

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
CLEANUP AND ABATEMENT ORDER R5-2025-XXXX (PROPOSED)
ISSUED TO
M & M CARVALHO TRUST (DEANNA M. CARVALHO ROCHA) AND VICTOR FANELLI
ASSESSOR'S PARCELS 045-190-076-000 AND 045-190-075-000
MERCED COUNTY

This Cleanup and Abatement Order (Order) is issued to Deanna M. Carvalho Rocha and Victor Fanelli (together, Dischargers), based on provisions of California's Porter-Cologne Water Quality Control Act (Water Code) section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Assistant Executive Officer finds, with respect to the Dischargers' acts or failures to act, the following:

Purpose of the Order

1. This Order requires the Dischargers to cleanup and abate the effects of waste that is discharging or threatening to discharge to waters of the state. These discharges and threatened discharges of waste are the result of unauthorized application of human waste. These activities occurred without authorization from applicable federal, state, or local agencies, including the Central Valley Water Board. This Order requires investigation and cleanup in compliance with the Water Code, the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, Revised February 2019 (Basin Plan), State Water Resources Control Board (State Water Board)'s *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges* (Resolution 92-49), and other applicable State Water Board and Central Valley Water Board plans, policies, and regulations.

Site Location and Description

2. The discharges and threatened discharges of waste were observed at the M & M Carvalho Trust Ranch, located at 23570 West Geer Avenue in Hilmar, Merced County (Bovine Facility). The Bovine Facility is located entirely on Merced County Assessor's Parcels 045-190-076-000 and 045-190-075-000. The Bovine Facility is regulated under the *Waste Discharge Requirements General Order for Confined Bovine Feeding Operations*, Order No. R5-2017-0058 (Bovine General Order). Runoff from the Bovine Facility discharges to onsite and adjacent agricultural drainage ditches along West Geer Avenue, then to downstream field drainage

swales within the Turlock Irrigation District service area. Regional drainage conveys flows toward Hilmar Drain and associated irrigation laterals, including TID Lateral Number 7. Hilmar Drain ultimately discharges to the San Joaquin River. Deanna M. Carvalho Rocha is the owner of the M & M Carvalho Trust Ranch (WDID 5B24NC00433) and the parcels on which it is located. Victor Fanelli, doing business as Fanelli Dairy, is the operator of the Bovine Facility, and the owner and operator of an adjacent dairy located at 23839 Bloss Avenue in Hilmar.

Responsible Party

3. This Order finds that the Dischargers are responsible parties based on the following:
 - a. According to records maintained by the Merced County Assessor's Office, Deanna M. Carvalho Rocha is identified as the legal owner of the Bovine Facility. Ms. Carvalho Rocha continues to own the Site and has for all periods relevant to this Order, including the dates on which Central Valley Water Board staff inspected the Bovine Facility and observed discharges and threatened discharges of waste to waters of the state.
 - b. As the operator of the Bovine Facility at the time the discharge and threatened discharge of waste was observed by Central Valley Water Board staff, Mr. Fanelli had or should have had knowledge of the unauthorized activities that resulted in the discharge and threatened discharges of waste and had the legal ability to prevent the discharges from occurring. Additionally, Mr. Fanelli, as the current operator who has received the staff Inspection Report and Notice of Violation, has the ability and legal responsibility to remediate the conditions that continue to result in discharges and threatened discharges of waste to waters of the state.
4. The Central Valley Water Board reserves the right to amend this Order to add additional responsible parties if/when those parties are identified.
5. Nothing in this Order is intended to, or shall be interpreted as, limiting a responsible party's ability to seek reimbursement or indemnity from any and all other responsible parties.

Factual Basis of the Order

6. On 19 October 2022 and due to safety concerns, Central Valley Water Board staff inspected the Bovine Facility from a Turlock Irrigation District canal embankment located north of Geer Road. The inspection was conducted following a complaint of human waste being pumped into the onsite irrigation pipeline and applied to the 18.7 acres field leased by Fanelli Dairy at 23839 Bloss Avenue in Hilmar. Central Valley Water Board staff accessed the 18.7 acres field through the Turlock Irrigation District canal embankment and observed the presence of dark brown water with a yellow crust in the field valves consistent with the characteristics of human waste.

7. On 20 October 2022, staff from Merced County Division of Environmental Health (County Staff) joined the Central Valley Water Board staff in a second inspection of the Bovine Facility. After a visual inspection of the 18.7 acres field through the Turlock Irrigation District canal embankment, County Staff suspected the presence of human waste. Due to safety concerns, County Staff and Central Valley Water Board staff couldn't access the production area of the facility and set up a joint inspection of the Bovine Facility with Merced County Code Enforcement.
8. On 27 October 2022, Central Valley Water Board staff, accompanied by County Staff and Merced County Code Enforcement Sheriffs, returned to the Bovine Facility for a third inspection. The inspection report indicated that there is one wastewater storage pond onsite that receives wastewater through a direct pipeline from Fanelli Dairy, and that Central Valley Water Board staff and County Staff were able to confirm that the direct pipeline from Fanelli Dairy and the standpipe located at the southwest corner of the storage pond contained human waste. Central Valley Water Board staff communicated to the Fanelli Dairy that until the Bovine Facility cleaned out the pipeline to the Central Valley Water Board satisfaction, the pipeline could not be used to apply fresh water or wastewater to the 18.7-acre parcel, and Fanelli Dairy agreed to clean out the pipeline to Central Valley Water Board staff's satisfaction. The cleanup was completed on 14 November 2022 and samples were collected on that day by Central Valley Water Board staff for analysis. Central Valley Water Board staff received sample results on 9 December 2022 and confirmed that no residual human *Bacteroides* were present in the pipes.
9. The Bovine Facility was issued a Notice of Violation dated 10 February 2023 for violations of the Bovine General Order. The Notice of Violation required the Dischargers to submit proof that human waste is no longer being routed to the pipeline used for cropland irrigation, proof that a septic system has been installed, documentation of the condition that created the potential for discharge and any corrective actions taken, and a Notice of Intent to request to be enrolled in the Bovine General Order as a Full Coverage Operation.
10. On 1 June 2023, Fanelli Dairy collected samples from the wastewater storage pond, standpipe, and field valve at the Bovine Facility. The sample collected from the field valve was below the reporting limit for human *Bacteroides*. However, the samples collected from the wastewater pond and stand pipe were above the reporting limit for human *Bacteroides*:
11. On 29 March 2024, Central Valley Water Board staff received a Form for Transfer of Owner/Operator Coverage (O/O Transfer Form) requesting termination of coverage under the Bovine General Order for Fanelli Dairy. The O/O Transfer Form was signed by Victor Fanelli but was not signed by Deanna M. Carvalho Rocha. On 26 September 2024, the Central Valley Water Board issued a response to the O/O Transfer Form (Response Letter). In the Response Letter, Central Valley Water Board staff described the requirements for termination under the Bovine General Order as a Limited Population Operations. The Response Letter stated that "[f]or the Central Valley Water Board to terminate Mr. Fanelli's coverage

under the Bovine General Order, it must receive either (1) a completed O/O Transfer Form signed by both the Owner and Operator, or (2) demonstration that the facility has been closed in accordance with Bovine General Order Provision H.12” and that “both parties will be maintained as co-dischargers responsible for compliance until Order coverage can be terminated.”

12. To date, the Central Valley Water Board has not received any of the submittals necessary for termination described in the Central Valley Water Board Response Letter dated 26 September 2024.
13. This Order was initially noticed for a 30 day public comment period on 3 December 2025. The initial comment period ended on 5 January 2026 and no comments were received. This order is being renoticed for public comment due to edits made by the Central Valley Water Board Prosecution Team.

Regulatory Context

14. The Dischargers are regulated by the Bovine General Order, which was adopted by the Central Valley Water Board on 8 June 2017. The Bovine Facility was deemed to fall under the Limited Population Operation tier based on meeting the criteria described in Section 5 of the Scope of Coverage of this Order for the Bovine General Order. As an enrolled facility, the Dischargers are subject to the requirements of the Bovine General Order for Limited Population Operations and its associated Monitoring and Reporting Program.
15. The Bovine General Order regulates waste discharges from the Bovine Facility. The Waste Discharge Requirements, in part, contain the following:
 - a. Bovine General Order Section 5.c, establishes the criteria necessary for a facility to be deemed a Limited Population Operation, which includes:

“Stores storm water runoff from corrals in pond(s) that only contain water following precipitation events and are otherwise dry, and that do not receive wastewater from any source other than corral runoff;”
 - b. Bovine General Order Prohibition A.4, which states:

“The collection, treatment, storage, discharge or disposal of wastes at a Confined Bovine Feeding Operation shall not result in the creation of a condition of pollution or nuisance.”
 - c. Bovine General Order Prohibition A.5, which states:

“The disposal of waste not generated by on-site animal production activities is strictly prohibited except where a Report of Waste Discharge

for the disposal has been submitted to the Executive Officer and the Central Valley Waterboard has issued a waived discharge requirements for that discharge.”

- d. Bovine General Order Provisions H.7, which states:

“This Order does not apply to facilities where wastes such as, but not limited to, whey, cannery wastes, septage, municipal or industrial sludge, municipal or industrial biosolids, ash or similar types of waste are generated on-site or are proposed to be brought onto the production area or land application area of the Confined Bovine Feeding Operation for the purpose of nutrient recycling or disposal. The Discharger shall submit a complete Report of Waste Discharge and shall not apply or dispose of such waste prior to receiving Waste Discharge Requirements or a waste-specific waiver of Waste Discharge Requirements from the Central Valley Water Board.”

- e. Bovine General Order Provisions H.8, which states:

“If site conditions threaten to violate Prohibition A.2 (discharge of waste and/or storm water from the production area in the absence of an NPDES permit) or Prohibition A.4 (creation of a condition of pollution or nuisance) of this Order, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Records of such actions shall be kept and maintained as required in Monitoring and Reporting Program R5-2017-0058. Alterations of the Waste Management Plan (see Required Reports and Notices K.1.c) for the production area to avoid a recurrence shall be submitted to the Central Valley Water Board as a modification to the Waste Management Plan.”

- f. Bovine General Order Provisions H.11, which states:

“Any instance of noncompliance with this Order constitutes a violation of the Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.”

- g. Bovine General Order Provisions H.16, which states:

“Upon obtaining coverage under this Order, the Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Central Valley Water Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If

noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or Discharger.”

16. The Central Valley Water Board has jurisdiction over the discharge or threatened discharge of waste to waters of the State, including groundwaters.¹ It may also restrict or prohibit discharges to land to protect waters of the State.²

Legal Basis of the Order

17. Water Code section 13267, subdivision (a), states, in part, “A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements. . .may investigate the quality of any waters of the state within its region.”
18. Water Code section 13267, subdivision (b)(1), states, in part, “In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”
19. Water Code section 13268, subdivision (a)(1), states, in part, “Any person failing or refusing to furnish technical or monitoring reports as required by subdivision (b) or Section 13267. . .may be liable civilly in accordance with subdivision (b).”
20. Water code section 13268, subdivision (b)(1), states, “Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which a violation occurs.”
21. Water Code section 13304, subdivision (a), states, in part, “A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes of permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened

¹ See Water Code sections 13050, 13260, and 13304.

² See Water Code sections 13243, 13301, and 13263.

pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”

22. Water Code section 13350, subdivision (a), states, in part, “A person who (1) violates a . . . cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement. . . discharges waste, or causes or permits waste to be deposited where it is discharged, into waters of the state. . . shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
23. Water Code section 13350, subdivision (e)(1), states, “The state board or a regional board may impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 either on a daily basis or on a per gallon basis, but not both. (1) The civil liability on a daily basis shall not exceed five thousand dollars (\$5,000) for each day the violation occurs.”
24. “Waste” is defined by Water Code section 13050, subdivision (d), as, “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purpose of, disposal.”
25. “Pollution” is defined by Water Code section 13050, subdivision (l)(1), as, “an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) the waters for beneficial uses, (B) facilities which serve these beneficial uses.”
26. Cleanup and abatement are necessary to ensure that any existing condition of pollution is remediated, that threatened discharges of waste to waters of the state from the Site are prevented, and that any impacts to beneficial uses are mitigated. The issuance of a Cleanup and Abatement Order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board and State Water Board.
27. Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California (Antidegradation Policy). Resolution 92-49 requires waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the State; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the Central

Valley Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

Cost and Benefit of Technical Reports

28. Water Code section 13267, subdivision (b), specifies that the burden, including costs, of these reports must bear a reasonable relationship to the State Water Resources Control Board's (State Water Board) need for the reports and the benefits obtained from the reports. The cost of preparing the reports required in this Order are estimated to be in the range of \$8,000 to \$12,000 for the Pond Cleanout Plan.
29. The cost of the technical reports bear a reasonable relationship to the benefit to be gained. The Pond Cleanout Plan is needed to ensure no threats to public health and the environment, including contamination of groundwater or surface water, remain once Bovine General Order coverage is terminated.

California Environmental Quality Act

30. Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provision of the Basin Plan and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., tit. 14, § 15307) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, § 15308). To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to ensure restoration of stream habitat and prevent erosion, such actions are considered exempt from the provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. Should additional environmental review be required in connection with future discretionary regulatory actions at this site, the Central Valley Water Board may recover the costs associated with preparing and processing environmental documents from the Dischargers (Pub. Resources Code, § 21089).

Required Actions

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, the Dischargers shall take action to abate the effects of failure to manage the Bovine Facility as follows:

1. **Immediately stop** the disposal of human waste in the wastewater pond, standpipe, and field valve on-site of the Bovine Facility and comply with Bovine General Order Pond Section 5.c, Prohibition A. 4, Prohibition A. 5, Provisions H. 7, Provisions H. 8, Provisions H. 11, and Provisions H. 16.

2. **60 days after the adoption of this Order**, submit a Pond Cleanout Plan, describing the cleanout procedure of the wastewater pond in accordance with the Bovine General Order Requirements. The wastewater pond should be scraped to clean soil 60 days after the owner/operator receives approval for the Pond Cleanout Plan. Manifests must be submitted that track the exact volumes and destination of removed waste.
3. **60 days after the adoption of this Order**, submit a signed affidavit that disposal of human waste to the wastewater pond ceased and neither the pond or piping system will be used for the storage or discharge of human waste in the future.
4. **60 days after the adoption of this Order**, submit a Closure Plan to terminate your coverage under the Bovine General Order that ensures protection of surface water and groundwater.
5. **No more than 60 days after completion of site closure**, submit a Post-Closure Plan which documents that all closure activities were completed as proposed and approved in the Closure Plan. The Post-Closure Plan shall include sample results confirming that no residual human waste is present in the standpipe and field valve.
6. This Order does not limit the authority of the Central Valley Water Board to commence additional enforcement actions for past or continuing storage, discharge or disposal of wastes that result in the creation of a condition of pollution or nuisance, or to require additional investigation and cleanup of the site consistent with the Water Code. This Order may be revised by the Executive Officer as additional information becomes available.

General Requirements and Notices

1. **Use of Qualified Professionals.** All technical reports required by this Order that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geological sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
2. **Signatory Requirements.** All reports required under this Order shall be signed and certified by the Dischargers or by a duly authorized representative of the Dischargers and submitted to the Central Valley Water Board staff. A person is a duly authorized representative of the Dischargers only if: (1) the authorization is made in writing by the Dischargers and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the

regulated facility of activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

3. **Certification.** The following signed certification must be included with all reports submitted pursuant to this Order:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document 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.

4. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted to:

John J. Baum
Assistant Executive Officer
California Regional Water Quality Control
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Attn: Dan Gamon
Senior Engineering Geologist
Email: Daniel.gamon@waterboards.ca.gov
Phone: (916) 464-4724

5. **Cost Recovery.** Pursuant to Water Code section 13304, subdivision (c), the Water Board is entitled to, and may seek reimbursement for, all reasonable costs it incurs investigating and abating the effects of the unlawful discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. If requested by the Central Valley Water Board, the Discharger shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the Central Valley Water Board.
6. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Water Board that is subject to review as set forth Water Code section 13320, subdivision (a), may petition the State Water Board to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday, or furlough day, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the [law and regulation applicable to](#)

[filing petitions](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the internet at:
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will
be provided upon request.

7. **Request for Extension of Time.** If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive Officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. An extension may be granted by the Regional Board or Executive Officer only by revision of or amendment to this Order.
8. **Enforcement Notification.** Failure to comply with the terms or conditions of this Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to California Water Code section 13350 and/or section 13268, or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability.

This Order is issued under authority delegated to the Executive Officer by the Central Valley Water Board pursuant to Resolution R5-2018-0057 and further delegated to the Assistant Executive Officer in the Delegation of Authority dated August 26, 2025, and is effective upon the date of signature.

John J. Baum
Assistant Executive Officer

Date