

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

**[TENTATIVE]** ORDER R5-2026-XXXX – ATTACHMENT C

WATER CODE SECTION 13267 **ORDER R5-2026-XXXX-NRP2b-XX**  
MODEL MONITORING AND REPORTING PROGRAM  
ENACTING THE MODESTO MANAGEMENT ZONE IMPLEMENTATION PLAN  
FOR BOVINE FEEDING OPERATIONS

**Background**

On **[DATE]**, the Central Valley Regional Water Quality Control Board (“**Central Valley Water Board**”) adopted Order R5-**202X-XXXX** (“**MZIP Approval Order**”), which formally approved the Modesto Management Zone Implementation Plan (“**MZIP**”) and granted an exception from the implementation of the water quality objectives (“**WQOs**”) for nitrate and other forms of nitrogen speciation (“**nitrate exception**”) to dischargers participating in the Modesto Management Zone. The MZIP Approval Order contains additional findings in support of this associated Monitoring and Reporting Program Order (“**MRP**”).

In its MZIP, the Modesto Management Zone proposed sector-based Nitrate Reduction Plans (“**NRPs**”) that describe interim milestones that certain dischargers, groups of dischargers, and/or the Management Zone or other 3<sup>rd</sup> party representative groups must achieve to satisfy the requirements of the Nitrate Control Program (“**NCP**”) and justify the continuation of nitrate exceptions for participating dischargers. In approving the MZIP Approval Order, the Central Valley Water Board issued MRPs, like this one, to create enforceable requirements for participating dischargers to implement their respective NRPs.

**This MRP**

This Model MRP contains requirements that incorporate interim milestones and deadlines proposed in Modesto MZIP NRP-2a as enforceable requirements for each recipient (“**Discharger**”).<sup>1</sup> The requirements of this MRP are in addition to those facilities’ existing requirements under Central Valley Water Board Order R5-2017-0058, *Waste Discharge Requirements General Order for Confined Bovine Feeding Operations* (“**Bovine General Order**”) and its associated MRP R5-2017-0058. (See Appendix I, Table 1.)

Under the Bovine General Order, bovine feeding operations are categorized as either Limited Time Operations (“**LTOs**”), Limited Population Operation (“**LPOs**”), or Full

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<sup>1</sup> Each bovine feeding operation participating in the Modesto Management Zone has been issued a unique copy of this MRP (as indicated by number(s) following “NRP2b” in each discharger’s MRP order number (e.g., R5-**2026-XXXX-NRP2b-01**)). The requirements of each of these MRPs are identical.

Coverage Operations (“**FCOs**”), and each category is subject to differing requirements based on their potential threat to water quality. (See Bovine General Order, Findings 4-5.) This MRP prescribes two sets of requirements: one set for LTOs and LPOs and a second set for FCOs. Each discharger receiving a copy of this MRP is only required to comply with the requirements that correspond to its existing category under the Bovine General Order (i.e., existing LTOs are not required to comply with the requirements for FCOs, etc.).

Most, but not all, Modesto Management Zone Bovine Operations are also members of the Central Valley Dairy Representative Monitoring Program (“**CVDRMP**”). CVDRMP is a non-profit group of dairy owners and operators that conducts representative groundwater monitoring on behalf of its members, conducts related assessments of Full Coverage Bovine Operations’ operational impacts to groundwater quality, and develops management practice recommendations aimed at minimizing such impacts. CVDRMP may submit reports that satisfy the requirements of this MRP on behalf of one or more dischargers that would otherwise need to submit individual reports.

This MRP is issued pursuant to Water Code section 13267. The activities required by this MRP are necessary for the Central Valley Water Board to assess dischargers’ compliance with and implementation of the NCP and to gather data to support development of future phases of NCP implementation. The burden, including costs, of these requirements is reasonable in relation to the need therefore and the benefits to be obtained thereby. Dischargers named in this MRP must comply with the requirements below to maintain good standing in the Modesto Management Zone and maintain granted nitrate exceptions.

**IT IS HEREBY ORDERED**, pursuant to Water Code section 13267, that the Discharger shall comply with the following:

**A. For Limited Time Operations and Limited Population Operations:**

1. **Within 10 years after adoption of this Order or 6 years** after establishment of the **Bovine Quality Assurance Program (“BQAP”)**, whichever date is sooner, submit proof of BQAP certification confirming that, for your Bovine operation: (1) no discharge occurs from the facility during dry weather; and (2) stormwater is captured as required by the Bovine General Order. (See MZIP, Appx. NRP-2b, § 1.5.)
2. The Discharger shall collect and report to CVDRMP any and all nitrate discharge-related data required by CVDRMP and/or the Modesto Management Zone to effectuate the Modesto MZIP and the requirements of the MZIP Approval Order. After CVDRMP’s Dairy Data Management System (“DMS”) becomes available for use, all such reporting shall be via DMS.

**B. For Full Coverage Operations:**

1. **Within five years after adoption of the MZIP Approval Order**, submit to the Central Valley Water Board and CVDRMP a **Nitrate Reduction Workplan**, as described in the Modesto MZIP, Appendix NRP-2b. The Nitrate Reduction Workplan shall, at a minimum, include the following:
  - a. Delineation of the Facility's Area of Contribution (AOC) and manure storage.
  - b. Quantification of the nitrate loading to the Upper Zone of groundwater underlying the Facility's AOC and manure storage.
  - c. Estimation of the Facility's required minimum nitrogen load reduction and improvement in Facility's discharge quality to comply with the Management Zone's Groundwater Protection Target(s) (or alternative individual groundwater protection target applicable to the Facility).
  - d. A detailed time schedule to meet the interim deadlines and milestone to ensure compliance with the Nitrate Control Program. At a minimum the time schedule shall:
    - i. Be as short as practicable and include interim milestones that align with the deadlines specified in MZIP Appendix NRP-2b.
    - ii. Provide completion dates for the following Deadlines, structured as short as practicable:
      - A. Interim Deadline #1: Complete Facility Planning Process.
      - B. Interim Deadline #2: Select Compliance Project and Initiate Project.
      - C. Interim Deadline #3: Complete Compliance Project.
      - D. Interim Deadline #4: Demonstrate Facility Compliance.
2. The Discharger shall collect and report to CVDRMP any and all nitrate discharge-related data required by CVDRMP and/or the Modesto Management Zone to effectuate the Modesto MZIP and the requirements of the MZIP Approval Order. After CVDRMP's Dairy Data Management System ("DMS") becomes available for use, all such reporting shall be via DMS.

### **C. General Reporting Requirements**

1. All monitoring reports that involve planning, investigation, evaluation or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to Business and Professions Code sections 6735, 7835, and 7835.1.

### **Enforcement**

Failure to comply with this Order may result in the assessment of administrative civil liability of up to \$1,000 per violation per day, depending on the violation, pursuant to Water Code section 13268. The Central Valley Water Board reserves its right to take any additional enforcement actions authorized by law.

### **Administrative Review**

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this MRP, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the internet ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)) or will be provided on request.

If you have any questions about this Order please contact Robert Ditto at [robert.ditto@waterboards.ca.gov](mailto:robert.ditto@waterboards.ca.gov) or by phone at 916-464-4642.

This Order is effective upon the date of signature.

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For the Central Valley Regional Water Quality Control Board

APPENDIX I

TABLE 1

<b>NRP-2b #</b>	<b>Facility Name</b>	<b>Facility Address</b>	<b>Facility City</b>	<b>Category</b>
01	Patrick Bert Heifer Ranch	4355 North Gates Road	Modesto	Full Coverage
02	Mello Ranch	744 McEwen Road	Waterford	Full Coverage
03	Omlin Heifer Ranch	3231 Baker Road	Modesto	LPO
04	Bond Road Feedlot	11043 Bond Road	Oakdale	Full Coverage
05	Crane Villa Heifers	5732 Patterson Road	Oakdale	Full Coverage
06	Nature's Clover Dairy	2513 Dewitt Road	Modesto	LPO
07	Kemper Road Ranch	7231 Kemper Road	Modesto	Full Coverage
08	Brichetto Cattle Company	6155 Bentley Road	Oakdale	Full Coverage
09	Martins Farm Heifer Ranch	8725 Kiernan Avenue	Modesto	Full Coverage
10	Karen Marsh Ranch	7728 Dusty Lane	Modesto	LPO
11	Gonsalves Ranch	7601 Maze Boulevard	Modesto	Full Coverage
12	R & R Ranch	6654 Langworth Road	Oakdale	Full Coverage
13	Eleanor Ranch	5954 Eleanor Road	Oakdale	Full Coverage
14	Modesto Livestock Commission Co, Inc.	1107 South 7th Street	Modesto	LTO
15	Furtado Ranch	5507 Ellenwood Road	Oakdale	LPO
16	Illinois Feedlot	2845 Illinois Avenue	Modesto	LPO
17	Warnerville Ranch	6451 Crabtree Road	Waterford	Full Coverage
18	JLG Custom Services, LLC	11116 Sierra Road	Oakdale	Full Coverage
19	Langworth Dairy Heifer Ranch	3384 Langworth Road	Modesto	Full Coverage