

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
TENTATIVE ORDER NO. R2-2025-00XX**

**CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR GRAZING OPERATIONS IN THE NORTH SAN FRANCISCO BAY REGION
(NAPA RIVER, SONOMA CREEK, PETALUMA RIVER, AND TOMALES BAY
WATERSHEDS, AND ALL GRAZING OPERATIONS IN
POINT REYES NATIONAL SEASHORE)**

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

Scope of Coverage

1. Order No. R2-2025-00XX (hereafter, Conditional Waiver) serves as a conditional waiver of waste discharge requirements (WDRs) for discharges of waste from Grazing Operations that meet the terms and conditions of this Conditional Waiver.
2. For the purposes of this Conditional Waiver, a “Grazing Operation” is defined as a facility where animals are fed or maintained on rangeland¹, animals forage for a total of 45 days or more in any 12-month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season. A Grazing Operation includes auxiliary appurtenances, such as roads, reservoirs, holding pens, feeding racks, etc.
3. Landowners and operators of Grazing Operations discharging or proposing to discharge waste covered by this Conditional Waiver are referred to as “Dischargers”.
4. This Conditional Waiver covers discharges of sediment, nutrients, pathogens, and mercury from Grazing Operations, and specifies measures to address erosion and to protect riparian areas. This Conditional Waiver does not apply to discharges of process wastewater, fertilizers, pesticides, or manure and wastewater discharges to land, including spray irrigation of liquid manure.
5. This Conditional Waiver regulates discharges from existing Grazing Operations in the North San Francisco Bay Region within the life of this Conditional Waiver, that meet the following criteria:
 - a. Grazing Operations encompassing 100 acres or more, located within water quality-impaired watersheds, and identified as a categorical pollutant source for a total maximum daily load (TMDL) in Chapter 7 of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan), or

¹ Rangelands are those lands on which the native vegetation (climax or natural potential plant community) is predominantly grasses, grass-like plants, forbs, or shrubs suitable for grazing or browsing use (U.S. Environmental Protection Agency, <https://www.epa.gov/agriculture/agricultural-pasture-rangeland-and-grazing>; URL as indexed on December 6, 2023).

- b. Other Grazing Operations in Napa, Sonoma, and Marin Counties that the Water Board determines need coverage under this Conditional Waiver due to threat to water quality.
6. This Conditional Waiver implements the Tomales Bay pathogens and mercury TMDLs, the Walker Creek mercury TMDL, the Lagunitas Creek sediment TMDL, the Napa River and Sonoma Creek pathogens and sediment TMDLs, and the Petaluma River bacteria TMDL, which identify improperly managed grazing as a source contributing to the pathogen, sediment, and mercury impairments. Each TMDL contains an Implementation Plan that specifies the actions necessary to protect and restore beneficial uses, and these plans are incorporated into Chapter 7 of the Basin Plan.
7. In addition to the Grazing Operations in the areas subject to the TMDLs, the Conditional Waiver covers Grazing Operations located in the Point Reyes National Seashore that do not discharge to Tomales Bay. The inclusion of these other Grazing Operations in Point Reyes National Seashore is consistent with the National Park Service's Water Quality Strategy for Managing Ranching Operations to protect water quality. A map showing the area of coverage for this Conditional Waiver is shown in Attachment A.
8. Dischargers covered under the General WDRs for Confined Animal Facilities (CAFs) within the San Francisco Bay Region (Order No. R2-2016-0031) do not need to apply for coverage under this Conditional Waiver. The CAF WDRs also require dischargers to implement management practices (MPs) to minimize discharges of sediment, pathogens, and nutrients from their grazing operations, and imposes similar monitoring and reporting requirements.
9. Dischargers enrolled under existing Grazing Waivers do not need to reapply to continue coverage under this Conditional Waiver.
10. The Water Board retains the right to issue individual WDRs to a Discharger if the Discharger fails to comply with the Conditional Waiver or if individual coverage is more appropriate to protect beneficial uses.

Background

11. In 2017 and 2018, respectively, the Water Board renewed the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds (Resolution No. R2-2017-0043) and the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Resolution No. R2-2018-0046) (existing Grazing Waivers). Both Resolutions were in effect for a five-year term and expired in 2022 and 2023, respectively. This Conditional Waiver renews and consolidates the existing Grazing Waivers and expands the scope of coverage to include Grazing Operations located within the Petaluma River watershed and the National Park Service Grazing

Operations in Point Reyes National Seashore that do not drain to Tomales Bay².

12. Renewal of the existing Grazing Waivers is appropriate because the Water Board expects continued compliance by most enrollees, the Conditional Waiver is protective of beneficial uses, and the Conditional Waiver is in the public interest.
13. Improperly managed livestock grazing can adversely affect water quality and impair beneficial uses through the erosion, transport, and discharge of sediment into surface waters and the discharge of nutrients and pathogens from animal wastes into surface waters. In some areas of the Tomales Bay watershed, grazing activities also have the potential to cause discharges of mercury-laden sediment into waters of the state.
14. Grazing activities can also cause habitat degradation in streams and adjacent floodplains. Healthy vegetated areas adjacent to streams are critical to the maintenance of the beneficial uses of stream systems. One of the primary impacts to riparian areas³ is the removal of riparian vegetation, which increases water temperatures by reducing shading and increasing heat absorption (i.e., sunlight) by streams and wetlands. Increased water temperatures degrade habitat for temperature-sensitive species, such as salmonids. Loss of riparian vegetation also reduces instream habitat used by aquatic organisms and can destabilize streambanks, leading to erosion and sedimentation.
15. Numerous watersheds throughout the San Francisco Bay Region (Region) are listed as impaired pursuant to the federal Clean Water Act section 303(d). The Clean Water Act requires states to address these impairments by developing TMDLs that examine these water quality problems, identify sources of pollutants, and specify actions that create solutions and restore beneficial uses.
16. The Basin Plan specifies implementation measures for each categorical pollutant source identified as contributing to water quality impairments. The implementation measures for Grazing Operations are incorporated into this Conditional Waiver and include evaluating operating practices, developing comprehensive site-specific pathogen and sediment control measures, developing an implementation schedule for such management measures, and submitting progress reports documenting actions undertaken.
17. This Conditional Waiver applies to approximately 145,000 acres of rangeland suitable for grazing covered by the existing Grazing Waivers and an estimated 44,500 acres of grazed land in the Petaluma River watershed and western Point Reyes National

² National Park Service Grazing Operations in Point Reyes National Seashore that drain to Tomales Bay were covered by Resolution No. R2- 2018-0046, Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed. As such, they are included in this Conditional Waiver.

³ Riparian areas are defined as a vegetated ecosystem along a water body through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influence from the adjacent water body. These systems encompass wetlands, uplands, or some combination of these two landforms.

Seashore. Grazing Operations enrolled under the existing Grazing Waivers occupy approximately 88,000 acres with 133 enrollees in the program. Based on previous enrollment, we expect an additional 50 enrollees covering 41,000 acres in the Petaluma River watershed and western Point Reyes National Seashore. In 2026, grazing operations in Point Reyes National Seashore will change due to agreements between The Nature Conservancy and private ranchers to close six grazing operations and all dairies. Future development of a targeted grazing program for these areas by The Nature Conservancy and the National Park Service is anticipated.

18. In accordance with the requirements of the existing Grazing Waivers, enrollees have engaged in adaptive water protection strategies through implementation of management practices (MPs). These MPs include, but are not limited to, rotating herds to lessen terracing and manage forage production; retaining appropriate levels of vegetation on rangeland to filter nutrients, pathogens, and sediment; and protecting riparian areas using exclusion fencing, off-stream water sources, hardened cattle-crossings, and attractants to manage cattle access to creeks and adjacent riparian areas.
19. Since adoption of the TMDLs, the State Water Resources Control Board (State Water Board) has directed significant grant resources to assist in their implementation. These financial resources have been matched by contributions made by enrollees as well as local, State, and federal agencies and have resulted in the implementation of MPs to help enrollees achieve the requirements of the Conditional Waiver.

Regulatory Framework

20. California Water Code (Water Code) section 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the state in the San Francisco Bay Region, other than into a community sewer system, must file with the Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board. Water Code section 13263(a) authorizes the Water Board to issue WDRs for discharges of waste that could affect water quality within its region. Water Code section 13269 authorizes the Water Board to conditionally waive the provisions of Water Code sections 13260(a)(1) and 13263(a).

Pursuant to Water Code section 13269, the Water Board may waive the submission of ROWDs and/or issuance of WDRs for a specific discharge or type of discharge if, after a public hearing, it finds that a waiver is consistent with the Basin Plan and in the public interest.

21. Water Code section 13269 provides that waivers of WDRs shall be conditional and may be terminated at any time by the Water Board. Waivers of WDRs may not exceed five years but may be renewed.

22. The Water Board may include as a condition of a waiver of WDRs the payment of an annual fee established by the State Water Board. (Water Code section 13269 (a)(4)(A)).

23. The Water Board, in accordance with Water Code section 13269(f), has reviewed the existing Grazing Waivers at a public hearing and determined that they should not be subject to WDRs at this time and renewal through this Conditional Waiver is appropriate.

The Conditional Waiver is consistent with the Basin Plan and in the public interest.

The adoption of this Conditional Waiver is in the public interest because it:

- a. Includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State;
- b. Provides a more efficient and more timely mechanism of complying with water quality objectives than other regulatory options;
- c. Provides for an efficient and effective use of limited Water Board resources allowing the Water Board to focus its limited resources to conduct field oversight, public outreach, and, where necessary, enforcement of the Conditional Waiver;
- d. Provides flexibility for Dischargers by providing an option of complying through a third-party entity; and,
- e. Enhances the beneficial uses of water and enhances the sustainability of Grazing Operations.

24. Waivers issued pursuant to Water Code section 13269 must, at a minimum, include:

- a. the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. The monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions.

This Conditional Waiver requires Dischargers to implement a Monitoring and Reporting Program (see Provision D.6) that is consistent with the monitoring requirements under Water Code section 13269. The Monitoring and Reporting Program is necessary to ensure compliance with the terms and conditions of the Conditional Waiver. The goal of the Monitoring and Reporting Program is to prevent or reduce uncontrolled waste discharges and to protect water quality. It requires regular compliance monitoring inspections and identification of further MPs needed to improve water quality (Attachment E).

25. Consistent with Water Code Section 189.7, the Water Board conducted outreach to disadvantaged communities and tribal communities regarding the potential water quality impacts of this Conditional Waiver.
26. Pursuant to Water Code section 13149.2, the Water Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this Conditional Waiver. The Board also considered environmental justice concerns within the Board's authority and raised by interested persons with regard to those impacts.

The discharges from Grazing Operations covered by this Conditional Waiver will occur in the Napa River, Sonoma Creek, Petaluma River, and Tomales Bay watersheds, and Point Reyes National Seashore. There are disadvantaged communities and/or tribal communities in these areas. Improperly managed Grazing Operations can adversely affect water quality through the erosion, transport, and discharge of sediment into surface waters. This Conditional Waiver continues to require Dischargers under existing Grazing Waivers to implement MPs and requires Dischargers in the expanded area of covered Grazing Operations to begin implementing MPs. The implementation of MPs protects beneficial uses and minimizes the water quality impacts to disadvantaged communities and tribal communities.

Nonpoint Source Implementation and Enforcement Policy

27. This Conditional Waiver satisfies the State Water Board's 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (Nonpoint Source Enforcement Policy), which requires that all nonpoint source pollution, including discharges from Grazing Operations, be regulated through WDRs, waivers of WDRs, or discharge prohibitions. Consistent with the Nonpoint Source Enforcement Policy, this Conditional Waiver requires development of, and compliance with, a nonpoint source pollution control implementation program in the form of a Ranch Water Quality Plan.
28. The Nonpoint Source Enforcement Policy encourages the Water Boards to "be as creative and efficient as possible in devising approaches to prevent or control nonpoint source pollution." This includes development of third-party programs to assist dischargers in complying with requirements of waivers of WDRs and assure the Water Board and the public that actions are being taken to reduce nonpoint source pollution. The third-party role is restricted to entities that are not actual dischargers under State Water Board/Water Board permitting and enforcement jurisdiction.
29. Because this Conditional Waiver does not authorize fertilizer or wastewater application to land, the Grazing Operations covered by this Conditional Waiver are anticipated to pose a low threat to groundwater.

Water Quality Control Plan for the San Francisco Bay Basin

30. The Basin Plan is the Water Board's master water quality control planning document.⁴ It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. TMDLs and associated implementation plans to achieve water quality objectives are also part of the Basin Plan. The Basin Plan was duly adopted by the Water Board and approved by the State Water Board, Office of Administrative Law, and U.S. Environmental Protection Agency.
31. Pursuant to the Basin Plan, the existing and potential beneficial uses of waters in the San Francisco Bay Region that could be impacted by the discharge of wastes associated with Grazing Operations within the scope of this Conditional Waiver include:
- a. Agricultural Supply
 - b. Areas of Special Biological Significance
 - c. Cold Freshwater Habitat
 - d. Estuarine Habitat
 - e. Fish Migration
 - f. Fish Spawning
 - g. Freshwater Replenishment
 - h. Industrial Service Supply
 - i. Marine Habitat
 - j. Municipal and Domestic Supply
 - k. Navigation
 - l. Non-contact Recreation
 - m. Ocean, Commercial, and Sport Fishing
 - n. Preservation of Rare and Endangered Species
 - o. Shellfish Harvesting
 - p. Warm Freshwater Habitat
 - q. Water Contact Recreation
 - r. Wildlife Habitat

Compliance with this Conditional Waiver will protect the beneficial uses listed above.

Antidegradation

32. State Water Board Resolution 68-16, Statement of Policy with Respect to Maintenance of High Quality Waters in California requires existing high quality water to be maintained until it has been demonstrated that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water, and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste and which discharges or proposes to discharge to existing high quality waters must meet

⁴ The Basin Plan can be found on the Water Board's website at https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html.

requirements that will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

33. This Conditional Waiver is consistent with Resolution 68-16 because it does not authorize degradation of existing high quality water. The Conditional Waiver ultimately improves water quality because it requires MPs to be implemented for existing discharges that were previously unregulated. To the extent that some degradation results, such degradation would not be significant and would be consistent with Resolution 68-16. Dischargers are required to implement MPs in an iterative manner to arrive at the best practicable treatment or control (BPTC) of the discharge to protect beneficial uses, to prevent pollution or nuisance, to address water quality impairments in the geographic area of Conditional Waiver coverage, and to maintain the highest water quality consistent with the maximum benefit to the people of the State.
34. There is no specific set of technologies, practices, or treatment devices that can be said to achieve BPTC or 'best efforts' universally in the watershed. This Conditional Waiver, therefore, establishes a set of performance standards that must be achieved and an iterative planning approach that will lead to implementation of BPTC. The iterative planning approach will be implemented as two distinct processes: 1) establishment of a baseline set of universal ranch water quality management standards combined with upfront evaluation, planning and implementation of management practices to attain those goals, and 2) additional planning and implementation measures if degradation trends threaten to impair a beneficial use (i.e., water quality objectives are not being met). Taken together, these processes are considered BPTC/best efforts. The planning and implementation processes that Dischargers must follow on their ranches should lead to on-the-ground implementation of the optimal MPs to address waste discharges from Grazing Operations.

California Environmental Quality Act

35. The Water Board is the lead agency for this Conditional Waiver (Project) under the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*; CEQA).
36. This Conditional Waiver involves the renewal of the existing Grazing Waivers for existing Grazing Operations within the Napa River, Sonoma Creek, and Tomales Bay watersheds, and expands the scope of coverage to include existing operations within the Petaluma River and unenrolled Grazing Operations located in the Point Reyes National Seashore.
37. The Water Board adopted a Negative Declaration on July 18, 2008 (2008 ND), concurrent with the adoption of Resolution No. R2-2008-0054, "Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Tomales Bay, Lagunitas Creek, Walker Creek, and Olema Creek) in the San Francisco Bay Region." In 2013 and in 2018, the Water Board prepared addenda to the 2008 ND for existing Grazing Operations as part of the Tomales Bay Grazing Waiver

renewal.

38. The Water Board adopted a Mitigated Negative Declaration on September 14, 2011 (2011 MND), concurrent with the adoption of Resolution R2-2011-0060, "Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds." In 2017, the Water Board prepared an addendum to the 2011 MND for existing Grazing Operations as part of the Napa-Sonoma Grazing Waiver renewal.
39. The Water Board prepared and circulated a Subsequent Negative Declaration for public review in compliance with CEQA and its applicable regulations. The Subsequent Negative Declaration evaluates the potential environmental impacts associated with expanding the scope of coverage under the Conditional Waiver to grazing operations in the Petaluma River watershed and Point Reyes National Seashore. The Water Board adopted the Subsequent Negative Declaration under Resolution R2-2025-XXXX on Month XX, 2025, finding that the Subsequent Negative Declaration reflects the independent judgment and analysis of the Water Board and that there is no substantial evidence in the record that the project changes will have significant impacts on the environment.
40. As described in the 2008 ND, 2011 MND, the addenda to the 2008 ND and 2011 MND, and the Subsequent Negative Declaration, there is no substantial evidence that the approval of the Conditional Waiver will have a significant effect on the environment. The Water Board's decision is based on the record as a whole for the Project, which is available at the Board's offices.

Human Right to Water

41. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code section 106.3.) This Conditional Waiver promotes that policy by requiring MPs designed to protect the Municipal and Domestic Supply beneficial use.

California Endangered Species Act

42. This Conditional Waiver 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 Wildlife Code §§ 2050-2097) or the federal Endangered Species Act (16 U.S. Code §§ 1531-1544). Dischargers are responsible for meeting all requirements of the applicable endangered species act.

Public Notice

43. The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to renew existing Grazing Waivers and to expand the scope of applicability to include watersheds newly identified as needing Conditional Waiver

coverage. The Water Board circulated the Conditional Waiver for 30 days of public comment, starting on February 21, 2025. The Water Board conducted a public hearing and considered all testimony and evidence concerning this matter.

Tribal Cultural Resources

44. Tribal cultural resources are defined in the California Public Resources Code (PRC) section 21074. This Conditional Waiver does not authorize any activity adversely impacting a tribal cultural resource. Dischargers implementing water quality improvements to meet the performance standards of this Conditional Waiver are responsible for complying with all applicable local, state, and federal laws and regulations related to the discovery and protection of tribal cultural resources and human remains, including PRC sections 5097.98 and 5097.99, and California Health and Safety Code section 7050.5.

THEREFORE, BE IT RESOLVED that, pursuant to Water Code section 13269, WDRs are waived for discharges of waste from Grazing Operations in the North San Francisco Bay Region (Napa River, Sonoma Creek, Petaluma River, and Tomales Bay watersheds, and all Grazing Operations in Point Reyes National Seashore) that comply with the terms and conditions herein. To receive coverage under the Conditional Waiver, an eligible Discharger shall comply with the following terms and conditions:

A. DISCHARGE PROHIBITIONS

1. The Dischargers shall not cause or contribute to conditions of pollution or nuisance as defined in Water Code section 13050.
2. The Dischargers shall not cause or contribute to exceedances of any regional, State, or federal numeric or narrative water quality standard stipulated in the Basin Plan.
3. The discharge of hazardous waste, as defined in Water Code section 13173 and California Code of Regulations, title 23 section 2521, subdivision (a), respectively, is prohibited.

B. RANCH WATER QUALITY PLAN (RWQP)

1. The Discharger must prepare an RWQP that shall always be kept on site and available for review by Water Board staff upon request. The RWQP shall include, at a minimum, the following:
 - a. A ranch map, or aerial photo on a 1:12,000 scale or larger, that includes the location of pastures, roads, fence lines, streams, riparian corridors, water sources, and MPs designed to protect water quality;
 - b. Description of MP objectives, including improvements in practices to reduce fecal indicator bacteria, sediment, and mercury in local surface waters to achieve TMDL load allocations;
 - c. An inventory of resources based on visual observations and/or existing reports;

- d. An assessment of the Grazing Operations, per the checklist titled *Checklist Form for Assessing Grazing Operations* (Attachment F), identifying controllable discharge points for pathogens, nutrients, sediment, and mercury;
 - e. Identification of legacy sediment discharge points (e.g., gullies, landslides), if appropriate;
 - f. Assessment of residual dry matter as specified in the University of California's, *California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring* (2006) (Series Publication 8092);
 - g. Description of all MPs implemented at the ranch as part of Grazing Operations;
 - h. A schedule for implementation of proposed MPs to comply with the performance standards of this Conditional Waiver (Section C.1);
 - i. An implementation schedule for management of grazing activities, structural improvements, livestock management, and land treatments to comply with the Conditional Waiver performance standards;
 - j. An implementation schedule for road-related and grazing-related erosion control and prevention actions to avoid increases in erosion from existing, unstable areas (e.g., gullies, landslides) within the Grazing Operation; and
 - k. A Plan for Compliance Monitoring and Reporting that describes the measures, protocols, and associated frequencies that will be used to verify the degree to which the MPs are being implemented and are achieving the waiver conditions, and/or to provide feedback for use in modifying and updating the RWQP. Attachment E provides the Compliance and Monitoring Annual Certification (Annual Certification) template the Discharger shall use to report compliance with the Conditional Waiver to the Water Board.
2. The Attachment F checklist is intended to guide the Discharger in assessing their Grazing Operation and preparing a RWQP. Alternative checklists may be used, provided the Executive Officer approves of them in writing.
3. Resources are available to help ranchers develop a RWQP. They include guidance documents available online and assistance from rangeland professionals at Resource Conservation District offices and other agricultural support organizations. More information about these resources is provided at the Grazing Waiver web page provided in Performance Standard C.2.b below.

C. PERFORMANCE STANDARDS

1. Management Practices (MPs) identified in the Ranch Water Quality Plan (RWQP) shall be implemented to achieve the following Conditional Waiver Performance Standards:
- a. Minimize delivery of **sediment, pathogens, mercury, and nutrients** from Grazing Operations to surface waters;

- b. Establish manure management operations designed to minimize runoff from entering watercourses;
- c. Manage animal use areas to minimize sediment/pathogen/nutrient runoff to watercourses;
- d. Manage riparian areas within the Grazing Operation in a manner that supports the essential functions that provide beneficial uses (e.g. sediment and pollutant filtering, woody debris recruitment, streambank stabilization, nutrient cycling and shading);
- e. Construct and maintain access and ranch roads to minimize erosion;
- f. Manage existing Grazing Operations to prevent additional erosion of legacy sediment delivery sites; and
- g. Design, implement, and manage animal crossings to minimize pathogen, sediment, and nutrient runoff into watercourses.

2. Implementation of Management Practices (MPs)

- a. The Discharger shall meet the Conditional Waiver Performance Standards by implementing site-specific MPs that reduce water pollution due to grazing and protect water quality. In selecting what MPs to use at the Grazing Operation, the Discharger shall take into consideration the vegetation, terrain, type of livestock, and general operating procedures. If waste discharges from a Grazing Operation continue to threaten water quality, then additional MPs shall be implemented.
- b. Resources and assistance are available to help ranchers identify water quality problems and select and implement MPs. These resources and contact information for agricultural support organizations who can provide assistance are listed on the Grazing Program web page at:
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/agriculture/.

D. PROVISIONS

- 1. The Dischargers shall implement MPs identified in the RWQP and make annual adaptive management adjustments to the RWQP to reduce fecal indicator bacteria concentrations and sediment loads in surface waters.
- 2. The Dischargers shall comply with all water quality objectives of the Basin Plan.
- 3. The Dischargers' livestock management and irrigation activities shall assure protection of all actual or designated beneficial uses of groundwater.
- 4. The Water Board may conduct inspections pursuant to Water Code section 13267(c). Water Board staff or its authorized representatives may investigate the property of persons subject to this Conditional Waiver to ascertain whether the purposes of the Water Code are being met and whether the Discharger is

complying with the conditions of this Conditional Waiver. The following conditions apply to enrollees under this Conditional Waiver:

- a. Except in cases of an unauthorized discharge or emergency circumstances, Water Board staff will typically contact a Discharger a minimum of 72 hours prior to site inspection.
- b. Enrollees under the Conditional Waiver shall allow Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with this Conditional Waiver.
- c. If entry or consent to access to property is unreasonably withheld, the Executive Officer may terminate the applicability of the Conditional Waiver to the Discharger withholding access, and the Discharger shall submit a ROWD to the Water Board pursuant to Water code section 13260. Failure to file a ROWD and unauthorized discharges may result in enforcement action pursuant to Water Code sections 13261 and 13385(m) respectively.

5. Deadlines and Compliance Schedule

Dischargers must meet the following deadlines and compliance schedule:

- a. The RWQP shall be completed no later than one year after Conditional Waiver enrollment. Dischargers already enrolled in the existing Grazing Waivers are not required to produce a new RWQP but must make any changes necessary to keep their existing RWQP updated to reflect current conditions.
- b. Implementation schedules shall be completed and included in the RWQP no later than one year after Conditional Waiver enrollment, and shall be updated yearly thereafter, as needed.
- c. Each Discharger shall comply with the implementation timelines in the RWQP. Initial implementation of the RWQP must begin within the five-year term of the Conditional Waiver. The overall implementation of the RWQP may extend beyond five years and will be reviewed upon any renewal of this Conditional Waiver.
- d. The Plan for Compliance Monitoring and Reporting shall be completed and included in the RWQP no later than one year after Conditional Waiver enrollment. The Discharger shall submit an Annual Certification to the Water Board that certifies its Grazing Operation meets the conditions of this Conditional Waiver, documents the MPs implemented, evaluates the effectiveness of MPs, and records any inspections where a water quality problem was identified, as well as the MPs taken to correct these problems. These certifications are due to the Water Board annually by November 15. The Annual Certification reporting period is defined as being between October 1 and September 30.

6. Compliance Monitoring and Reporting

- a. Each Discharger shall conduct visual inspections of the Grazing Operation to verify that MPs identified in the RWQP have been implemented and that Conditional Waiver Performance Standards are being met.
- b. Each Discharger shall, in addition to inspecting the Grazing Operation, visually inspect the closest receiving water, upstream and downstream of the Grazing Operation, to monitor any change in water quality resulting from facility operations. These inspections are needed to determine the effectiveness of MPs.
- c. Inspections shall occur twice during the dry season and at least monthly during the rainy season, preferably before and after a forecasted storm event. One of the dry season inspections shall be conducted in the month of September, prior to the beginning of the rainy season, and shall encompass the entire area of the Grazing Operation to verify MP implementation and readiness for the rainy season. A Discharger is not required to perform inspections during dangerous weather conditions or when a storm begins after scheduled facility operating hours.
- d. Pre-storm inspections of the entire Grazing Operation shall ensure that appropriate MPs are properly installed and maintained. Post-storm inspections shall be conducted to evaluate whether MPs have functioned adequately and whether additional MPs or maintenance work is needed.
- e. The Discharger shall maintain records of inspections, monitoring observations, and any response taken to eliminate potential sources of sediment, nutrients, pathogens, and mercury from the Grazing Operation for the term of this Conditional Waiver (minimum of five years). If a water quality problem is found during an inspection, the Discharger shall record the nature of the problem, the MPs taken to correct it, and report it in the Annual Certification document, as described in Provision 5.d.
- f. The Discharger shall measure and record measurements of Residual Dry Matter prior to fall rains as specified in the *University of California 2006, California Guidelines for Residual Dry Matter Management on Coastal and Foothill Annual Rangelands, Rangeland Monitoring Series Publication 8092*. These measurements shall be included in the Annual Certification document, as described in Provision 5.d. If minimum Residual Dry Matter targets are not met, the Discharger shall provide an explanation for not meeting the targets in the Annual Certification document.
- g. Pursuant to Water Code sections 13267 and 13269, water quality monitoring and reporting of waste discharged must be performed on a site-specific or watershed basis. The Discharger may do so individually or in cooperation with other similar Dischargers in the watershed. If a Third-Party Program is developed, the entity providing the third-party role shall be subject to approval by the Executive Officer.

E. PERMIT REOPENING, REVISION, REVOCATION, TERMINATION, REISSUANCE AND SEVERABILITY

1. The Water Board will review this Conditional Waiver periodically and may revise requirements when necessary for reasons including, but not limited to, adoption of more stringent applicable water quality standards in the Basin Plan or changes in State plans, policies, or regulations that would affect the requirements for the discharges.
2. The Executive Officer may, at any time, terminate coverage under this Conditional Waiver as to a particular Discharger where:
 - a. The Discharger fails to comply with this Conditional Waiver;
 - b. Termination is in the public interest;
 - c. The activities could adversely affect beneficial uses of waters of the State; or
 - d. The Executive Officer determines, based on changes to the Discharger's facility, that coverage under WDRs is more appropriate.
3. In the event of closure or change in land use of the Discharger's Grazing Operation, the Discharger shall file a Notice of Termination (Attachment G) that explains the extent of the change in operation, measures taken to close and/or change the operation, and owner/operator contact information.
4. Water Board staff shall review the Notice of Termination and determine its appropriateness. The review may include a field staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the Notice of Termination.
5. In the event of any change in control or ownership of the Grazing Operation, the Discharger shall notify the Executive Officer in writing at least 30 days in advance of such a change. The notice shall include a Notice of Termination from the existing Discharger, the date on which responsibilities under this Conditional Waiver will transfer, and the contact information of the succeeding Discharger. The succeeding Discharger must submit a Notice of Intent to the Water Board to obtain coverage under this Conditional Waiver.
6. The provisions of this Conditional Waiver are severable, and if any provision of this Conditional Waiver, or the application of any such provision of this Conditional Waiver, to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Conditional Waiver shall not be affected thereby.

F. ENFORCEMENT

1. A Discharger who fails to comply with the terms and conditions of this Conditional Waiver is subject to an enforcement action, including but not limited to, administrative civil liabilities. The Executive Officer reserves the right to terminate a

Discharger's coverage under this Conditional Waiver, and the Water Board may impose individual WDRs after proper notice and hearing (Water Code section 13263(a)).

2. Water Code section 13387, subdivision (e) provides that any person who knowingly makes any false statement, representation, or certification in any record, report, plan, notice to comply, or other document filed with a Regional Water Board or the State Water Board, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required under division 7 of the Water Code shall be punished by a fine of not more than \$25,000, or by imprisonment in state prison for not more than two years (four years for a second conviction), or by both.

G. REQUIRED REPORTS AND NOTICES

1. The Discharger shall submit an Annual Certification (Attachment E) to the Water Board that certifies whether its facility meets the conditions of the Conditional Waiver, documents any required mitigation measures and MPs implemented, evaluates the effectiveness of MPs, and records any inspections where a water quality problem was identified, as well as the MPs taken to correct these problems. The Annual Certification is due November 15 annually.
2. The Discharger shall report any spills or discharges that threaten human health or water quality within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Water Board and to the California Office of Emergency Services (CalOES). The Discharger shall leave a message on the Water Board's spill hot-line at 510-622-2369. The message shall include the time, date, and place of the discharge. CalOES is operational 24 hours a day at 800-852-7550. A written report shall be submitted to the Water Board office within five business days of the Discharger becoming aware of the incident. The written submission shall contain:
 - a. The approximate date, time, and location of the discharge;
 - b. A description of the noncompliance event and its cause;
 - c. The rate, volume, and duration of the discharge;
 - d. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - e. The steps taken to correct discharge and/or a time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such discharges.

H. APPLICATION REQUIREMENTS

1. To be eligible for coverage under this Conditional Waiver, a discharger conducting Grazing Operations must be a landowner or operator conducting Grazing Operations in the Tomales Bay, Petaluma River, Sonoma Creek, or Napa River watersheds, or on National Park Service land within Point Reyes National Seashore, and the Grazing Operation either:

- a. Encompasses an area of 100 acres or more, or
- b. Is identified by Water Board staff as posing a threat to water quality.

A Discharger meeting the above conditions shall submit a completed Notice of Intent (NOI, Attachment C) as well as documentation that demonstrates how the Discharger is satisfying, or intends to satisfy, all the conditions of this Conditional Waiver. If a Discharger previously submitted a completed NOI and is covered by the existing Grazing Waivers, the Discharger does not need to submit a new NOI to continue coverage under this Conditional Waiver if there have been no changes in the Grazing Operations identified in the NOI.

The Discharger shall send the NOI to the Water Board no later than **November 15, 2025**, to the following address or email:

San Francisco Bay Regional Water Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
ATTN: Grazing Program
Email: R2GrazingWaiver@waterboards.ca.gov

2. **Notice of Non-Applicability.** A person conducting Grazing Operations that meet any of the following conditions excluding them from coverage under the Conditional Waiver must submit a Notice of Non-Applicability (Attachment D):
- a. The Grazing Operation encompasses an area smaller than 100 acres and does not pose a threat to water quality. These Grazing Operations are still expected to implement MPs for their facilities. The Regional Water Board may require such Grazing Operations to obtain coverage under this Conditional Waiver or under individual WDRs on a case-by-case basis if the Regional Water Board finds the Grazing Operation may have adverse impacts on water quality.
 - b. The Discharger operates a confined animal facility in conjunction with its Grazing Operation that is covered under existing General WDRs for Confined Animal Facilities (Order No. R2-2016-0031).

A Discharger who meets any of the conditions above and who has not previously filed a Notice of Non-Applicability shall submit such notice by **November 15, 2025**.

This Conditional Waiver is effective on May 14, 2025, and expires on May 14, 2030.

I, Eileen White, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the North San Francisco Bay Region (Napa River, Sonoma Creek, Petaluma River, and Tomales Bay watersheds, and all Grazing Operations in Point Reyes National Seashore) adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 14, 2025.

Signature
Eileen White, Executive Officer

Date

Attachments:

- Attachment A:** Conditional Waiver Area Map
- Attachment B:** CEQA Draft Initial Study and Subsequent Negative Declaration
- Attachment C:** Notice of Intent
- Attachment D:** Notice of Non-Applicability
- Attachment E:** Compliance and Monitoring Annual Certification Template
- Attachment F:** Checklist Form for Assessing Grazing Operations
- Attachment G:** Notice of Termination