1x/Month	Annual Report
VII.C.3.d.xi		X.E		Maintain trucking manifests indicating amounts, dates, and sources/destinations of all incoming/outgoing material	Every hauling event	N/A
VII.C.3.d.xi	IX.F	IX.F	XI.C, Att. G	Flood Protection Monitoring: 1) Inspect all internal and external flood protection facilities associated with composting operations 2) Document erosion control or drainage problems and/or related maintenance	At least quarterly and following each storm generating storm water flow	Annual Report
			XI.E	Flood Protection Monitoring: Report significant damage to the flood protection facilities		Immediately by telephone, Written report within 2 weeks
VII.C.3.d.xi	IX.F	IX.F	XI.C, Att. G	Storm Water Monitoring: Analyze storm water discharges from composting operations	1x/Discharge	Annual Report

EEC ORIGINAL PKG

ATTACHMENT F – FACT SHEET

Table of Contents

I. Permit Information F-3
II. Background F-3
A. Definition of CAFOs F-3
B. General Permit Application and Coverage F-4
C. Description of Discharge F-5
D. Description of Discharge Location F-6
E. Receiving Waters F-8
F. Eligible Discharges F-8
G. Ineligible Discharges F-8
H. Summary of Existing Requirements Under Order R7-2008-0800 ..... F-9
I. Compliance Summary F-9
III. Applicable Plans, Policies, and Regulations F-10
A. Legal Authorities F-10
B. California Environmental Quality Act (CEQA) F-10
C. State and Federal Regulations, Policies, and Plans F-10
D. Impaired Water Bodies on CWA 303(d) List F-16
IV. Rationale For Effluent Limitations and Discharge Specifications F-18
A. Discharge Prohibitions F-24
B. Technology-Based Effluent Limitations F-25
1. Scope and Authority F-25
2. Applicable Technology-Based Effluent Limitations F-26
C. Water Quality-Based Effluent Limitations (WQBELs) F-26
1. Scope and Authority F-26
2. Applicable Beneficial Uses and Water Quality Criteria and Objectives F-27
3. Determining the Need for WQBELs F-27
D. Final Effluent Limitations F-30
1. Satisfaction of Anti-Backsliding Requirements F-30
2. Satisfaction of Antidegradation Policy F-30
3. Endangered Species Act Requirements F-31
E. Interim Effluent Limitations – Not Applicable F-32
F. Land Discharge Specifications – Not Applicable F-32
G. Reclamation Specifications – Not Applicable F-32
V. Rationale for Receiving Water Limitations F-32
A. Surface Water F-32
B. Groundwater F-32
VI. Rationale for Monitoring and Reporting Requirements F-33
A. Effluent Monitoring F-33
B. Receiving Water Monitoring F-33
C. Other Monitoring Requirements F-34
1. Production Area Visual Inspections Applicable to CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves F-34
2. Production Area Visual Inspections Applicable to All CAFOs F-34
3. Manure, Litter, and Process Wastewater Monitoring – Applicable to CAFOs that Land Apply Manure, Litter, or Process Wastewater and to Large CAFOs that Transfer Manure, Litter or Process Wastewater to Other Persons F-34
4. Soil Monitoring – Applicable to CAFOs that Land Apply Manure, Litter, or Process Wastewater F-34

EEC ORIGINAL PKG

5. Materials Monitoring – Applicable to CAFOs that Operate On-site Composting Operations F-34
6. Flood Protection and Storm Water Monitoring – Applicable to CAFOs that Operate On-site Composting Operations F-35
D. Record Keeping Requirements F-35
VII. Rationale for Provisions F-35
A. Standard Provisions F-35
B. Special Provisions F-35
1. Reopener Provisions F-35
2. Best Management Practices and Pollution Prevention F-36
3. Construction, Operation, and Maintenance Specifications F-38
4. Other Special Provisions F-38
VIII. Public Participation F-38
A. Notification of Interested Parties F-39
B. Written Comments F-39
C. Public Hearing F-39
D. Reconsideration of Waste Discharge Requirements F-39
E. Information and Copying F-40
F. Register of Interested Persons F-40
G. Additional Information F-40

EEC ORIGINAL PKG

ATTACHMENT F – FACT SHEET

As described in section I of the proposed Order, the Regional Water Board incorporates this Fact Sheet as findings of the Regional Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

The proposed Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this Discharger.

I. PERMIT INFORMATION

On September 27, 1995, the Board adopted Order 95-700, General Waste Discharge Requirements for Concentrated Animal Feeding Operations (CAFOs) including dairies, within the Colorado River Basin Region (NPDES No. CAG017001). Order 95-700 consolidated all requirements for CAFOs, including those for storm water runoff, into a single permit. For all CAFOs, once enrollment was granted under that Order, other permits issued by the Regional Water Board and enrollment under State Water Resources Control Board General Industrial Storm Water Permit (State Water Board Order 91-03-DWQ) were terminated. On March 14, 2001 the Regional Water Board adopted Order 01-800, superseding Order 95-700. Order 01-800 satisfied the criteria cited in 40 C.F.R. § 122.28 and, as such, served as a General National Pollutant Discharge Elimination System (NPDES) Permit.

On June 25, 2008, the Regional Water Board adopted Order R7-2008-0800, which superseded Order 01-800. To date, 31 CAFOs have been enrolled under Order R7-2008-0800, which will expire on June 25, 2013. Some of the CAFOs currently enrolled under Order R7-2008-0800 want to continue to discharge wastes. Therefore, it is necessary to renew the Waste Discharge Requirements contained in Order R7-2008-0800. The proposed Order replaces Order R7-2008-0800.

For the purposes of the proposed Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

II. BACKGROUND

A. Definition of CAFOs

On July 30, 2012, U.S. Environmental Protection Agency (USEPA) published revisions to its Clean Water Act (CWA) regulations for CAFOs. The references to Parts 122, 123, and 412, title 40 of the Code of Federal Regulations below incorporate the revisions that are part of the final rule.

40 C.F.R. § 122.23 defines an animal feeding operation (AFO) as an operation where animals have been, are, or will be confined and fed for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area. 40

EEC ORIGINAL PKG

C.F.R. § 122.23 defines a CAFO as any AFO that either meets a certain animal population threshold (and, for Medium CAFOs, specific discharge criteria), or, regardless of population, is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority. The CWA states that all CAFOs are point sources, and thus are subject to NPDES permitting requirements. When considering the designation of an AFO as a CAFO as a result of being a significant contributor of pollutants, the appropriate authority (the Regional Water Board is an appropriate authority) must consider certain factors. These factors include, in part, the location of the AFO relative to surface waters, the slope, rainfall and other factors that increase the likelihood or frequency of discharges, and the impact of the aggregate amount of waste discharged from multiple AFOs in the same geographic area.

The existing Order R7-2008-0800 designated all AFOs, including all feedlots, dairies, heifer ranches, calf nurseries, and other similar facilities in the Region as CAFOs, making them subject to NPDES requirements. As noted in section II.A.6, and consistent with the 2012 revisions to the federal CAFO regulations, the proposed Order addresses discharging CAFOs, except as noted in section II.B, Exclusion of Coverage. The Regional Water Board has determined that all existing enrollees confine more than the threshold number of animals to meet the definition of a Large CAFO at 40 C.F.R. § 122.23(b)(4). New Notices of Intent (NOIs) will be evaluated on a case-by-case basis to determine whether the facilities meet the regulatory CAFO definitions or should be designated as CAFOs under the CWA.

Criteria cited in 40 C.F.R. § 122.28 state that general permits may be issued for facilities 1) involving the same or substantially similar types of operations; 2) discharging the same types of wastes; 3) having the same or similar operating conditions; 4) requiring the same or similar monitoring; and 5) that are more appropriately regulated under a general permit rather than individual permits. The types of wastes and appropriate waste discharge requirements for dairies and related facilities are similar. Given this, the CAFOs in the Region can be adequately and appropriately regulated by coverage under the terms of a general waste discharge permit.

Since 1995, the Regional Water Board has adopted a general Order in 1995, 2001, and 2008; adoption of Order R7-2013-0800 is necessary to continue oversight of the CAFOs within the Region.

B. General Permit Application and Coverage

The purpose of the proposed Order is to facilitate regulation of discharges from CAFOs. To obtain coverage under this Order, the Discharger shall submit the first annual fee, an NOI, and an Engineered Waste Management Plan (EWMP). Signing the certification on the NOI signifies the Discharger intends to comply with the provisions of this Order. An NOI must be signed to be valid.

Existing enrollees (under Order R7-2008-0800) are required to re-submit NOIs for coverage under the proposed Order. Existing enrollees are not required to re-submit EWMPs that have already been submitted under Order R7-2008-0800 if those EWMPs still accurately reflect the CAFO's current operating conditions. Dischargers that apply manure, litter, or process wastewater to land under their control must submit a Nutrient

EEC ORIGINAL PKG

Management Plan (NMP) that addresses the period of time the CAFO will be covered under the permit and that meets the applicable requirements of sections V.C.2 and VII.C.3.b of the proposed Order. The NMPs previously submitted under Order R7-2008-0800 do not meet these criteria and therefore must be revised and re-submitted.

C. Description of Discharge

Dairies, feedlots, and other operations that concentrate animals in a confinement area are high profile operations that generate large volumes of wastes that can impact both ground and surface water if not managed properly. Examples of CAFO wastes include manure, washwater[1] containing manure, water used to flush manure from barns and other confinement areas, stormwater runoff from manured areas, or other process wastewater. Overflow from waterers in the animal confinement areas is not considered to be a process waste stream where the overflow is captured and conveyed away from the confinement areas in an enclosed system such that the overflow does not come into contact with manure, feed or other raw materials, and the water has not come into contact with animals in the production area, other than that contact necessary for the animals' drinking (i.e., animals did not contact the water in any way that would cause manure or other wastes to be added to the water). During a previous permit term, the Regional Water Board issued a letter, dated July 11, 2001, to the enrollees that stated, "It has been determined that a facility that has overflow pipes in its drinkers which take the water through an underground piping system and discharges this water off-site, is not in violation of Order 01-800, given this water continues to have no contact with the pens themselves." The Regional Water Board has considered such discharges to be low-threat discharges, in other words, they are liquid wastes containing pollutant concentrations that are not expected to adversely impact the quality of waters of the State under ambient conditions.

CAFO wastes are typically high in ammonia, bacteria and organic matter. Stormwater runoff from manured areas also contains high concentrations of organic materials, salt (primarily total dissolved solids), phosphorus, and nitrates. In surface waters the ammonia and nitrate are highly toxic to aquatic organisms, nutrient enrichment can cause algal blooms which increase the amount of decaying organic matter in surface water, decay of organic matter from manure or algal blooms reduces the oxygen content of the water, and the bacteria poses a threat to the beneficial uses of the water. Stormwater runoff from composting operations can contain constituents similar to those found in stormwater runoff from manured areas at CAFOs. Stormwater runoff from composting operations at CAFOs can also contain other constituents depending on the amendments and additives used in the operation, which may include lime, rock phosphate, gypsum, or sulfur. Proper management of these waste streams is essential to protect the ground and the surface water resources of the Region. Section 402(p) of the CWA, as amended by the Water Quality Act of 1987 and the related regulations published by the USEPA on November 16, 1990 (40 C.F.R. parts 122 [revised on February 12, 2003], 123 and 124), requires an NPDES permit for pollutant discharges from CAFOs. The USEPA's Effluent Guidelines and Standards for Feedlots are contained in 40 C.F.R. part 412 (revised February 12, 2003, February 10, 2006, and

[1] Water used to wash cows prior to milking, milking equipment and the milk barn.

EEC ORIGINAL PKG

November 20, 2008). At present, 31 CAFOs exist within the Colorado River Basin Region. Most of these facilities are feedlots, with the exception of four dairies.

Manure analyses submitted by existing enrollees between 2008 and 2013 are summarized below:

Summary of Colorado River Basin Region CAFO manure nutrient analyses (all results are reported on a dry weight basis)

	Ammonia Nitrogen	Total Kjeldahl Nitrogen[a]	Total Phosphorus	Sodium[b]
No. of samples[c]	15	14	18	5
	Summary of Results (lbs/ton, dry weight basis)			
Minimum	0.1	36.7	9.2	19.6
Maximum	51.8	54.8	25.4	28.8
Median	8.3	48.1	18.2	24.4

a. Where available, reported Total Nitrogen results were substantially the same as those for TKN.
b. Provided as a proxy for salts/TDS.
c. Order R7-2008-0800 does not require reporting for manure analytical results; therefore, data are available only where they were requested or otherwise submitted to the Regional Water Board. Results that were not reported on a dry weight basis or did not provide adequate information (i.e., % moisture) to convert to a dry weight basis were not included.

Using the latest available animal population data for existing enrollees and national average values for manure generation and solids content provided in the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Agricultural Waste Management Field Handbook (Chapter 4, March 2008), it is estimated that CAFOs in the Region generate in excess of 1,000 tons of manure/day (dry weight basis). In general, the storage and land application of manure or process wastewater could result in the discharge of nutrients and salts that have the potential to adversely impact the quality of groundwater and surface water. This is particularly so if the CAFO facilities (e.g., waste ponds) are within the influence of a tilewater drainage system, or there is insufficient separation between the bottom of the pond and first encountered groundwater, or the wastes are applied to land at agronomic rates that exceed crop demand or soil needs. As described in the following sections, based on existing conditions in the Imperial Valley and the requirements of the proposed Order, the above conditions are not common to the CAFOs that will be authorized to discharge under this Order.

D. Description of Discharge Location

The CAFOs in the Region are located in the Imperial Valley. The climate of the Imperial Valley is typical of a desert area and is characterized by hot, dry summers, occasional thunderstorms, and gusty high winds with sandstorms. It is one of the most arid areas in the United States with an average annual rainfall of less than three (3) inches, and temperatures in excess of 100ºF for more than 100 days per year. The average January temperature is 54ºF, and the average July temperature is 92ºF. Evapotranspiration rates for Imperial Valley can exceed 7 ft/yr, and in hot summer months can be one-third of an inch per day.

Imperial Valley soils are formed in stratified alluvial materials and vary greatly in texture and layer thickness. Many soils are affected by soluble salts, and drainage is a problem

EEC ORIGINAL PKG

in the irrigated areas. These poorly drained areas are serviced by a system of underground drain lines ("tile lines") to manage soil salinity and water content. Irrigation water that has percolated through the soil, known as tilewater, is collected in the tile lines beneath the fields, and is discharged to surface drainage canals by gravity flow or a sump system. The surface drains discharge their flow mainly into the Alamo River or the New River, which are the two main tributaries of the Salton Sea. Some drains also discharge their flow directly into the Salton Sea. The drains, Alamo and New Rivers, and the Salton Sea are waters of the United States.

The main irrigated farming areas and existing CAFOs are located in the central portion of the Imperial Valley (central Imperial Valley) on the lakebed floor between the international boundary on the south and the Salton Sea on the north. The central Imperial Valley is nearly level with a slope toward the Salton Sea of nearly 0.1 percent. The slope from the east and west edges to the center is approximately 0.3 percent. The fine- and moderately fine-textured lakebed sediments are the parent materials of the Glenbar, Holtville, and Imperial soils and the underlying layers of the Meloland and Niland soils. Windblown and river channel silts and sands deposited on the lakebed are the sources of Indio, Vint, and Rositas soils and the surface layer of the Meloland soils.

The central Imperial Valley contains five primary map units that range from well drained to poorly drained:

- Imperial (nearly level, moderately well drained silty clay);
- Imperial-Holtville-Glenbar (nearly level, moderately well drained and well drained silty clay, silty clay loam, and clay loam);
- Meloland-Vint-Indio (nearly level, well-drained fine sand, loamy very fine sand, fine sandy loam, very fine sandy loam, loam and silt loam);
- Niland-Imperial (nearly level, moderately well drained gravelly sand, fine sand, silty clay, and silty clay loam, along the northeastern edge of the central Imperial Valley around the town of Niland and along the western edge of the irrigated area); and
- Fluvaquents (nearly level, poorly drained soils of undifferentiated texture, along the edge of the Salton Sea)

Approximately 480,000 acres in the Imperial Valley are considered farmable with irrigation. First encountered groundwater in the Imperial Valley typically has a relatively high salinity (i.e., total dissolved solids [TDS] concentrations range from 700 to over 15,000 mg/l). Perched groundwater can be found a few feet below the surface adjacent to unlined irrigation canals and drains, the New River, the Alamo River, and where land is currently used in agricultural production. A confined aquifer is located from approximately 80 feet below ground surface (BGS) to 450 feet BGS. A second confined aquifer is present below this; the two aquifers are separated by a low permeability aquitard that ranges in thickness from 60 to 280 feet.

EEC ORIGINAL PKG

E. Receiving Waters

The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), which was adopted on November 17, 1993, and amended on November 16, 2012, designates the beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan (including amendments adopted by the Regional Water Board to date). The proposed Order specifies requirements necessary to meet the water quality objectives and protect the beneficial uses specified in the Basin Plan.

F. Eligible Discharges

The following types of CAFOs located within the Colorado River Basin Region are eligible for coverage under this permit:

- New and existing horse, sheep, and duck CAFOs established after February 14, 1974 (note that there are no known existing horse, sheep, or duck CAFOs in the region).
- New and existing CAFOs that confine dairy cows and cattle other than veal calves.
- New and existing CAFOs that confine swine, poultry, and veal calves (note that there are no known existing swine, poultry, or veal calf CAFOs in the region).

G. Ineligible Discharges

Consistent with 40 C.F.R. § 122.23(d), AFOs that do not discharge to waters of the United States are not required to obtain authorization under the proposed Order. In addition, precipitation-related discharges from a CAFO's land application area that are composed entirely of agricultural stormwater, as defined in 40 C.F.R. § 122.23(e), are not subject to the requirements of the proposed Order. Order R7-2008-0800 designated all AFOs over a certain animal threshold as CAFOs based on their potential to be significant contributors of pollutants to waters of the United States and required all of those CAFOs to obtain authorization under the permit. After adoption of Order R7-2008-0800, the federal regulations were revised (on November 20, 2008, in response to the Second Circuit Court of Appeals' decision in *Waterkeeper Alliance et al. v. EPA* and again on July 30, 2012, in response to the Fifth Circuit Court of Appeals' decision in *National Pork Producers Council v. EPA*) to clarify that CAFOs cannot be required to obtain permit coverage for "potential" or "proposed" discharges. Consistent with those revisions, only CAFOs with actual discharges are required to obtain coverage under this permit.

Duck, horse, and sheep CAFOs established prior to February 14, 1974, are not eligible for coverage under the proposed Order because the effluent limitation guidelines (ELGs) applicable to these facilities are different than the effluent limitations established in the proposed Order. Therefore, according to NPDES regulations at 40 C.F.R. § 122.28 that provide for the issuance of general permits and Section 13263 of the California Water Code (CWC) that authorizes the Regional Water Board to prescribe general waste discharge requirements, it is not appropriate to regulate these facilities

EEC ORIGINAL PKG

under the proposed Order. The Regional Water Board is not aware of the existence of any duck, horse, or sheep CAFOs established prior to 1974 in the Region.

H. Summary of Existing Requirements Under Order R7-2008-0800

Order R7-2008-0800, which the proposed Order replaces, prohibited discharges to surface waters other than from facilities 1) designed, constructed and maintained to contain process wastewater, including runoff and direct precipitation resulting from a 25-year, 24-hour storm event, or, for new poultry, swine, and veal calf CAFOs, from a 100-year, 24-hour storm event, and 2) in compliance with additional measures and records for production areas. In addition, Order R7-2008-0800 required the Dischargers to develop and implement an EWMP, including specific requirements with regard to pond construction and maintenance, dead animal disposal, and land application rates. The existing Order also included specific requirements for maintaining adequate storage (including operation and maintenance of storage structures), diverting clean water from production areas, and properly handling mortalities and chemicals. Order R7-2008-0800 also required Dischargers that land-apply manure, litter, or process wastewater to submit an NMP, including specific requirements for conservation practices, manure and soil testing, protocols for nutrient management, and record keeping. Order R7-2008-0800 also required the Dischargers to submit an annual self-monitoring report. These requirements are continued in Order R7-2013-0800.

I. Compliance Summary

All of the existing Enrollees under Order R7-2008-0800 were inspected during the week of March 9, 2009. Twenty-seven (27) of the 31 existing Enrollees have been re-inspected at least once since the initial round of inspections under Order R7-2008-0800. Based on the latest inspection report and information contained in the Regional Water Board's permit file for each facility, 12 of the CAFOs enrolled under Order R7-2008-0800 are in compliance with all of the requirements of that Order; four of the existing Enrollees are currently idle (not in operation). The four facilities that are currently not in operation are still required to prepare an annual report or submit a Notice of Termination. Common deficiencies noted for the 15 remaining facilities and the four facilities not in operation include:

- Incomplete manure nutrient analyses
- EWMP incomplete or out of date
- Depth marker not installed or marked as required
- Weekly visual production area inspections not recorded

Of the facilities with incomplete EWMPs, the most common deficiencies were inadequate demonstration that the facility maintains the required wastewater storage capacity in the impoundments and that the impoundments are protected from flood inundation and washout.

EEC ORIGINAL PKG

The Regional Water Board sent letters to all of the facilities that were inspected. All of the facilities that are out of compliance with the existing Order are currently taking action to come into compliance with the Order.

None of the existing Enrollees have reported discharges or overflows from their facilities.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by USEPA and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from CAFOs to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA, commencing with Section 21100 of Division 13 of the Public Resources Code.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Quality Control Board (Regional Water Board) adopted a Water Quality Control Plan for the Colorado River Basin (hereinafter Basin Plan) on November 17, 1993 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan (including amendments adopted by the Regional Water Board to date). In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The existing and potential beneficial uses of the various surface waters that could be impacted by the discharge of CAFO wastes in the Colorado River Basin Region include one or more of the following:

   - Agricultural supply (AGR)
   - Aquaculture (AQUA)
   - Cold freshwater habitat (COLD)
   - Freshwater replenishment (FRSH)
   - Ground water recharge (GWR)
   - Hydropower generation (POW)
   - Industrial service supply (IND)

EEC ORIGINAL PKG

- Municipal and domestic supply (MUN)
- Non-contact water recreation (REC-II)
- Preservation of rare, threatened, or endangered species (RARE)
- Warm freshwater habitat (WARM)
- Water contact recreation (REC-I)
- Wildlife habitat (WILD)

The existing and potential beneficial uses of groundwater that could be impacted by the discharge of CAFO wastes within the Colorado River Basin Region include one or more of the following:

- Agricultural supply (AGR)
- Industrial service supply (IND)
- Municipal and domestic supply (MUN)[2]

Requirements of this Order implement the Basin Plan.

2. **Storm Water Requirements.** USEPA promulgated Federal Regulations for storm water on November 16, 1990 in 40 C.F.R. parts 122, 123, and 124. CAFOs are applicable industries under the storm water program and are obligated to comply with the Federal NPDES regulations for industrial stormwater discharges. On April 17, 1997, the State Water Board adopted the General Industrial Storm Water Permit, State Water Board Water Quality Order 97-03-DWQ, NPDES No. CAS000001. State Water Board Water Quality Order 97-03-DWQ implements the final federal regulation for storm water runoff published by the USEPA in compliance with section 402(p) of the CWA. The proposed Order, like the existing Order R7-2008-0800, includes those provisions of the General Industrial Storm Water Permit that pertain to CAFOs and CAFOs that conduct composting activities classified under Standard Industrial Classification category 287X. Once a Discharger was authorized to discharge under Order R7-2008-0800, coverage under the State Water Board's General Industrial Storm Water Permit (State Water Board Water Quality Order 97-03-DWQ) will be terminated. In the event that the permitted facility has storm water discharges associated with non-CAFO or non-composting industrial activities regulated under State Water Board's General Industrial Storm Water Permit, the Discharger shall submit a NOI and/or maintain coverage under that Order.

3. **Endangered Species Act.** The proposed Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code section 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C. Sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other

[2] At such time as the need arises to know whether a particular aquifer which has no known existing MUN use should be considered as a source of drinking water, the Regional Water Board will make such determination based on criteria listed in the "Sources of Drinking Water Policy" in Chapter 2 of the Basin Plan. An "X" placed under the MUN in Table 2-5 of the Basin Plan for a particular hydrologic unit indicates only that at least one of the aquifers in that unit currently supports a MUN beneficial use. The actual MUN usage of the Imperial hydrologic unit is limited only to a small portion of that ground water unit.

EEC ORIGINAL PKG

requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

4. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

5. **Antidegradation Policy.** 40 C.F.R. § 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires discharges to waters of the State be regulated to achieve the "highest water quality consistent with maximum benefit to the State." It also establishes the intent that where waters of the State are of higher quality than that required by state policies, including Water Quality Control Plans, such higher quality "shall be maintained to the maximum extent possible" unless it is demonstrated that any change in quality will be consistent with maximum benefit to people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in plans and policies (e.g., violation of any water quality objective). The discharge is also required to meet waste discharge requirements that result in the best practicable treatment or control necessary to assure that pollution or nuisance will not occur, and that the highest water quality consistent with maximum benefit to the people will be maintained.

   The CAFOs that will be regulated under the proposed Order are in the central Imperial Valley. Average annual precipitation in the Imperial Valley is insignificant (< 3 inches/year). The receiving waters for discharges from existing CAFOs include the New and Alamo Rivers and Imperial Valley Drains.

   The New River is an effluent dominated surface water that exclusively carries discharges from several wastewater treatment plants, agricultural returns flows from approximately 30 Imperial Valley drains, and wastes from Mexicali, Mexico. The drains discharge tilewater and tailwater from Imperial Valley farmlands. The wastes from Mexico include agricultural runoff (tailwater), partially treated and untreated Municipal and Industrial wastewater, storm water, and urban runoff from the Mexicali Valley.

   Tailwater is irrigation water that does not percolate into the soil, and exits the lower end of the field into a drain. Tailwater tends to erode fields and thus acquire silt and sediments as it crosses and exits a field. Tilewater is water that has percolated through the soil, but is not absorbed by crops. Tilewater flushes salts from the soil; Imperial Irrigation District estimates the typical total dissolved solids (TDS)

EEC ORIGINAL PKG

concentration for the shallow perched groundwater that is drained through the tile lines to be approximately 5,000 ppm. This highly saline water accumulates in tile lines beneath the fields, wherein it is transported to drains by gravity flow or a sump system. The wastes from Mexico also contain pollutants (e.g., pathogens, trash, VOCs, pesticides, nutrients, raw sewage, BOD, and metals) that impair the river's beneficial uses. Consequently, "background" water quality in the New River is difficult to establish for the purpose of conducting a typical antidegradation analysis. In other words, the river has historically contained "background" water from farmland and Mexico that contain pollutants at concentrations that violate certain Basin Plan water quality objectives for those pollutants and adversely impact beneficial uses—in particular pesticides, silt/sediment, organics, nutrients, pathogens, metals, trash, and toxicity. As discussed in section III.D of this Fact Sheet, the Alamo River, which also receives highly saline water from tile drains, and the Imperial Valley Drains, are impaired by a number of chemical constituents and a sedimentation/siltation TMDL has been developed for each. The agricultural return flows from the Imperial Valley is essentially free of BOD and fecal coliform bacteria and have pH well within the receiving water quality objective of 6.0 to 9.0 pH Units for the Alamo River.

Data on the concentrations and loads of nutrients, pathogens, sediment, and other constituents in discharges from CAFOs in the Imperial Valley are not available. Enrollees under existing Order R7-2008-0800 are required to monitor production area and land application area discharges; however, no discharges have been reported from the CAFOs currently covered under the permit and consequently, analytical monitoring data have not been collected.

Discharges to Surface Waters. Discharges from production areas at CAFOs are allowed only from properly designed, constructed, operated and maintained facilities as the result of a large storm event. The majority of facilities covered under the proposed Order will be subject to a 25-year, 24-hour storm storage design standard for the production area based on best practicable control technology currently available (BPT) and best available technology economically achievable (BAT). Other CAFOs may be subject to more stringent design standards based on new source performance standards (NSPS). The 25-year, 24-hour storm event for Imperial County locations ranges from approximately 2 to 3 inches of precipitation in a 24-hour period. Since 1995, when the first permit was issued for CAFOs in the Region, National Climatic Data Center weather stations in the Imperial Valley (Brawley and El Centro) have not recorded 24-hour rainfall totals exceeding 2 inches per day. Production area discharges are likely to contain nitrogen, phosphorus, BOD, and potentially pathogens. Based on the infrequency of such discharges and the fact that they would occur only during very large storm events, such discharges are not expected to result in water quality less than prescribed in the Basin Plan.

Discharges from land application areas are controlled by the requirements to develop NMPs and implement BMPs to limit runoff of nutrients and other pollutants to surface waters. All CAFOs that land apply manure are required to submit revised NMPs that conform to the requirements of the proposed Order. The Order

EEC ORIGINAL PKG

requires implementation of site-specific conservation practices to control nutrient transport to surface waters. In addition, each land application site must be evaluated using the California Phosphorus Index to assess and mitigate the risk of phosphorus transport from the field to surface waters. Finally, the Order requires incorporation of surface-applied manure, which minimizes exposure of nutrients and pathogens to runoff that can transport pollutants to surface waters. Where manure incorporation is not feasible, the Order requires containment of runoff that has contacted the applied manure. The BPT and BAT limits in the proposed Order, in combination with NMP requirements, Technical Standards for Nutrient Management (Attachment C), and other required BMPs, will minimize discharges of nutrients, sediment, and pathogens from land application areas and prevent further degradation of water quality.

Discharges to Groundwaters. Storage of wastewater at CAFOs and application of CAFO-generated manure and wastewater to land have the potential to contribute pollutants to groundwater under certain conditions. In general, the highest potential for groundwater contamination from livestock agriculture occurs where soils are coarse-textured, groundwater is shallow, and precipitation is heavy. None of these conditions exist in the Imperial Valley. Daily average rainfall totals for the period of record (1951 to present) are less than 0.1 inches for every day of the year (with many days showing no recorded rainfall). According to the California Division of Water Resources, the Imperial Valley Ground Water Basin is confined under as much as 80 feet of fine-grained low permeability prehistoric lake deposits. Finally, although poorly permeable soils support development of a perched water table that may be within a few feet of the surface in some areas, well data suggest that the depth of the groundwater aquifer is at least 46 feet. The perched water table is the result of canal and irrigation water seepage and is not suitable for domestic or municipal use.

NRCS, California's Conservation Practice Standard Code 313 (CPS 313) identifies a target maximum specific discharge (unit seepage) from liquid waste storage facilities of 1×10^{-6} $cm^3/cm^2/sec$. and establishes criteria for siting, investigation, and design of liquid waste storage facilities (NRCS, CA 2007). The criteria assigns risk and vulnerability ratings (very high, high, moderate, and slight) for groundwater contamination based on soil characteristics, highest anticipated groundwater elevation, distance from public or domestic drinking water supply wells (and whether the well is pumping from a confined or unconfined aquifer), and whether or not the site is located in a recharge area for a sole source aquifer. CPS 313 recommends siting and construction solutions ranging from "liner not required" for sites with low risk and low vulnerability to "evaluate other storage alternatives" for sites with very high risk and all vulnerability ratings (low to very high).

Ten of the existing Enrollees' sites were evaluated relative to the CPS 313 siting criteria using soil survey data available from NRCS and other information in the Regional Water Board's permit files. The 10 facilities were selected to represent the geographic distribution of CAFOs throughout the Imperial Valley. The eastern- and western-most facilities were included in the evaluation as those facilities are closest to the known groundwater recharge areas in the valley. All of the sites

EEC ORIGINAL PKG

evaluated were rated slight risk (the lowest possible risk rating) and moderate vulnerability for groundwater impacts from liquid waste storage facilities. The vulnerability rating is based on an assumption that the underlying confined aquifer is 46 feet below ground surface (the highest elevation indicated by available data). The vulnerability rating drops to low if the groundwater is 50 feet below ground surface. For sites rated slight risk, low vulnerability, CPS 313 indicates that a waste storage facility may be constructed with no liner. For sites rated slight risk, moderate vulnerability, the standard indicates further evaluation of the need for a liner. However, the proposed Order includes liner requirements for retention ponds based on Title 27. All excavated manure impoundments at CAFOs enrolled under the existing Order R7-2008-0800 are lined with the natural soil of the valley (alluvial fan composed mainly of clay).

The soil reports for the primary and secondary soils underlying the same ten CAFOs were reviewed for suitability for construction of sewage lagoons. According to the NRCS soil reports, the Imperial-Glenbar silty clay loams, wet and Imperial silty clay, wet soils have no limitations for sewage lagoons. These soil map units have slow permeability, adequate depth to the water table, and are considered low risk for seepage of lagoon pollutants into the water table. These soils comprise the primary and secondary soil types underlying 5 of the 10 facilities evaluated and the primary soil types underlying 3 additional facilities. Holtville silty clay, wet and Indio-Vint complex are the primary soil types underlying the 2 remaining CAFOs evaluated. These and Meloland find sand are also the secondary soil type at 3 of the CAFOs. These three soils have limited suitability for sewage lagoons. NRCS identifies permeability rates greater than 2 inches per hour as the limiting factor for sewage lagoons. However, in each case the soil map units are co-located with Imperial-Glenbar silty clay loams, wet and Imperial silty clay, wet soils and NRCS also classifies these soils as unsuitable for activities involving rapid infiltration. In addition, existing Imperial Valley CAFO wastewater storage areas have been in use for many years. Research has shown that manure will seal the soil of an earthen-lined lagoon, achieving a seepage rate equivalent to 1×10^{-6} cm/sec or lower, in as few as 30 days, with sealing occurring more rapidly in clay soils such as those found in the central Imperial Valley.[3] The Regional Water Board, therefore, believes that the wastewater storage structures currently in use at the existing Imperial Valley CAFOs are sealed with manure, located in suitable soils, or both.

For land application areas, the proposed Order requires use of the California Nitrate Leaching Index to evaluate and, where necessary, mitigate the risk of nitrate movement below the root zone.

High TDS concentrations in the groundwater underlying the Imperial Valley are relatively well documented, making the groundwater unsuitable for domestic uses

[3] For example:
Roswell, J.G. M.H. Miller, and P.H. Groenevelt. 1985. *Self-Sealing of Earthen Liquid Manure Storage Ponds: II. Rate and Mechanism of Sealing.* J. Environ. Qual. 14:539-543.
Cihan, A. J.S. Tyner, and W.C. Wright. 2006. *Seal Formation Beneath Animal Waste Holding Ponds.* Trans. ASABE 49(5):1539-1544.

EEC ORIGINAL PKG

without treatment. Comprehensive data on groundwater nitrogen and pathogen concentrations are not available. Limited data have shown low levels of nitrate in the underlying aquifer, suggesting that the aquifer is not significantly impacted by leaching of livestock waste.

Based on the regional geology, likely depth to groundwater, and characteristics of the soils underlying CAFOs in the region in combination with the liner requirements and required nitrate leaching risk assessment of the proposed Order, the Regional Water Board finds that the CAFOs enrolled under the proposed Order will not discharge to the groundwater aquifers underlying the Imperial Valley.

Based on the foregoing, the discharge, as permitted herein, is consistent with Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

   The proposed Order establishes effluent limits, prohibitions, and permit conditions for discharging CAFOs to protect surface and ground water resources. The existing Order R7-2008-0800 required permit coverage for all CAFOs, consistent with the NPDES regulations that were in place when that Order was adopted. As clarified by the 2008 and 2012 revisions to the federal CAFO regulations, CAFOs that do not discharge to waters of the United States are not required to be covered under NPDES permits. The non-NPDES provisions of the proposed Order comprise primarily Title 27 requirements for confined animal facilities and requirements for CAFOs with on-site composting operations. The Title 27 requirements not implemented solely through permits will continue to apply to confined animal facilities in the region. CAFOs with on-site composting operations that are not covered under the proposed Order will be required to apply for coverage under a permit that authorizes discharges from on-site composting operations.

   Other non-NPDES provisions of the proposed Order include Receiving Water Limitations, which do not apply to non-discharging facilities, and EWMP requirements. The function of an EWMP is primarily to ensure that the waste handling and containment systems at the CAFO are properly designed and constructed to ensure the facility will meet the permit effluent limitations. The existing Enrollees have developed and implemented EWMPs. Existing, non-discharging, CAFOs that elect to discontinue permit coverage will still maintain system components that meet the design and construction requirements of the EWMP.

D. Impaired Water Bodies on CWA 303(d) List

The 2010 USEPA CWA Section 303(d) list of impaired waters (hereinafter 303(d) List) classifies the Imperial Valley Drains as impaired by chlordane, dieldrin,

EEC ORIGINAL PKG

Dichlorodiphenyltrichloroethane (DDT), endosulfan, Polychlorinated biphenyls (PCBs), toxaphene, and selenium. Further, sedimentation/silt had previously been listed as a pollutant impairing Imperial Valley Drains; a sedimentation/siltation Total Maximum Daily Load (TMDL) for the Imperial Valley Drains has been approved by USEPA. The sedimentation/siltation TMDL does not establish a WLA for discharges from CAFOs, however, it requires point sources not to exceed total suspended solids limit specified under 40 CFR 122. The permit is in compliance with the requirements of 40 CFR 122.23. Monitoring for TSS is required during each discharge event. The proposed Order includes effluent monitoring requirements for TSS. Imperial Valley Drains discharge to two (2) major waterbodies, the New River and the Alamo River.

The 2010 USEPA CWA Section 303(d) list of impaired waters (hereinafter 303(d) List) identifies the New River as impaired by the following chemical constituents: chlordane, chlorpyrifos, copper, dichlorodiphenyltrichloroethane (DDT), diazinon, dieldrin, hexachlorobenzene, mercury, nutrients, organic enrichment/low dissolved oxygen, polychlorinated biphenyls (PCBs), pathogens, sediment, selenium, toxaphene, toxicity, trash, and zinc. The New River Dissolved Oxygen TMDL was adopted by the Regional Board in May 2010, and was approved by USEPA on April 27, 2012. CAFOs were considered in the staff report and there no WLA for CAFOs. The New River is also listed as impaired for bacteria and sediment / siltation. USEPA has approved the Regional Water Board's TMDLs for these parameters; it requires point sources not to exceed total suspended solids limit specified under 40 CFR 122. The permit is in compliance with the requirements of 40 CFR 122.23. The bacteria TMDL establishes waste load allocations (WLAs) for fecal coliform, E. coli, and enterococci that apply to all NPDES-permitted facilities, including CAFOs, in the watershed. The established effluent limitations and BMPs in the proposed Order comply with the WLAs established in the New River TMDL. The staff report for the New River Pathogens requires the CAFOSs to maintain compliance with the existing Board Order R7-2008-0800 and for continuing monitoring and surveillance by Regional Water Board staff. The permit is in compliance with this requirement. A Trash TMDL for the New River has been approved by the Regional Water Board and State Water Board, the Office of Administrative Law, and USEPA. The TMDL essentially establishes a prohibition on the discharge of any trash to the New River by point sources. The proposed Order prohibits discharges of trash to the New River.

The 303(d) List identifies the Alamo River as impaired by the following chemical constituents: chlorpyrifos, DDT, dieldrin, PCBs, selenium, and toxaphene. The Alamo River Sedimentation/Siltation TMDL was adopted by the Regional Board on June 27, 2001. The TMDL was approved by the State Board on February 19, 2002; by the Office of Administrative Law (OAL) on May 3, 2002; and by USEPA on June 28, 2002. The Alamo River Sedimentation/Siltation TMDL does not establish waste load allocations for CAFOs, it requires point sources not to exceed total suspended solids limit specified under 40 CFR 122. . The permit is in compliance with the requirements of 40 CFR 122.23.

EEC ORIGINAL PKG

The 2010 USEPA CWA Section 303(d) List classifies segments of the Coachella Valley Storm Water Channel as impaired by DDT (Dichlorodiphenyltrichloroethane), dieldrin, PCBs (Polychlorinated biphenyls), pathogens and toxaphene. A TMDL has not yet been developed for DDT, dieldrin, PCBs, and toxaphene.

On May 20, 2010, the Regional Water Board adopted Resolution No. R7-2010-0027 amending the Basin Plan to revise water quality objectives for bacteria for a 17-mile reach of the Coachella Valley Storm Water Channel by removing two of the three bacterial indicators of enterococci and fecal coliform, and leaving Escherichia coli (*E. coli*) as the sole indicator of pathogen impairment. On December 6, 2011, the State Water Board adopted Resolution No. 2011-0060, approving the Basin Plan Amendment. The Basin Plan Amendment will be submitted concurrently to the Office of Administrative Law (OAL) and USEPA for their respective approvals. USEPA approval is required because the amendment proposes a change in water quality criteria necessary to protect the designated beneficial use of REC-1.

During a similar time frame, the Regional Water Board also developed a TMDL for bacterial indicators for the Coachella Valley Storm Water Channel by adopting Resolution No. 2007-0039 on May 16, 2007, and adopting Resolution No. 2010-0028 on June 17, 2010, which revised the TMDL. The TMDL sets numeric targets for E. coli and establishes a two-phase implementation plan. The TMDL Basin Plan Amendment was approved by the State Water Board on July 19, 2011, pursuant to Resolution No. 2011-0030, and by OAL on February 2, 2012.

Finally, the Salton Sea is listed as impaired by: (1) nutrients, (2) salt, and (3) metals (selenium). No TMDLs have been developed to date for the Salton Sea, although a nutrient TMDL is under development. Tributaries to the Salton Sea, including the New River, the Alamo River, and Coachella Valley Storm Channel, may be affected by the nutrient TMDL and any others developed for the Salton Sea. Furthermore, the Basin Plan establishes selenium objectives for tributaries to the Salton Sea.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 C.F.R. § 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 C.F.R. § 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

Wastes from CAFOs contain high concentrations of salts (total dissolved solids and nitrates) and nutrients, and may contain pathogens, heavy metals and other pollutants. These wastes originate from the excretion of manure in corrals, milk barns and other areas where animals are concentrated.

EEC ORIGINAL PKG

Farming practices on lands that receive CAFO waste contribute salts, nutrients, pesticides, trace elements, sediments and other by-products that can affect the quality of surface water and groundwater. Evaporation and crop transpiration remove water from soils, which can result in an accumulation of salts in the root zone of the soils at levels that retard or inhibit plant growth. Additional amounts of water often are applied to leach the salts below the root zones. The leached salts can reach groundwater or surface water.

Virtually all agricultural areas in the Imperial Valley have subsurface (tile) drainage systems to maintain the groundwater level below the crop's root zone. Lands with heavier soils, such as those present in the central Imperial Valley, have a more extensive network of tile lines than lands with more sandy soils to help leach salts from the soils because applied irrigation water does not readily percolate through the soil profile. Drainage from these systems may be discharged directly to surface water bodies or to drainage ditches that discharge to surface water bodies. Some of these systems discharge to evaporation basins that are subject to waste discharge requirements. Discharges from these systems have elevated concentrations of salts, including nitrates and other nutrients. The proposed Order requires Dischargers who have these systems to identify their location and discharge point and to monitor discharges from these systems.

To ensure that wastes and associated pollutants from CAFOs are managed appropriately, it is vital to make sure that discharges of these wastes and application of manure and process wastewater to land at CAFOs are regulated so they will not adversely impact the quality of groundwater and surface water in the Region. When the requirements specified in the proposed Order are met, water quality of the Region is not expected to degrade as a result of discharges authorized under the proposed Order.

The proposed Order prohibits the discharge of pollutants from production areas except where precipitation causes a discharge from a facility designed, constructed, operated, and maintained to contain all manure and process wastewater and the runoff and direct precipitation from a 25-year, 24-hour storm event for new and existing CAFOs that confine dairy cows and cattle other than veal calves (40 C.F.R. § 412.31), for existing CAFOs that confine swine, poultry and veal calves (40 C.F.R. § 412.43), and for horse, sheep, and duck CAFOs established after February 14, 1974 (40 C.F.R. §§ 412.13 and 412.25). For new swine, poultry, and veal calf CAFOs, the proposed Order prohibits the discharge of pollutants from production areas and establishes a process for Dischargers to meet the no-discharge requirement with site-specific best management practice effluent limitations based on a demonstration following procedures specified in the proposed Order, that production areas are designed to achieve zero discharge (40 C.F.R. § 412.46). The existing Order R7-2008-0800 established a 100-year, 24-hour storm design standard for new swine, poultry, and veal calf CAFOs, consistent with the 2003 federal ELGs that were current when that Order was adopted. The "no discharge" standard for new swine, poultry, and veal calf CAFOs in the proposed Order is consistent with the 2008 revisions to the federal ELG. To comply with these effluent limitations, the Discharger must also comply with additional measures including production area visual inspections, installation of a depth marker in all open surface liquid impoundments, and correcting any deficiencies found as a result of the visual inspections in addition to keeping specific records for the production area (40 C.F.R. § 412.37(a) and (b)). (Note that the Additional Measures specified at 40 C.F.R. § 412.37 also include requirements for properly handling mortalities. These requirements are included in the proposed Order as a Prohibition rather than an

EEC ORIGINAL PKG

effluent limitation.) Further, the proposed Order requires that the facilities meet certain liner requirements for retention ponds and be protected from inundation from a 100-year frequency storm (Title 27, California Code of Regulations).

To ensure compliance with the effluent limitations in the proposed Order, and consistent with the existing Order R7-20008-0800, each Discharger has been required to develop and implement an Engineered Waste Management Plan (EWMP). The requirements of the EWMP are included in Attachment B of the proposed Order. Most of the facilities that are authorized to discharge under Order R7-2008-0800 have already submitted EWMPs to the Regional Water Board. All of those EWMPs have been approved; however, some of them are not current. New dischargers under the proposed Order and dischargers that have not submitted a current EWMP will be required to submit an EWMP at least 30 days prior to any new discharge.

Consistent with Order R7-2008-0800, the proposed Order requires the EWMP to be prepared by a registered professional engineer or other qualified individual. The Regional Water Board is aware of software programs such as NRCS's Animal Waste Management (AWM) program that can be used to determine the necessary size of manure and wastewater storage facilities. Such programs may be used in the development of EWMPs as long as the resulting plan is consistent with the EWMP requirements in Attachment B of the Order. Furthermore, the Regional Water Board is aware that such programs are designed so that they may be used by CAFO operators to design storage facilities. CAFO operators may use AWM or similar software to assist in the development of an EWMP; however, a registered professional engineer or other qualified individual must certify that the resulting EWMP meets the requirements in Attachment B of the proposed Order. Other qualified individuals may include University of California Extension specialists or employees of NRCS, subject to the approval of the Regional Water Board.

The proposed Order also prohibits discharges from land application areas under the control of the CAFO, except agricultural stormwater discharges. Precipitation-caused discharges from a land application area where the manure, litter, or process wastewater has been applied in accordance with the provisions in the Discharger's NMP are considered to be agricultural stormwater discharges (40 C.F.R. § 122.23(e)). Each Discharger that applies manure, litter, or process wastewater to land under the CAFO's control must develop and implement a NMP that includes specific elements specified at 40 C.F.R. §§ 122.42(e)(1)(vi) – (ix) (section VII.C.3.b of the proposed Order) and 412.4(c) (section V.C.2 of the proposed Order). 40 C.F.R. § 122.42(e)(1) also includes requirements not directly related to land application of manure, litter, or process wastewater as minimum elements of a CAFO's NMP. Because most of the CAFOs in the Region do not land apply manure, litter, or process wastewater, the proposed Order includes the requirements from 40 C.F.R. §§ 122.42(e)(1)(i) – (v) as stand-alone provisions so that only those CAFOs that do land apply manure, litter, or process wastewater are required to prepare NMPs. With respect to the regulatory NMP requirements contained in 40 C.F.R. §§ 122.42(e)(1)(i) – (v), the records maintained by the Discharger to document compliance with those requirements are considered to be part of the CAFO's NMP. Those records are specified in section X.C.1.

Existing Enrollees under Order R7-2008-0800 that apply manure, litter, or process wastewater to land under their control have submitted NMPs to the Regional Water Board. All of those NMPs have been approved; however, the existing NMPs must be revised to

EEC ORIGINAL PKG

reflect the updated permit provisions that detail the factors, projections, and other data that must be included in the NMP. Existing and new dischargers will be required to submit an NMP with their NOI. New dischargers are required to submit the NMP and NOI at least 90 days before the start of permit coverage. Existing dischargers are required to submit the NMP and NOI by September 30, 2014 but are encouraged to submit them as soon as possible. The Regional Water Board anticipates that the NMP review and approval process could take up to 90 days from the time the NMP is submitted. Since manure, litter, and process wastewater may not be applied unless in accordance with the terms of an approved NMP, dischargers who anticipate applying manure, litter, or process wastewater after September 30, 2014 will need to submit NOIs and NMPs and obtain approval before the permit effective date.

Dischargers are not required to use certified planners to prepare NMPs, but the Regional Water Board does encourage Dischargers to work with experts such as USDA's NRCS and Cooperative Extension who can help make sure that NMPs meet all regulatory requirements and promote sustainable agriculture.

The Technical Standards for Nutrient Management as specified in the proposed Order are based on technical standards established in WDRs for similar facilities in the state, on guidelines in NRCS Conservation Practices Standard Code 590 (Nutrient Management), and on recommendations from the University of California Cooperative Extension. The technical standards are consistent with the USEPA best practicable control technology and the best management practices required by 40 C.F.R. §§ 122.42(e)(1)(vi)-(ix) and the large CAFO best practicable control technology. In 2011, the USEPA reviewed the existing Technical Standards for Nutrient Management included with Order R7-2008-0800 (Attachment C). Revisions to the technical standards in the proposed order address USEPA's recommendations resulting from that review, clarify certain provisions, and improve groundwater protection relative to land application of manure at CAFOs. Specifically, the following revisions have been made to the Technical Standards for Nutrient Management (Attachment C) included with the proposed order: clarified expectations for analytical methods used in manure and soil testing, clarified expectations for documentation of procedures not specifically identified in the technical standards, identified a specific source for legume nitrogen credits, added specific mineralization rates to be used in calculating manure application rates and soil nitrogen credits, specified a method for calculating realistic yield goals based on historic crop yields, required use of the California Nitrogen Index to assess the risk of nitrogen leaching from land application sites, clarified requirement for use of California Phosphorus Index to assess all land application sites regardless of the existence of a known phosphorus impairment, clarified limitations on use of multi-year phosphorus application. Therefore, precipitation-related discharges from land application areas at facilities operating in compliance with the proposed Order are agricultural storm water discharges. And since they are consistent with USEPA best practicable control technology, the Technical Standards for Nutrient Management represent best practicable treatment or control for the purposes of State Water Resources Control Board Resolution No. 68-16.

A number of the CAFOs within the Region compost, or have expressed interested in composting, manure generated at the CAFO. The Regional Water Board routinely issues individual Waste Discharge Requirements (WDRs) to composting operations or allows the Imperial County to regulate under its authority. Consistent with the existing Order R7-2008-

EEC ORIGINAL PKG

0800, the proposed Order includes requirements that apply to CAFOs with on-site composting operations to relieve those facilities of the need to maintain separate permits for the composting activities. Dischargers that choose to maintain separate WDRs or Imperial County permits for on-site composting operations are not subject to the requirements of the proposed Order that apply to on-site composting operations. The requirements for on-site composting operations are consistent with the surface water protection provisions of individual WDRs issued to composting operations in the Region and with the requirements of Title 14, Chapter 3.1 of the California Code of Regulations.

The proposed Order requires the implementation of a manure tracking manifest system by all CAFOs authorized to discharger under the Order. CAFO manure contains much more salt per unit of nitrogen than other kind of fertilizers. For this reason, the use of manure to meet the nutrient needs of crops results in excessive application of salts which are not utilized by plants and which can migrate to groundwater or be discharged to surface water via tile drainage systems. The manure tracking manifest system data may be used if necessary to identify croplands where manure is routinely applied at rates that exceed crop needs. Consistent with individual WDRs issued to composting facilities, the proposed Order also requires CAFOs with on-site composting operations not covered by separate WDRs to maintain trucking manifests documenting the amounts, dates, and sources or destinations of all incoming and outgoing material.

The following table clarifies the manifest requirements for Dischargers with on-site composting operations covered under the proposed Order.

Description	Manifest Requirements of this Order
Third party composts manure on-site and compost is transferred off-site. Third party composting operation is covered under separate WDRs or County permit	Discharger maintains manifest of manure transferred to on-site, third party composter.
Third party composts all manure on-site and all compost is spread on land under the control of the Discharger, **or** Discharger composts manure on-site and then applies compost to land under the control of the Discharger (no manure or compost is transferred off site).	No manifest requirements.
Discharger composts manure on site and transfers compost to third party (off-site), or Third party composts manure on-site and compost is transferred off site. Composting operation is covered under this Order.	Discharger maintains manifest of compost transferred off site

The groundwater salinity within Imperial Valley is naturally high. For that reason the application of manure is not expected to impact the quality of the groundwater. However, a study is highly recommended to determine the acceptable salt loading rate in this area. A Salt and Nutrient Management plan for the Imperial Valley is being conducted as part of the Integrated Regional Water Management Plan.

Livestock operations, particularly dairies, are known to be a major contributor of groundwater contamination in other areas of the state, namely the Chino Basin and the

EEC ORIGINAL PKG

Central Valley. Although the soil types and geology of the Imperial Valley differ from those areas such that groundwater is not expected to be impacted by CAFO wastes, the proposed Order does provide for case-by-case evaluation of the need for groundwater monitoring at individual CAFOs. Upon the submittal of the EWMP, the Executive Officer will determine the need to prepare a groundwater monitoring program. The determination will be based on factors that affect the risk of wastewater leaching to groundwater. The factors to be considered include, but are not limited to:

- Permeability of underlying soils
- Distance to wells
- Depth of seasonal high groundwater levels
- Presence of fractured bedrock or other preferential flow pathways to groundwater
- Evidence of over-application of nitrogen to land application sites
- Conformance with the soil and siting requirements for the EWMP and adequacy of the proposed measures to ensure the structures meet the criteria (see Attachment B, item 3).

This is a best professional judgment (BPJ)-based requirement for protection of groundwater. No CAFOs have been required to monitor groundwater under Order R7-2008-0800.

The proposed Order also includes the requirement that confined animal facilities comply with the Basin Plan and Title 27 of the California Code of Regulations. Furthermore, the proposed Order requires a minimum separation of five (5) feet between the bottom of wastewater storage structures and seasonally high groundwater levels. This is consistent with the existing Order R7-2008-0800 as well as SWRCB's 1980 *Guidelines for Mound Systems* and California NRCS's 2007 Conservation Practice Standard Code 313 (Waste Storage Facility) criteria for minimizing seepage to groundwater.

In conclusion, the overall CAFO management strategy includes permitting, manure disposal tracking, groundwater monitoring (where appropriate), storm water management, and enforcement.

While developing effluent and receiving water limitations, monitoring requirements and special conditions for the proposed Order, the following information sources were used:

1. Code of Federal Regulations – Title 40.
2. Water Quality Control Plan (Colorado River Basin – Region 7) as amended to date.
3. Order 01-800.
4. Central Valley Regional Water Quality Control Board's Waste Discharge Requirements for Existing Milk Cow Dairies (Order R5-2007-0035).
5. Santa Ana Regional Water Quality Control Board's General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Regulated Facilities) Within the Santa Ana Region (Order R8-2007-0001).

EEC ORIGINAL PKG

Effluent and receiving water limitations in the proposed Order are based on the federal CWA, Basin Plan, State Water Board's plans and policies, USEPA guidance and regulations, and best practicable waste treatment technology. While developing effluent limitations and receiving water limitations, monitoring requirements, and special conditions for the draft permit, the following information sources were used:

1. Code of Federal Regulations – Title 40.
2. Water Quality Control Plan (Colorado River Basin – Region 7) as amended to date.
3. Division 2, title 27, chapter 7, subchapter 2, article 1 of the Combined State Water Board/California Integrated Waste Management Board AB 1220 Regulations, which became effective on July 18, 1997.
4. Order R7-2008-0800.
5. Regional Water Board files related to General NPDES Permit for CAFOs within the Colorado River Basin Region, NPDES permit CAG017001.
6. Central Valley Regional Water Quality Control Board's General Waste Discharge Requirements and NPDES Permit for Existing Milk Cow Dairies (Order R5-2010-0118).
7. Santa Ana Regional Water Quality Control Board's General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Regulated Facilities) Within the Santa Ana Region (Order R8-2007-0001).
8. North Coast Regional Water Quality Control Board's General Waste Discharge Requirements and NPDES Permit for Concentrated Animal Feeding Operations Within the North Coast Region (Order R1-2012-0001).
9. *Asociacion De Gente Unida Por El Agua et al. v. Central Valley Regional Water Quality Control Board* (2012) 210 Cal.App.4th 1255 [149 Cal.Rptr.3d 132].
10. USDA NRCS Conservation Practice Standard Code 590 (Nutrient Management)
11. USDA NRCS Conservation Practice Standard Code 313 (Waste Storage Facility)

A. Discharge Prohibitions

Effluent and receiving water limitations in the proposed Order are based on the Federal CWA, Basin Plan, State Water Board's plans and policies, USEPA guidance and regulations, and best practicable waste treatment technology.

Order R7-2013-0800 prohibits any discharge of wastes causing degradation of any water supply. The proposed Order also prohibits the discharge of wastes except as provided for in the effluent limitations and discharge specifications of the proposed Order. The proposed Order also prohibits pollution caused by certain activities associated with composting operations as well as the use of certain materials in composting operations, consistent with individual WDRs issued by the Regional Water Board to composting facilities in the region. Finally, the proposed Order prohibits the discharge of trash to the New River, consistent with applicable TMDL waste load allocations.

EEC ORIGINAL PKG

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by the proposed Order must meet minimum federal technology-based requirements based on ELGs for Concentrated Animal Feeding Operations in 40 C.F.R. part 412 and BPJ in accordance with 40 C.F.R. § 125.3.

The CWA requires that technology-based effluent limitations are established based on several levels of controls:

- Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

- Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and section 125.3 of the Code of Federal Regulations authorize the use of BPJ to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 C.F.R. § 125.3.

EEC ORIGINAL PKG

2. Applicable Technology-Based Effluent Limitations

The provisions of the proposed Order establish production area design standards and operational procedures and require the development and implementation of EWMPs and NMPs to control and abate the discharge of pollutants to surface waters and to achieve compliance with applicable water quality standards utilizing BPT requirements established in the ELGs at 40 C.F.R. part 412. These ELGs apply to Large CAFOs. Given the similarity in the operational characteristics of CAFOs, the Regional Water Board finds that it is appropriate to develop BPJ-based effluent limitations for Medium CAFOs and AFOs that have been designated as CAFOs that are the same as the effluent limitations established in the ELG for Large CAFOs.

The effluent limitations for most CAFOs that will be authorized to discharge under the proposed Order require that the Discharger's production area be designed, constructed, operated, and maintained to contain all process wastewater plus the direct precipitation and runoff from a 25-year, 24-hour storm event. New swine, poultry, and veal calf CAFOs are subject to a zero discharge standard. Site-specific design standards may be developed for those facilities based, in part, on the performance of a facility's proposed storage structure design using 100 years of climate data. Requirements for on-site composting operations require storage capacity for a 100-year, 24-hour storm. Some CAFOs in the Region have inquired whether containment berms around the entire facility or entire composting area would be an acceptable alternative to constructing containment ponds or impoundments. Specific to composting operations, Title 14 composting regulations and existing WDRs for composting operations in the Region do not specifically address this situation. For CAFOs in general, existing CAFO requirements including federal regulations and Order R7-2008-0800 also do not provide clear guidance. The Regional Water Board has determined that berms around the entire facility or composting area would be approved as long as the area that would act as an impoundment meets all requirements of the EWMP, particularly with respect to storage capacity and the permeability of underlying soils.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

Section 301(b) of the CWA and 40 C.F.R. § 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 C.F.R. § 122.44(d)(1)(i) requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a

EEC ORIGINAL PKG

proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 C.F.R. § 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The designated beneficial uses of surface waters throughout the Colorado River Basin Region include agricultural supply, aquaculture, cold freshwater habitat, freshwater replenishment, ground water recharge, hydropower generation, industrial service supply, municipal and domestic supply, non-contact water recreation, preservation of rare, threatened, or endangered species, warm freshwater habitat, water contact recreation, and wildlife habitat. The designated beneficial uses for ground waters throughout the Region include agricultural supply, industrial service supply, and municipal and domestic supply.

The primary pollutants of concern for CAFOs are nutrients (nitrogen and phosphorus), salt, sediment, and pathogens.

Chapter 3 of the Basin Plan contains water quality objectives for waters in the Region. The Basin Plan states that discharges of wastes or wastewater shall not increase the TDS content of receiving waters, unless it can be demonstrated the increase does not adversely affect beneficial uses of receiving waters. Additionally, excepting discharges from agricultural sources, the discharge shall not cause the concentration of TDS to exceed an annual average of 4,000 mg/L and a maximum of 4,500 mg/L in the New River, Alamo River, and Imperial Valley Drains, and an annual average of 2,000 mg/L and a maximum of 2,500 mg/L in Coachella Valley Drains. Waters that are designated as supporting the MUN beneficial use shall not contain nitrate (as nitrogen) in concentrations in excess of 10 mg/L.

The Basin Plan incorporates TMDLs that have been approved for the New River, Alamo River, and Coachella Valley Storm Water Channel. The following TMDLs are incorporated in the Basin Plan: New River Pathogen TMDL (addresses fecal coliform, E. coli, and enterococci), Alamo River Sedimentation/Siltation TMDL (addresses suspended solids), New River Sediment/Siltation TMDL, Imperial Valley Drains Sedimentation/Siltation TMDL, and the New River Trash TMDL.

3. Determining the Need for WQBELs

NPDES permits for discharges to waters of the United States must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutants and any more stringent controls necessary to meet water quality standards.

EEC ORIGINAL PKG

CAFOs may have multiple discharges from production areas and land application areas. Under the CWA, establishment of generally-applicable WQBELs for land application areas is not feasible because precipitation-related discharges from land application areas are either subject to the technology-based effluent limitations in the ELG or exempt under the CWA agricultural stormwater exemption. To define the scope of the NPDES CAFO regulations, 40 C.F.R. § 122.23(e) defines agricultural stormwater discharges exempt from NPDES regulation as precipitation-related discharges of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in 40 C.F.R. §§ 122.42(e)(1)(vi)-(ix), which are the land application provisions of the NPDES NMP requirements. In other words, CAFOs must develop, prepare and implement NMPs in accordance with the NPDES regulations and technology-based effluent limitations applicable to land application areas. As long as the CAFO is in compliance with these requirements, any precipitation-related discharge from the land application area is exempt from regulation.

For production areas, establishment of generally-applicable numeric effluent limitations is not feasible because (1) the only discharges to surface waterbodies, or tributaries thereof, that are permitted are those from rainfall events that cause an overflow from facilities designed, constructed, operated and maintained to contain all process wastewater plus the runoff and direct precipitation (that have been commingled with manure or other products or by-products) from a 25-year, 24-hour rainfall event (or other design storm event used in sizing the impoundments at new source swine, poultry, and veal calf CAFOs for zero discharge), (2) due to the significant volume of runoff involved from such events treatment of these discharges to meet numeric effluent limitations would be impractical, and (3) if the requirements specified in the proposed Order are met, water quality of the Region is not expected to degrade as a result of discharges authorized under the proposed Order.

Therefore, the effluent limitations contained in the proposed Order are narrative and include the requirement to develop and implement an EWMP and NMP and implement additional measures specified in section VII.C, which is equivalent to Best Management Practices (BMPs). 40 C.F.R. § 122.44 (k)(3) allows the use of BMPs to control and abate the discharge of pollutants when "numeric effluent limitations are infeasible; or . . . the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA." It is not feasible to establish generally-applicable, numeric WQBELs for pollutants in discharges from CAFOs; therefore, in lieu of WQBELs, the proposed Order requires Dischargers to develop and implement an EWMP and NMP and implement certain additional measures for the production and land application areas.

A WQBEL is designed to protect the quality of the receiving water by ensuring that Basin Plan water quality objectives are met. Federal regulations at section 122.44(d) require permit effluent limitations to control all pollutants that may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard. If the Regional Water Board determines that additional requirements (e.g., additional effluent limitations, monitoring

EEC ORIGINAL PKG

requirements, etc.) are necessary for a specific Discharger to comply with applicable water quality standards or waste load allocations established in an approved TMDL, those requirements will be specified in either the written notice of authorization or a subsequent letter from the Regional Water Board to the Discharger. Such additional requirements may be necessary, for example, to protect water quality in surface waters that have been placed on the state's 303(d) list of impaired waters. An additional public notice will not be required to impose those requirements.

The technology-based requirements in the proposed Order limit production area discharges to those that occur as the result of a very large storm event (i.e., a 25-year, 24-hour storm for all existing Enrollees) at a facility that is otherwise designed, constructed, operated, and maintained as required. Allowable production area discharges are very infrequent, and have not occurred during the term of the existing Order No. R7-2008-0800. The majority of the existing enrollees (30 of 31) dispose of wastewater through evaporation. That, combined with the fact that none of these facilities has reported a discharge, suggests that wastewater at those operations has a long residence time in lagoons exposed to high ambient temperatures and sunlight. These conditions, particularly where wastewater impoundments are mechanically aerated, generally do not support long-term bacterial survival. The Order also requires that retention ponds and manured areas be protected from inundation or washout by flooding that results from 20-year or 100-year peak streamflows. This requirement exceeds applicable BPT/BAT and provides additional protection against production area discharges. In addition, when an allowable production area discharge occurs, the discharge would be commingled with other sources, which lessens the potential impact on receiving waters.

For land application areas, dischargers are required to incorporate manure. Incorporating manure into the soil decreases the potential for bacteria and other pollutants to be exposed to precipitation and transported from the field in runoff. Where incorporation of manure is not feasible, the proposed Order requires containment of runoff. In addition, the proposed Order prohibits application of wastewater to saturated soils and runoff from land application sites from the first irrigation after manure application and before planting. These land application BMP requirements exceed BPT/BAT and are expected to minimize discharges of pathogens to all surface receiving waters, including the New River.

Finally, the proposed Order requires Enrollees to monitor production and land application area discharges for total and fecal coliform. The Executive Officer of the Regional Water Board or the Regional Administrator of the USEPA may require any person authorized by this Order to apply for and obtain individual waste discharge requirements if the discharge may adversely affect the water quality objectives of the receiving water (e.g., if effluent monitoring data indicate that discharges to the New River contain bacteria at levels that are not in accordance with the TMDL WLAs).

These technology-based requirements combined with BMPs are more stringent than water quality-based effluent limits for this discharge.

EEC ORIGINAL PKG

D. Final Effluent Limitations

1. Satisfaction of Anti-Backsliding Requirements

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at Title 40, C.F.R. § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. As discussed in detail in Fact Sheet section IV, all effluent limitations in the proposed Order are at least as stringent as the effluent limitations in Order R7-2008-0800. Only CAFOs that discharge to waters of the U.S. are required to apply for coverage under the proposed Order. All CAFOs in the region were required to apply for coverage under Order R7-2008-0800. The facilities that will discontinue permit coverage, because they do not discharge, will not contribute pollutants to waters of the United States. In addition, the requirements of the proposed Order that are based on Title 27 and those that cover discharges from on-site composting operations will still apply to those facilities. Finally, all CAFOs were previously covered under the Order and therefore were required to design and construct their facilities in accordance with EWMP requirements; those facilities that discontinue permit coverage will nonetheless continue to be designed and constructed as required by the proposed Order. As a result, the proposed Order is in compliance with the anti-backsliding requirement.

2. Satisfaction of Antidegradation Policy

40 C.F.R. § 131.12 requires that the state water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's anti-degradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal anti-degradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal anti-degradation policies. As discussed in detail in Fact Sheet section III.C.5, the permitted discharge is consistent with the anti-degradation provision of 40 C.F.R. §n 131.12 and State Water Board Resolution No. 68-16.

The Regional Water Board has considered antidegradation pursuant to 40 C.F.R. § 131.12 and State Water Board Resolution No. 68-16 and finds that:

a. Appropriate technology- and water quality-based effluent limitations, including waste containment design standards, operation and maintenance requirements, visual monitoring, and other BMPs and conditions established in the proposed Order, will ensure that allowable discharges from CAFO production areas will be infrequent and will occur only during large storm events when the discharges are not likely to degrade surface receiving waters.

b. The NMP requirements, Technical Standards for Nutrient Management, and related land application limitations and conditions established in the proposed

EEC ORIGINAL PKG

Order will minimize transport of nutrients, pathogens, and other pollutants of concern to surface receiving waters. Agricultural storm water discharges from CAFO land application areas operated in compliance with the proposed Order are not expected to degrade surface receiving waters.

c. Low-permeability soils underlying the existing CAFOs in the region inhibit wastewater percolation to the confined aquifer, which is between 40 and 80 feet below ground surface.

d. The proposed Order establishes siting criteria which include: 1) a requirement that retention ponds be lined with or underlain by soil that contains at least ten percent clay and not more than ten percent gravel or artificial materials or materials with equivalent impermeability, and 2) minimum distance to seasonally high groundwater for wastewater containment structures. The existing impoundments at CAFOs in the region are constructed from native, low permeability soils. In addition, the existing impoundments have been in place for many years and are likely sealed with manure, which provides additional protection from wastewater seepage.

e. The proposed Order requires CAFOs with containment structures that do not meet the EWMP soil and siting criteria to propose measures to demonstrate that seepage rates from those containment structures will not exceed 1 x 10^{-6} cm/sec.

f. The proposed Order provides for case-by-case determination of the need to require site specific groundwater monitoring at CAFOs that pose a risk to groundwater resources based on their location, underlying geology, distance from seasonally high groundwater levels, proximity to wells or other conduits to groundwater, and other risk factors.

g. Extensive tile drainage of croplands in the region prevent percolation of land applied wastewater from CAFOs.

h. The proposed Order requires evaluation of all CAFO land application sites using the California Nitrate Leaching Index to identify and mitigate the risk of nitrate leaching from land application of manure.

i. Discharges regulated by this Order should not lower water quality if the terms and conditions of this Order are met.

Therefore, the proposed Order is in compliance with the state anti-degradation policy.

3. Endangered Species Act Requirements

The proposed Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). The proposed Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

EEC ORIGINAL PKG

E. Interim Effluent Limitations – Not Applicable

F. Land Discharge Specifications – Not Applicable

G. Reclamation Specifications – Not Applicable

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.

A. Surface Water

The surface water receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan and replace the general surface receiving water limitations in the previous Order. Because they are based on the Basin Plan water quality objectives, they are a required part of the proposed Order. The receiving water limitations for dissolved oxygen and temperature are as follows:

The discharge shall not cause the concentration of dissolved oxygen in the receiving water to fall below 5.0 mg/L. When the dissolved oxygen in the receiving water is already below 5.0 mg/L, the discharge shall not cause any further depression.

The discharge shall not result in the natural receiving water temperature to be altered, unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

The discharge shall not result in the normal ambient pH of the receiving water to fall below 6.0 or exceed 9.0 units.

Discharges to the New River, Alamo River, and Imperial Drains: The discharge shall not cause the concentration of total dissolved solids in the surface receiving water body to exceed an annual average concentration of 4,000 mg/L or a maximum daily concentration of 4,500 mg/L.

Discharges to the Coachella Valley Drains and Palo Verde Valley Drains: The discharge shall not cause the concentration of total dissolved solids in the surface receiving water body to exceed an annual average concentration of 2,000 mg/L or a maximum daily concentration of 2,500 mg/L.

B. Groundwater

The discharge shall not cause the underlying groundwater to be degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

EEC ORIGINAL PKG

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 C.F.R. § 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of the proposed Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for facilities covered by the proposed Order.

A. Effluent Monitoring

The Discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are given in the proposed MRP. This provision requires compliance with the MRP, and is based on 40 C.F.R. §§ 122.44(i), 122.62, 122.63 and 124.5. The MRP is a standard requirement in almost all NPDES permits (including the proposed Order) issued by the Regional Water Board. The MRP specifies general sampling/analytical protocols and the requirements of reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the CWC, and Regional Water Board's policies. The MRP also contains sampling program specific for the permitted discharges. It defines the sampling stations and frequency, pollutants to be monitored, and additional reporting requirements.

The Discharger must monitor all discharges or overflows from manure and/or wastewater storage structures, whether or not the discharge or overflow is authorized by the permit. The Discharger must monitor all discharges from land application sites under the CAFO's control where manure, litter, or process wastewater have been applied, except for agricultural stormwater discharges. The monitoring parameters required are consistent with the existing Order R7-2008-0800. The Discharger must analyze all discharges for the parameters specified in the permit in accordance with USEPA-approved methods at 40 C.F.R. part 136. Effluent monitoring requirements are largely unchanged from the existing Order.

B. Receiving Water Monitoring

The surface water monitoring requirements apply when CAFOs discharge effluent to surface waters. When there is a discharge from the CAFO, the Discharger must monitor the receiving water at a location upstream and downstream from the location the discharge from the CAFO enters the receiving water. The Discharger must collect and analyze samples once per discharge event for pH, temperature, nitrogen, phosphorus, dissolved oxygen, and total dissolved and suspended solids, and bacteria to determine compliance with receiving water limitations.

The ground water monitoring requirements are based on and consistent with the requirements contained in the existing Order R7-2008-0800. The requirements apply only to those Dischargers who have been required by the Executive Officer, upon review of the Discharger's EWMP, to prepare a ground water monitoring program. None of the existing CAFOs enrolled under Order R7-2008-0800 have been required to prepare a ground water monitoring program.

EEC ORIGINAL PKG

C. Other Monitoring Requirements

1. Production Area Visual Inspections Applicable to CAFOs that Confine Dairy Cows, Cattle, Swine, Poultry, and Veal Calves

The Discharger must conduct daily visual inspections of all water lines (including drinking and overflow water lines) and weekly visual inspections of stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to wastewater storage and containment structures and all manure, litter, process wastewater impoundments pursuant to the effluent limitations established at 40 C.F.R. § 412.37(a).

2. Production Area Visual Inspections Applicable to All CAFOs

All Dischargers must conduct visual inspections and record keeping as described in the MRP to ensure any discharges from the facility are detected in a timely manner. These requirements are consistent with the monitoring requirements in the existing Order R7-2008-0800.

3. Manure, Litter, and Process Wastewater Monitoring – Applicable to CAFOs that Land Apply Manure, Litter, or Process Wastewater and to Large CAFOs that Transfer Manure, Litter or Process Wastewater to Other Persons

Dischargers that land apply manure, litter, or process wastewater must monitor manure, litter, and process wastewater for the constituents specified in the MRP, pursuant to requirements established at 40 C.F.R. §§ 122.42(e)(i)(vii) and 412.4(c)(3). Large CAFOs are expected to use the results of the required analyses to provide information on nutrient content to recipients of manure, litter, or process wastewater transferred to third parties pursuant to the requirements established at 40 C.F.R. § 122.42(e)(3). Dischargers that land apply manure, litter, or process wastewater are expected to use the results of the required analyses for nutrient management. The monitoring parameters required are consistent with those required under Order R7-2008-0800.

4. Soil Monitoring – Applicable to CAFOs that Land Apply Manure, Litter, or Process Wastewater

Dischargers that land apply manure, litter, or process wastewater shall monitor soils in the land application area(s) for the constituents specified in the MRP, pursuant to requirements established at 40 C.F.R. § 122.42(e)(i)(vii). Dischargers are expected to use the results of the required analyses for nutrient management. The monitoring parameters and frequency required are consistent with 40 C.F.R. § 412.4(c)(3).

5. Materials Monitoring – Applicable to CAFOs that Operate On-site Composting Operations

These requirements are consistent with the surface water protection provisions of individual WDRs issued to composting operations in the Region and with the requirements of Title 14, Chapter 3.1 of the California Code of Regulations.

EEC ORIGINAL PKG

6. Flood Protection and Storm Water Monitoring – Applicable to CAFOs that Operate On-site Composting Operations

These requirements are consistent with the surface water protection provisions of individual WDRs issued to composting operations in the Region, with the State Water Board's General Industrial Storm Water Permit (State Water Board Order 97-03-DWQ), and with the requirements of Title 14, Chapter 3.1 of the California Code of Regulations regarding composting operations.

D. Record Keeping Requirements

The MRP specifies the records that must be kept to document implementation of the required monitoring and management practices specified in the Order. Record keeping requirements for manure transfers are based on requirements established at 40 C.F.R. § 122.42(e)(3) and are consistent with the CAFO regulatory strategy described in the Fact Sheet. Specific record keeping requirements applicable to the production area and land application area at CAFOs that confine dairy cows, cattle, swine, poultry and veal calves are based on requirements established at 40 C.F.R. §§ 412.37 and 122.42(e)(1)(ix). The allowance for recording daily visual inspections of water lines on a weekly basis is based on guidance from USEPA in its *NPDES Permit Writers' Manual for Concentrated Animal Feeding Operations* (EPA-833-F-12-001), (see Appendix J, NPDES General Permit Template for CAFOs).

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 C.F.R. § 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 C.F.R. § 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 C.F.R. § 122.42.

40 C.F.R. §§ 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. 40 C.F.R. § 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 C.F.R. § 123.25, this Order omits federal conditions that address enforcement authority specified in 40 C.F.R. §§ 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

This provision is based on 40 C.F.R. part 123. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, modification in sludge use

EEC ORIGINAL PKG

or disposal practices, or adoption of new regulations by the State Water Board or Regional Water Board, including revisions to the Basin Plan.

2. Best Management Practices and Pollution Prevention

To insure that compliance with the effluent limitations and discharge specifications of the proposed Order is achieved, all CAFOs are required to develop, prepare and implement an EWMP. CAFOs that land-apply manure, litter, or process wastewater to land under their control also must develop an NMP. EWMPs and NMPs are to be prepared in accordance with the proposed Order.

In March 1999, USDA and USEPA finalized their unified national strategy for Animal Feeding Operations (AFOs). In general, the national strategy recommended the development of comprehensive nutrient management plans (CNMPs) that were intended to bring each AFO into compliance with the requirements of the CWA and to minimize the impacts to groundwater and surface water from AFO wastes by the implementation of best management practices. In general, a CNMP would assure that appropriate waste storage and handling facilities were designed, constructed and maintained to comply with the requirements of the CWA, and that the use and application of wastewater, litter, and manure (i.e., nutrient management) was managed to minimize impacts to groundwater and surface water. Revisions to the NPDES and ELGs for CAFO regulations published on February 12, 2003, supported this national strategy by requiring the largest CAFOs to develop, prepare and implement NMPs. Subsequent CAFO rule revisions, most recently published on July 30, 2012, continue to require NMPs for all discharging CAFOs. Consistent with the federal CAFO regulations and Order R7-2008-0800, the proposed Order requires the development and implementation of NMPs for Dischargers that apply manure, litter, or process wastewater to land under their control.

40 C.F.R. § 122.42(e)(1) requires all permitted CAFOs to develop NMPs and includes nine minimum elements that each permitted CAFO's NMP must include. The first four of those elements are not directly related to land application of manure, litter, and process wastewater. The proposed Order, like Order R7-2008-0800 establishes those NMP minimum measures as stand-alone permit requirements (see sections IV.E and VII.C.3.a of the proposed Order) that apply to all Dischargers so that separate NMPs must be developed only for land application activities at permitted CAFOs. Note, however, that the proposed Order includes record keeping requirements that address all of the federally-required minimum NMP elements; those records are considered to constitute the NMP elements required by the federal regulations that are not directly related to land application activities. Specifically, the records that address 40 C.F.R. §§ 122.42(e)(1)(i) – (iv) are contained in section X.C.1 of the proposed MRP; those records represent the NMP for Dischargers that do not apply manure, litter, or process wastewater to land under their control.

The NMP minimum measure at 40 C.F.R. § 122.42(e)(1)(i) (ensure adequate storage capacity) requires permitted CAFOs to include in NMPs procedures to ensure proper operation and maintenance of manure, litter, and process wastewater storage facilities. That requirement is reflected in section VII.C.3.a.i(e) of the

EEC ORIGINAL PKG

proposed Order. Examples of operation and maintenance procedures to help ensure adequate storage capacity include, but are not limited to

- Removal of solids from storage structures as needed to maintain the design storage capacity.
- Removal of manure and wastewater in accordance with the application timing and frequency in the NMP, if applicable, and the structure's design storage capacity.
- Maintaining storage capacity for the 25-year, 24-hour storm, or other design storm event used in sizing the impoundment for no discharge in accordance with the requirements of section IV.B, for the location of the permitted CAFO.
- Preventing plants and burrowing animals from eroding or damaging storage structure berms, embankments, liners, and sidewalls.
- Maintaining vegetation, rock, riprap, or other materials used to prevent erosion and stabilize berms and embankments.
- Conducting the visual inspections required by sections IV.C.1.a and c and corrective actions required by section IV.C.1.d of the proposed Order.

The NMP minimum measure at 40 C.F.R. § 122.42(e)(1)(vi) requires permitted CAFOs to implement site-specific conservation practices to minimize pollutant discharges to waters of the United States. That requirement is reflected in section VII.C.3.b.ii of the proposed Order. Subsection (b) requires Dischargers to incorporate applied manure soon after application or provide appropriate containment. This requirement is intended to minimize the opportunity for applied manure to be transported from the field in surface runoff, through volatilization (of nitrogen), or through wind transport. Incorporation is the preferred method to minimize the potential for nutrient loss through all of those mechanisms. However, the Regional Board recognizes that incorporation of manure is not possible or appropriate under all circumstances. Where manure cannot be incorporated, the Discharger must provide containment, for example by using berms or channels to route stormwater runoff from the field away from waters of the U.S. All such conservation practices used to minimize discharge of pollutants to waters of the U.S. must be identified in the Discharger's NMP.

The proposed Order reflects the 2008 revisions to 40 C.F.R. § 122.42(e)(5) regarding identification of site specific NMP terms to be incorporated as permit conditions. The federal regulations define NMP "terms" as the "information, protocols, best management practices, and other conditions in the NMP determined by the Director to be necessary to meet the requirements" of the required NMP. The regulations allow for two alternative approaches to development of NMP terms. Section VII.C.3.b.iv of the proposed Order incorporates the narrative rate approach presented in 40 C.F.R. § 122.42(e)(5)(ii), as it is the approach identified by USEPA as being providing more flexibility for permitted CAFOs to make nutrient management adjustments throughout the permit term without triggering the need for additional public comment and permit revisions.

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The proposed Order also reflects the 2008 CAFO rule revisions regarding changes to NMPs. Because the regulations require specific information in a permitted CAFO's NMP to be identified as site-specific permit terms, the regulations also establish a process for permitting authorities to review changes to the approved NMP to determine whether those changes affect the terms that are permit conditions and, therefore, require a permit modification (40 C.F.R. § 122.42(e)(6)). The NMP change and permit revision process is reflected in section VII.C.3.b.xii of the proposed Order.

The proposed Order requires the development and implementation of engineered waste management plans (EWMPs) for all CAFOs in the Colorado River Basin Region to insure professional design, construction and operation of facility process wastewater and runoff containment systems to prevent prohibited process wastewater discharges to surface waters. The proposed Order authorizes the Executive Officer to make necessary revisions to the guidelines for the preparation of an EWMP. Dischargers with approved EWMPs are advised that the guidelines for the preparation of an EWMP included in Attachment B have been revised to be consistent with the requirements of the proposed Order.

The proposed Order includes requirements that apply to CAFOs with on-site composting operations to relieve these facilities of the need to maintain separate permits for the composting activities. The requirements for on-site composting operations are consistent with the surface water protection provisions of individual WDRs issued to composting operations in the Region and with the requirements of Title 14, Chapter 3.1 of the California Code of Regulations.

The proposed Order requires annual reporting of manure production and the destination of all manure that is generated, animal population statistics, documentation of process wastewater containment system monitoring.

3. Construction, Operation, and Maintenance Specifications

These provisions are consistent with the requirements of Order R7-2008-0800 and are included to implement the requirements of section 22562 of title 27, chapter 7, subchapter 2, article 1 of the California Code of Regulations.

4. Other Special Provisions

Consistent with the CAFO regulatory management strategy described in this Fact Sheet, the proposed Order includes special provisions for tracking manure transfers and compliance with applicable storm water requirements.

VIII. PUBLIC PARTICIPATION

The Colorado River Basin Regional Water Quality Control Board is considering the issuance of WDRs that will serve as a NPDES permit for CAFOs. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

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A. Notification of Interested Parties

The Regional Water Board has notified existing Enrollees and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit written comments and recommendations. Notification was provided through the Desert Sun and Imperial Valley Press newspapers.

The public had access to the agenda and any changes in dates and locations through the Regional Water Board's website at http://www.waterboards.ca.gov/coloradoriver.

B. Written Comments

Interested persons were invited to submit written comments concerning tentative WDRs as provided through the notification process. Comments were due either in person or by mail to the Executive Office at the Colorado River Basin Regional Water Quality Control Board at 73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260.

To be fully responded to by staff and considered by the Regional Water Board, written comments were due at the Regional Water Board office by 5:00 p.m. on **June 17, 2013**.

C. Public Hearing

The Regional Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **June 20, 2013**
Time: **10:00 AM**
Location: **Town of Yucca Valley Community Center**
Yucca Room
57090 Twentynine Palms Highway
Yucca Valley, CA 92284

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

D. Reconsideration of Waste Discharge Requirements

Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 days of the Regional Water Board's action:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

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For instructions on how to file a petition for review, see http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

E. Information and Copying

The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (760) 346-7491.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this Order, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to John Carmona at (760) 340-4521.

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California Regional Water Quality Control Board
Colorado River Basin Region (R-7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Reporting Period: January 1, 20_____ to December 31, 20_____
Report Due Date: February 15, 20_____

PART A – ANNUAL REPORT OF ANIMAL WASTE DISCHARGE

I. Facility Information (Please make corrections directly on this form.)
Operator's Name:
Facility Name:
Facility Address:
Mailing Address:
Telephone Number:
Email Address:

Does the information provided apply only to the facility address indicated above?
☐ Yes ☐No
If No, please provide the name and address of the other facilities in the comment section of this report.
Note: Submit a separate report for each of your facilities including dry cow, heifer, and calf ranches.

II. Type And Number Of Animals

Report the maximum number of each type of animal confined at this facility at any one time (and, for dairies, the number of milkings per day).

Type	Number in Open Confinement	Number Housed Under Roof
Mature Dairy Cows		
Number of milkings per day (dairies only) ☐ One ☐ Two ☐ Three		
Dairy Heifers		
Veal Calves		
Other Cattle		
Swine (55 lb. or more)		
Swine (under 55 lb.)		
Horses		
Sheep or Lambs		
Turkeys		
Chickens (broilers)		
Chickens (layers)		
Ducks		
Other: (specify): _____		

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III. Manure, Litter, And Process Wastewater Production

Report the estimated amount of manure, litter, and process wastewater that were generated at this facility during the 12-month reporting period identified at the top of this report.

A. Amount of manure generated during the reporting period: _____ tons.
B. Amount of manure generated during the reporting period that is stockpiled on site as of 12/31/20___: _____ tons
C. Amount of litter generated during the reporting period: _____ tons.
D. Amount of process wastewater generated during the reporting period: _____ gallons.

Were the production factors provided below used to estimate your manure information?

Provided Production Factors	Productions Factors Used		Provide Other Production Factor, if used
Beef cattle produce approximately 1.5 tons per animal per year of manure.	☐Yes	☐No	
1 Milking cow produces approximately 4.1 tons per year of manure.	☐Yes	☐No	
1 Dry cow produces approximately 4.1 tons per year of manure.	☐Yes	☐No	
1 Heifer produces approximately 1.5 tons per year of manure.	☐Yes	☐No	
1 Calf produces 0.6 tons per year of manure.	☐Yes	☐No	
1 ton of corral manure equals 2.32 cubic yards.	☐Yes	☐No	
1 cubic yard of corral manure equals 0.43 tons.	☐Yes	☐No	

IV. Manure, Litter, and Process Wastewater Transferred to Other Persons

Report the estimated amount of manure, litter, and process wastewater that were transferred to other persons during the 12-month reporting period identified at the top of this report.

A. Amount of manure transferred during the reporting period: _____ tons.
B. Amount of litter transferred during the reporting period: _____ tons.
C. Amount of process wastewater transferred during the reporting period: _____ gallons.

V. Summary of Production Area Discharges

Report all discharges of manure, litter, and process wastewater from the production area to waters of the United States during the 12-month reporting period.

Date of Discharge	Time of Discharge	Estimated Volume

VI. Instances of Noncompliance Not Previously Reported

During the reporting period were there any instances of noncompliance which have not been reported to the permitting authority? _____ Yes _____ No

If yes, please provide the information requested below.

- ☐ Description of the noncompliance and its cause.
- ☐ The period that the operation was in noncompliance with permit conditions, including exact dates and times.
- ☐ In those cases where noncompliance has not been corrected, the anticipated time it is expected to continue.
- ☐ Description of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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VII. Certification of Preparation of Inspection Logs And Manifests

- ☐ I certify that a CAFO Stormwater Management Structure Inspections Log has been prepared for and is maintained at this facility.
- ☐ I certify that a Water Line Inspections Log has been prepared for and is maintained at this facility.
- ☐ I certify that a Manure Tracking Manifest has been prepared for each manure hauling event that have occurred at this facility (Large CAFOs only).

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PART B – COMPOSTING INVENTORY

☐ **I certify that no composting occurs at this facility.** (If box is checked, skip to Part C.)

	January	February	March	April	May	June	July	August	September	October	November	December
I. Materials Monitoring												
Quantity (tons) and description of manure received from each source												
Quantity (tons) and description of greenwaste received from each source												
Quantity (tons) and description of fertilizer received from each source												
Quantity of composted material (tons) shipped off-site												
Estimated quantities of raw materials, in-process-inventory and finished												
II. Flood Protection Monitoring[1]												
The Discharger shall inspect all internal and external flood protection facilities at least quarterly and following each storm which generates any storm water flow through the drainage system. Indicate whether these inspections were conducted for each quarter.												

[1] If significant damage to the flood protection facilities is found, the Discharger shall report this information to the Regional Water Board immediately by telephone, and transmit by letter within five business days of its occurrence the following information:

a. Location and extent of damage;
b. Interim measures to be taken to assure that no wastes are discharged from the facility; and
c. Time schedule for repairs.

III. Storm Water Monitoring

1. Did any storm water discharge(s) occur from the composting operations? ☐ Yes ☐ No
2. If yes, attach the results of all storm water discharge analyses to this report and/or explain why any storm water discharges from the composting operations were not analyzed for the required parameters:

☐ Check if analysis results are attached.

If any storm water discharges from the composting operations were not analyzed for the required parameters, explain below:

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IV. Operation and Maintenance
Document any erosion control or drainage problems and/or related maintenance:

PART C – LAND APPLICATION OF MANURE, LITTER, AND PROCESS WASTEWATER REPORT

☐ **I certify that no land application of manure, litter, and/or process wastewater occurs at this facility.** (If box is checked, skip to Part D.)

I. Nutrient Management Plan

Indicate whether the facility's Nutrient Management Plan (NMP) was either prepared or approved by a certified nutrient management planner. *Note: The Regional Water Board does not require CAFO owners or operators to use a certified nutrient management planner to prepare or approve NMPs.*

Was the current version of this facility's NMP prepared or approved by a certified nutrient management planner? _____ Yes _____ No

II. Acres Used for Land Application

Report the total number of acres of land that are covered by this facility's NMP. Include all land application acres covered by the NMP, whether or not they were used for land application during the reporting period.

A. Total number of land application acres covered by the NMP: _____ acres.

Report the total number of acres of land where manure, litter, or process wastewater generated at this facility was spread. Include only land application areas that are under the control of this CAFO facility.

B. Total number of acres under the control of the CAFO used for land application during the reporting period: _____ acres.

III. Nutrient Analyses

Report the nutrient content of the manure, litter, and process wastewater that was applied during the reporting period. Report the results that were used to calculate nutrient application rates for the crops that were harvested during the reporting year. Attach additional sheets if needed.

Source sampled[a]	Sample date[b]	Analytical Results			
		NH_4-N	TKN	TP	Units[c]

a. Identify the manure type (e.g., liquid, slurry, solid, compost, litter, etc.) that was sampled and the storage structure sampled (if more than one structure used to store that type of manure). Use a separate line for each unique source. The source identification should correspond to those used in the approved NMP.
b. Indicate the date of the sample results reported.
c. Indicate the reporting units (i.e., mg/L, mg/kg, lb/ton, or lb/1,000 gallons).

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Report the results of the most recent soil nutrient analyses used in calculating nutrient application rates for the crops harvested during the reporting year. If soil is not analyzed for nitrogen, report the calculated amount of plant available nitrogen in each field used to determine land application rates. Attach additional sheets if needed.

Field ID[a]	Sample Date[b]	Analytical Results						Calculated	
		Soluble P			Nitrogen[e]				
		Result	Units[c]	Method[d]	Result	N form[f]	Units[c]	PAN[g]	Units[c]

a. List all fields where manure, litter, or process wastewater was applied during the reporting period. The field ID should correspond to those used in the approved NMP.

b. Indicate the date of the sample results reported.

c. Indicate the reporting units (i.e., mg/kg or lbs/acre).

d. Indicate the extraction method used.

e. Note that the permit does not require soil nitrogen analysis. Report the results if soil nitrogen analyses if they were conducted.

f. Indicate the nitrogen form analyzed. Use multiple rows for multiple forms of N.

g. Indicate the calculated amount of plant available nitrogen in the soil, if soil nitrogen analyses were not used in calculating nutrient application rates.

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IV. Crop Growing Activity and Land Application

For each field where manure, litter, or wastewater was applied, report the actual crops grown in each field, the actual yield achieved, the amount of manure, litter, or wastewater planned to be applied and the actual amount of manure, litter, and wastewater applied. Report the information for the crop year ending during the 12-month reporting period. Attach additional sheets if needed.

Field ID[a]	Crop(s) Grown[b]	Yield[c]	Yield Units[d]	Planned Manure to be Applied[e]				Actual Manure Applied[f]			
				Solid	Compost	Liquid	Other[g]: _____	Solid	Compost	Liquid	Other[g]: _____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____

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Field ID[a]	Crop(s) Grown[b]	Yield[c]	Yield Units[d]	Planned Manure to be Applied[e]				Actual Manure Applied[f]			
				Solid	Compost	Liquid	Other[g]: _____	Solid	Compost	Liquid	Other[g]: _____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____
				Tons	Tons	Gallons	_____	Tons	Tons	Gallons	_____

a. List all fields where manure, litter, or process wastewater was applied during the reporting period. The field ID should correspond to those used in the approved NMP.

b. List all crops grown (harvested during the reporting period) in each field during the reporting period.

c. Report the actual yield achieved for each crop in each field.

d. Report the per-acre yield units (e.g., tons/acre, bushels/acre)

e. Report the calculated amount of manure, litter, or wastewater to be applied, determined in accordance with the methodology and terms of the approved NMP.

f. Report the actual amount of manure, litter, or wastewater applied.

g. If "Other" is selected, write in the type of manure, litter, or wastewater to be applied.

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For each field where manure, litter, or wastewater was applied, report the spreadable acres and the amount of total nitrogen and phosphorus applied per acre from commercial fertilizer during the 12-month reporting period. Attach additional sheets if needed.

Field ID[a]	Spreadable Acres	Commercial Nitrogen Applied (as N)	Commercial Phosphorus Applied (as P)
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre
		Pounds/Acre	Pounds/Acre

a. List all fields where manure, litter, or process wastewater was applied during the reporting period. The field ID should correspond to those used in the approved NMP.

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PART D – GROUNDWATER MONITORING REPORT

Attach the results of quarterly groundwater monitoring conducted in accordance with the CAFO's approved groundwater monitoring program, if required by the Regional Water Board. Check the appropriate box(es) below.

☐ A groundwater monitoring program is required for this facility.

☐ Monitoring results are attached.

☐ Monitoring results are not attached. Explain: _____

_____

_____

_____

_____

☐ Not applicable. A groundwater monitoring program is not required for this facility.

PART E – CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direct 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 this 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 for knowing violations.

Signature: _____ Date: _____

Title: _____

Print Name: _____

Submit by: February 15, 20_____

Submit to: California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA. 92260

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Manure Tracking Manifest
Colorado Regional Water Quality Control Board

Instructions

1. Complete one manifest for each hauling event, for each destination. A hauling event may last for several days, as long as the manure is being hauled to the same destination.
2. If there are multiple destinations, complete a separate form for each destination.
3. The operator must obtain the signature of the hauler upon completion of each manure hauling event.
4. The operator shall maintain manure tracking manifests on site at the permitted facility.

Operator Information

Name of Operator:

Name of Facility:

Facility Address:

Mailing Address:

Phone Number:

Manure Hauler Information

Name of Hauling Company and Contact Person:	Phone Number:

Destination information

Hauled to (please check one):	Dates Hauled:
☐ Composting Facility ☐ Regional Digester ☐ Riverside County ☐ San Bernardino County ☐ Imperial County ☐ San Diego County ☐ Other County/State: (Please list below) _____	_____ Please give name and location of the composting operation, or, if the manure was hauled to cropland, the owner or tenant, and the destination address, or nearest cross streets. _____ _____

Please enter the amount in the box below and circle the appropriate units:

Amount removed from Facility	Amount Composted	Amount to Digester
Tons or Cubic Yards	Tons or Cubic Yards	Tons or Cubic Yards

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or 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 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 for knowing violations.

Operator's Signature:_____ Date:_____

Hauler's Signature:_____ Date:_____

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CAFO Weekly Storm Water and Wastewater Management Structure and Daily Water Lines Inspections Log Sheet

Facility Name: _____ NPDES Permit No.: CAG017001

Instructions: Use this form to keep track of weekly visual inspections of your wastewater and storm water management structure(s) (including storm water and runoff diversion devices, and devices used to channel contaminated storm water to a wastewater storage or containment structure) and daily water line inspections (including drinking water lines and cooling water lines). List the items that need to be inspected below.

_____ _____

_____ _____

_____ _____

_____ _____

Keep track of your inspections in the following table by filling out one row each week when you inspect your storm water management structures and water lines. Provide the following information:

- ✓ the date of the inspection
- ✓ the initials of the inspector
- ✓ check the "OK" box if no problems were found
- ✓ use the "Notes" column to describe problems, if you find any, and how they might be fixed
- ✓ fill in the "date corrected" column with the date when you correct the problem
- ✓ check the box indicating daily water line inspections were conducted

	Date	**Initials**	**OK** (✓ if no problems found)	**Notes** (Note any problems found and possible solutions.)	**Date Corrected**	**Daily Inspections Conducted?** (Yes/No)
Week 1						
Week 2						
Week 3						
Week 4						

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	Date	Initials	OK (✓ if no problems found)	Notes (Note any problems found and possible solutions.)	Date Corrected	Daily Inspections Conducted? (Yes/No)
Week 5						
Week 6						
Week 7						
Week 8						
Week 9						
Week 10						
Week 11						
Week 12						
Week 13						
Week 14						
Week 15						
Week 16						
Week 17						

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	Date	Initials	OK (✓ if no problems found)	Notes (Note any problems found and possible solutions.)	Date Corrected	Daily Inspections Conducted? (Yes/No)
Week 18						
Week 19						
Week 20						
Week 21						
Week 22						
Week 23						
Week 24						
Week 25						
Week 26						
Week 27						
Week 28						
Week 29						
Week 30						

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	Date	Initials	OK (✓ if no problems found)	Notes (Note any problems found and possible solutions.)	Date Corrected	Daily Inspections Conducted? (Yes/No)
Week 31						
Week 32						
Week 33						
Week 34						
Week 35						
Week 36						
Week 37						
Week 38						
Week 39						
Week 40						
Week 41						
Week 42						
Week 43						

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	Date	Initials	OK (✓ if no problems found)	Notes (Note any problems found and possible solutions.)	Date Corrected	Daily Inspections Conducted? (Yes/No)
Week 44						
Week 45						
Week 46						
Week 47						
Week 48						
Week 49						
Week 50						
Week 51						
Week 52						

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California Regional Water Quality Control Board
Colorado River Basin Region (R-7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Discharge Notification Form

Facility Name: _____ NPDES Permit No.: CAG017001

If you have a discharge from the production area or land application area(s):

1. Call the Governor's Office of Emergency Services (800) 852-7550 and the Regional Water Quality Control Board (760) 346-7491 as soon as:
   a. You know about the discharge,
   b. Notification is possible, and
   c. You can provide notification without substantially impeding cleanup or other emergency measures.
2. Within 24 hours, submit a certification to the Regional Water Board that you have notified the Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies.
3. Keep a record of the approximate date, time, duration, location, description, and volume of the discharge.
4. Conduct discharge monitoring and receiving water monitoring as described in the MRP (sections IV.A, VIII.A and B, and IX.F)
5. Submit this form to the Regional Water Board within 5 days of the discharge, as required by section XI.D of the Monitoring and Reporting Program.

Describe each discharge of manure, litter, and/or process wastewater from the production area or land application area(s) under the ownership or operational control of the Discharger (except agricultural stormwater discharges). Attach additional sheets, if needed.

Date[a]	Time[b]	Duration[c]	Location[d]	Description[e]	Volume[f]

[a] **Date:** The date of the discharge. If the discharge was detected after it happened, give an estimate of the date when the discharge occurred.
[b] **Time:** The time of the discharge. If the discharge was detected after it happened, give an estimate of the time when the discharge occurred.
[c] **Duration:** The duration of the discharge.
[d] **Location:** The location of the discharge to waters of the U.S. Be specific. Include the name of the water body, and a specific description of where the manure, litter, or process wastewater entered the water body. Include landmarks or other points of reference (e.g., Three Mile Creek, at southeast corner of feedlot where creek bends to the west).
[e] **Description:** Provide other relevant information about the discharge, including the source, cause, composition (e.g., emergency overflow of process wastewater from lagoon #2), and impacts observed (e.g., fish kill in waterbody).
[f] **Volume:** Give an estimate of the number of gallons or tons of manure, litter, or process wastewater discharged.

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Provide analytical results from each discharge of manure, litter, and/or process wastewater that occurred during the reporting period. Attach additional sheets, if needed.

Parameter	Units	Result	Method Detection Level (MDL)
Volume	Gallons or Acre-Inches		
Nitrate-Nitrogen	mg/L		
Total Kjeldahl Nitrogen	mg/L		
Phosphorus, Total	mg/L		
Dissolved Oxygen	mg/L		
Total Dissolved Solids	mg/L		
Total Suspended Solids	mg/L		
E. coli	MPN/100 ml		
Fecal Coliform	MPN/100 ml		
Enterococcus[1]	MPN/100 ml		
[1]: For discharges to the New River			

Provide analytical results from the receiving water for each discharge of manure, litter, and/or process wastewater that occurred during the reporting period. Attach additional sheets, if needed.

Upstream (monitoring location RSW-001)

Describe monitoring location: _____

_____

_____

_____

Parameter	Units	Result	Method Detection Level (MDL)
pH	Standard Units		
Temperature	°F		
Dissolved Oxygen	mg/L		
Nitrate-Nitrogen	mg/L		
Total Kjeldahl Nitrogen	mg/L		
Phosphorus, Total (as P)	mg/L		
Total Dissolved Solids	mg/L		
Total Suspended Solids	mg/L		
E. coli	MPN/100 mL		
Fecal Coliform	MPN/100 mL		
Enterococcus1	MPN/100 mL		
[1]: For discharges to the New River			

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Downstream (monitoring location RSW-002)

Describe monitoring location: _____

_____

_____

_____

Parameter	Units	Result	Method Detection Level (MDL)
pH	Standard Units		
Temperature	°F		
Dissolved Oxygen	mg/L		
Nitrate-Nitrogen	mg/L		
Total Kjeldahl Nitrogen	mg/L		
Phosphorus, Total (as P)	mg/L		
Total Dissolved Solids	mg/L		
Total Suspended Solids	mg/L		
E. coli	MPN/100 mL		
Fecal Coliform	MPN/100 mL		
Enterococcus1	MPN/100 mL		
[1] For discharges to the New River			

If you have a discharge from the composting operations:

1. Keep a record of the approximate date, time, duration, location, description, and volume of the discharge.
2. Conduct discharge monitoring as described in the MRP (sections IV.A and IX.F)
3. Submit this form to the Regional Water Board within 5 days of the discharge, as required by section XI.D of the Monitoring and Reporting Program.

Provide analytical results from each discharge of storm water from composting operations. Attach additional sheets, if needed.

Parameter	Units	Result	Method Detection Level (MDL)
Total Suspended Solids	mg/L		
pH	pH units		
Specific Conductance	µmhos/cm		
Total Organic Carbon[1]	mg/L		
Iron[2]	mg/L		
Nitrate+Nitrite Nitrogen[2]	mg/L		
Lead[2]	µg/L		
Zinc[2]	µg/L		
Phosphorus, Total[2]	mg/L		
[1] Oil and grease may be substituted for total organic carbon. [2] Additional analytical parameters required under State Water Board Industrial Storm Water Permit (NPDES CAS000001) for activities only under SIC 287X.			

EEC ORIGINAL PKG

Notice of Intent (NOI)
for Concentrated Animal Feeding Operations (CAFOs)
to Continue Coverage Under Board Order R7-2013-0800
(NPDES No. CAG017001)

This form is to be submitted by owners or operators of CAFOs enrolled under Board Order R7-2008-0800 who wish to continue coverage under Board Order R7-2013-0800. If you do not discharge and do not wish to continue coverage, you must submit a Notice of Termination.

I. Facility and Contact Information

Facility Name: _____
Facility Address: _____
City, State, ZIP: _____

Operator Name: _____
Mailing Address: _____
City, State, ZIP: _____
Operator Telephone: _____
Email: _____

Owner Name: _____
Owner Address: _____
City, State, ZIP: _____
Owner Telephone: _____
Email: _____

II. Concentrated Animal Feeding Operation Requirements

☐ The NOI and previously submitted documents for compliance with the previous CAFO general permits comply with the new CAFO general permit R7-2013-0800.

OR

☐ The following information needs to be updated to meet the requirements for coverage under the R7-2013-0800 CAFO general permit:
- ☐ Engineered Waste Management Plan (II.A.1, VII.C.3.c, Attachment B)
- ☐ Nutrient Management Plan (II.A.1, V.C.2.a, VII.C.3.b., Attachment C)
- ☐ Revised NMP (VII.C.3.b.xii)
- ☐ Composting Site Survey (VII.C.3.d.iii)
- ☐ Report of Facility Modification (VII.C.2.c.iv)
- ☐ Antidegradation Analysis for Expansion of Existing Facility (VII.C.4.f)

For any out-of-date items identified above, please provide current information and attach with this NOI. Identify the data item (section and question number) in the most recently-submitted NOI that is being updated. Attach additional sheets and/or map if needed.

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Data Item	Current Information

III. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Name and Official Title	B. Phone No.
C. Signature	D. Date Signed

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CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) SPACES – Please type or print -

1. PROPERTY OWNER'S NAME ETX, LLC		EMAIL ADDRESS bplourd@eltoroexport.com	
2. MAILING ADDRESS (Street / P O Box, City, State) P.O. BOX 1109 EL CENTRO, CA		ZIP CODE 92244	PHONE NUMBER 760 427-4157 760 352 4157
3. ENGINEER'S NAME N/A	CA. LICENSE NO.	EMAIL ADDRESS	
4. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER

5. ASSESSOR'S PARCEL NO. 054-250-12/054-250-014	ZONING (existing) A-3-G-SPA	ZONING (proposed) A-3-G-SPA
6. PROPERTY (site) ADDRESS 96 E Fawcett Rd. Heber CA		SIZE OF PROPERTY (in acres or square foot) Total Area Approx. 160 Acres
7. GENERAL LOCATION (i.e. city, town, cross street) 1/4 South of Fawcett & Ware Rd. Heber CA		
8. LEGAL DESCRIPTION See attached maps & descriptions		

8. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail)
Farmland, Compost operation, Cattle feeding

9. PLEASE STATE REASON FOR PROPOSED USE (be specific)
See letter attached

10. DESCRIBE SURROUNDING PROPERTY USES
Farmland South,East & West, Feed lot North, Feed Mill North

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

William R Plourd — Print Name
10/25/2018 — Date
Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN
B. PRELIMINARY TITLE REPORT (6 months or newer)
C. FEE
D. OTHER

APPLICATION RECEIVED BY:	D.R.	DATE	10/25/18	REVIEW / APPROVAL BY OTHER DEPT'S required ☐ P. W. ☐ E. H. S ☐ A. P. C. D. ☐ O. E. S ☐ _____ ☐ _____
APPLICATION DEEMED COMPLETE BY:		DATE		
APPLICATION REJECTED BY:		DATE		
TENTATIVE HEARING BY:		DATE		
FINAL ACTION: ☐ APPROVED ☐ DENIED		DATE		

ZC # 18-0006

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Mailing Address:
P.O. Box 1109
El Centro, California 92244

El Toro EXPORT

Physical Address:
1469 La Brucherie Road
El Centro, California 92243

Phone: (760) 352-4157 · Fax: (760) 352-5754
Email: bplourd@eltoroexport.com

October 25, 2018

Jim Minnick, Director
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

Dear Director Minnick:

El Toro Land and Cattle Company is currently operating a Cattle Feed yard operation at its Heber Facility, 96 East Fawcett Road, Heber, California. This business has been in continuous operation since 1965 and prior to that from the 1950's by its original owners.

In 2007 El Toro Land and Cattle Company entered into an" Agreement for Conditional Zone Change #06-0011" with the County of Imperial to accommodate our desire of a Zone Change from "A-2" Medium Agriculture to Heavy Agriculture "A-3". The parcels involved were APN 054-250-014-001 and APN 054-250-012-001. This change request was granted to allow us to construct and operate a Composting facility on the site. A composting operation has been continuously operating on the site since that time. One of the conditions of the Conditional Zone Change was "S17-No Growth Allowed". This condition required the existing footprint of the feedlot operation remain unchanged.

It is now our desire to increase the feeding capacity of the Feed yard by adding additional feeding pens on the site. This expansion would occur to the south of the existing pens on the same APN's identified above. We are anticipating doing this in two phases.

Phase 1 would involve the South portion of APN 054-250-012-001 (see attached maps). This area is currently being farmed with an establish crop of Bermuda Hay. Phase 2 would involve the South portion of APN 054-250-014-001 (see attached maps). This area is the location of the current composting operation. Prior to building pens in this area, a new location would need to be identified in the region and approved for the composting operation. The completion of both phase 1 and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle.

It's my understanding the best way to accomplish our desire to expand the feeding capacity is to request a modification to the existing "Agreement for Conditional Zone Change #06-0011". Please find the attached application for Change of Zone. We look forward to working with you, your team, and other county departments on this process.

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For your information, the Cattle Operations are conducting under El Toro Land and Cattle Company. The Composting operations are conducted under TruSource, LLC and the Land owner is ETX, LLC. All three companies are wholly owned subsidiaries of El Toro Export, LLC.

Please feel free to reach out to me with any questions you might have.

Sincerely Yours;

EL TORO EXPORT, LLC

WILIIAM R. PLOURD
President/CEO

Enclosures

Agreement for Conditional Zone Change
Conditional Zone Change Map (A)
Project Location Map (B)
Zone Change Application

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