

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

[TENTATIVE] ORDER R5-2026-XXXX – ATTACHMENT B

WATER CODE SECTION 13267 ORDER R5-2026-XXXX-NRP2a-XX  
MODEL MONITORING AND REPORTING PROGRAM  
ENACTING THE MODESTO MANAGEMENT ZONE IMPLEMENTATION PLAN  
FOR DAIRIES

**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 dischargers’ existing requirements under Central Valley Water Board Order R5-2013-0122, *Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies* (“**Dairy General Order**”) and its associated MRP R5-2013-0122, and/or any

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<sup>1</sup> Each dairy participating in the Modesto Management Zone has been issued a unique copy of this MRP R5-2026-XXXX-NRP2a (as indicated by number(s) following “NRP2a” in each discharger’s MRP order number (e.g., R5-2026-XXXX-NRP2a-01)). The requirements of each of these MRPs are identical.

other applicable waste discharge requirements orders (“**WDRs**”) and/or MRPs.<sup>2</sup> (See Appendix I, Table 1.)

Most, but not all, Modesto Management Zone dairies 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 dairy 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 Order is issued pursuant to Water Code section 13267. The reports required by this Order are necessary for the Central Valley Water Board’s assessment of the Modesto Management Zone’s implementation of the NCP and compliance with the requirements of the NCP, as well as to assist in development of future phases of NCP implementation. The burden, including costs, of the required reports bears a reasonable relationship to the need therefore and the benefits to be obtained thereby.

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

1. **Within three years after adoption of this Order**, as part of the Annual Report required by the Dairy General Order MRP R5-2013-0122, *Annual Reporting*, submit, via the Dairy DMS, an Irrigation and Nutrient Management Plan (“**INMP**”) that has been certified by a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy or a Technical Service Provider certified in nutrient management in California by the Natural Resources Conservation Service (NRCS) and that incorporates, at minimum, the following information:
  - a. Identification of actions to improve performance based on the analysis of data collected as part of the previous year’s or cropping cycle’s plan, as appropriate;
  - b. Crops, cropped acreages, and yield goals;
  - c. Estimates of required N and N harvest removal;
  - d. N application schedule (mode of application, material, rate);
  - e. Description of irrigation systems, irrigation water sources and estimates of N content, irrigation schedule (based on estimates of expected evapotranspiration (ET), rainfall, and infiltration), and irrigation system maintenance procedures;

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<sup>2</sup> One dairy facility, Fiscalini Farms, is regulated under individual WDRs Order R5-2008-0100, rather than the Dairy General Order.

- f. Wellhead protection procedures
  - g. Procedures for maintaining fertigation equipment
  - h. Description of data collection efforts, including: description of sampling procedures and other information as to how data was collected in a manner sufficient to support comparison of INMP objectives with actual conditions (e.g., yield goal vs. actual yield) and to support in-season modifications to irrigation and N application schedules
2. Within four years after adoption of this Order, and annually thereafter, as part of the Annual Report required under Dairy General Order MRP R5-2013-0122, *Annual Reporting*, evaluate and report compliance with the Discharger's certified INMP and any revisions made to the INMP.
  3. 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.
  4. 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.

[TENTATIVE] R5-2026-XXXX-NRP2a-XX

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-2a #</b>	<b>Facility Name</b>	<b>Facility Address</b>	<b>Facility City</b>
01	J & J DeRaadt Dairy	6460 Smith Road	Oakdale
02	Art Silva Dairy	5201 Milnes Road	Modesto
03	Art Silva Dairy #3	3130 De Witt Road	Modesto
04	L & L Pires Dairy	7713 Maze Boulevard	Modesto
05	De Carvalho Brothers Dairy	8342 Maze Boulevard	Modesto
06	River Oak Dairy #2	9161 Warnerville Road	Oakdale
07	Furtado Farms Inc.	3449 Paradise Road	Modesto
08	Roest Family Dairy	2472 Gates Road	Modesto
09	Double G Dairy	6555 Blue Gum Road	Modesto
10	Frank Gwerder Dairy	1007 South Hart Road	Modesto
11	PB Heifer #2	8255 Maze Boulevard	Modesto
12	Inderbitzen Farms	6930 Paradise Road	Modesto
13	Van Der Hoek and Sons Dairy #1	337 North Gates Road	Modesto
14	Bento Dairy	7500 Maze Boulevard	Modesto
15	Meikle Ranch	1685 South Hart Road	Modesto
16	Art Silva Dairy #2	3701 Langworth Road	Modesto
17	Peder Hoy Dairy, Inc.	6000 California Avenue	Modesto
18	Postma Dairy #1	3700 Claus Road	Modesto
19	Rocking S Dairy #2	2330 Ladd Road	Modesto
20	Rocking S Dairy #1	3301 Ladd Road	Modesto
21	Cross A Dairy	4125 Bentley Road	Oakdale
22	Meirinho West, Inc.	1685 Dunn Road	Modesto
23	Val Martins Dairy	3655 Gates Road	Modesto
24	Verburg and Sons Dairy	1142 North Hart Road	Modesto
25	Postma Dairy #2	1439 Albers Road	Modesto
26	Sierra Ranches	1412 Albers Road	Modesto
27	F & M Areias Dairy	1030 Albers Road	Modesto
28	Diamond O Dairy	2743 Baker Road	Modesto
29	Wyeth Dairy, Inc.	7319 Beckwith Road	Modesto
30	Durrer Dairy	8861 Beckwith Road	Modesto

<b>NRP-2a #</b>	<b>Facility Name</b>	<b>Facility Address</b>	<b>Facility City</b>
31	Blue Star Dairy	5254 Blue Gum Avenue	Modesto
32	Tony & Fatima Garcia Dairy	6455 California Avenue	Modesto
33	A P Avila and Sons Dairy	8178 Paradise Road	Modesto
34	Willem Postma Dairy #2	3250 Santa Fe Avenue	Modesto
35	W-D Ranch, Inc.	137 Texas Road	Modesto
36	Brum De Visser Dairy	4500 Albers Road	Oakdale
37	Crane Villa Dairy	6624 Crane Road	Oakdale
38	6-X Dairy #2	6960 Crane Road	Oakdale
39	River Oak Heifers	12100 Fogarty Road	Oakdale
40	Langworth Dairy	5306 Langworth Road	Oakdale
41	CVAG South	5237 Langworth Road	Oakdale
42	DeSimas & Bairos Dairy	4137 Oakdale-Waterford Highway	Oakdale
43	Manuel Furtado Dairy #3	11530 Alvarado Road	Oakdale
44	Lockwood III Dairy	15343 Tim Bell Road	Waterford
45	Nature's Clover Dairy	4500 Langworth Road	Modesto
46	TD6 Dairy	4318 McGee Avenue	Modesto
47	Martins Dairy	10043 Milnes Road	Modesto
48	CV2	843 Helena Avenue	Waterford
49	6-X Dairy #1	9848 Milnes Road	Modesto
50	Hoekstra Dairy	10836 Hwy 120	Oakdale
51	Couchman Farms	3107 Illinois Avenue	Modesto
52	Crossview Dairy	12530 Warnerville Road	Oakdale