

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE ORDER NO. R5-2026-XXXX - ATTACHMENT A

AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
R5-2012-0116-11 (IRRIGATED LANDS REGULATORY PROGRAM)

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) Irrigated Lands Regulatory Program regulates waste discharges from irrigated lands that could affect ground and/or surface waters of the state. The discharges result from runoff or leaching of irrigation water and/or stormwater from irrigated lands, which can reach waters of the state directly or indirectly. The Board regulates such discharges through individual general waste discharge requirements (WDRs) orders or by enrollment under general WDRs orders which rely on third-party groups (Coalitions) to collect, evaluate, and report information on behalf of enrolled growers/members. This attachment specifically pertains to WDRs General Order R5-2012-0116-11.

In 2018, the Central Valley Water Board adopted Resolution No. R5-2018-0034, amending the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* and the *Water Quality Control Plan for the Tulare Lake Basin* to incorporate, among other things, a new Nitrate Control Program and Exceptions Policy for Salinity, Nitrate, and/or Boron (Exceptions Policy). Resolution No. R5-2018-0034 was subsequently amended by Resolution R5-2020-0057 to incorporate revisions proposed by the State Water Resources Control Board and the U.S. Environmental Protection Agency.

On [DATE], the Central Valley Water Board adopted Order R5-2026-XXXX (MZIP Approval Order), which formally approved the Modesto Management Zone Implementation Plan and granted an exception from the implementation of the water quality objectives for nitrate and other forms of nitrogen speciation to dischargers participating in the Modesto Management Zone. The MZIP Approval Order contains additional findings in support of this associated amending Order.

This attachment amends WDRs General Order R5-2012-0116-11. Deletions are indicated as strike-through text (~~deleted text~~) and additions are shown as underlined text (added text). Italicized text (*Notation Text*) is included to locate where the modifications will be made. All other text changes are shown accurately; however, formatting will change.

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13263 and 13267, the following WDRs Order and MRP are amended as shown below.

WDRs Order R5-2012-0116 – Growers in the Eastern San Joaquin River Watershed that are Members of a Third-Party Group

Findings

12. This Order implements the Management Zone Implementation Plan for the Modesto Management Zone, which serves as an Alternative Compliance Project for the purposes of the Nitrate Control Program. Implementation of the Management Zone Implementation Plan will be achieved in part through enhancements to existing Groundwater Quality Management Plans and Monitoring and Reporting requirements applicable to the East San Joaquin Water Quality Coalition and its associated Members located within the Modesto Management Zone boundaries.

III. Receiving Water Limitations

B. Groundwater Limitations

Wastes discharged from Member operations shall not cause or contribute to an exceedance of applicable water quality objectives in the underlying groundwater, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.²¹

²¹ These limitations are effective immediately except where 1) Members are implementing an approved Ground Water Quality Management Plan (GQMP) for a specified waste parameter in accordance with an approved time schedule authorized pursuant to sections VIII.M and XII of this Order; or 2) the Central Valley Water Board has approved an exception to discharge requirements that implement the water quality objectives for nitrate, salinity, and/or boron. For nitrate water quality objectives, after a Third-Party receives a Notice to comply from the Central Valley Water Board for Members located in certain specified groundwater basins or subbasins, these limitations are effective immediately for those Members except where the Third-Party on behalf of those Members is complying with the Nitrate Control Program.

IV. Provisions

D. Requirements for the Third-Party Group

8. Conduct education and outreach activities to inform Members of program requirements and water quality problems, including exceedances of water quality objectives or degradation of water quality, identified by the Third-Party or Central Valley Water Board. Outreach events and materials shall include information on nitrogen application practices and the potential impact of nitrates on groundwater

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and, as appropriate depending on the anticipated grower audience, shall be provided in multiple languages. The Third-Party shall:

d) Implement an outreach and education program for growers within the Modesto Management Zone which includes:

1. Focused outreach and education to ILRP Coalition growers to inform them of the Nitrate Reduction Program requirements.
2. Coordination with University of California Agricultural and Natural Resources (UCANR) to provide growers in the Modesto Management Zone with targeted assistance under UCANR's Nitrogen and Irrigation Initiative.
3. Coordination with commodity organizations and other grower groups to inform them of the Nitrate Reduction Program requirements.
4. Focused outreach to ILRP Coalition growers with parcels that have three-year running totals that are not within the Applied/Removed acceptable range for that crop, based on the most recent three years of Irrigation and Nutrient Management Plan (INMP) summary report data.
5. Focused outreach to ILRP Coalition growers in townships in the Modesto Management Zone where the township exceeds the ILRP GWPT.

12. Ensure that requirements for compliance with the Salt and Nitrate Control program are being met on behalf of its Members-, including providing requested information, data, reports, and financial support to the Central Valley Salinity Coalition and Modesto Management Zone(s) as applicable to maintain good standing as a participant.

VII. Required Reports, Monitoring, and Notices – Member

H. Nitrate Control Program – Milestones (Nitrate Reduction Goals) Specific to the Modesto Management Zone

In accordance with the Nitrate Control Program for the Central Valley and the approved Management Zone Implementation Plan for the Modesto Management Zone, Members within the Modesto Management Zone shall take reasonable, feasible, and practicable measures to ensure the following nitrate reduction goals are met.

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<u>Nitrate Reduction Goal</u>	<u>Year 5</u>	<u>Year 10</u>	<u>Year 15</u>	<u>Year 20</u>	<u>Year 30</u>	<u>Year 35</u>
<u>Percentage of Acreage¹ in Modesto Management Zone within acceptable A/R ratio range for that crop</u>	<u>75%</u>	<u>95%</u>	<u>100%</u>			
<u>Percentage of townships in Modesto Management Zone meeting GWP Targets for ILRP parcels</u>		<u>50%</u>		<u>75%</u>	<u>90%</u>	<u>100%</u>

VIII. Required Reports and Notices – Third-Party

M. Nitrate Control Program – Technical Reports Specific to the Modesto Management Zone

The Third-Party Group, on behalf of their enrolled growers, shall submit Annual Progress Reports, Five-year Exceptions Status Reports, and Ten-year Exception Status & Technology Assessment Reports to the Modesto Management Zone as set forth in the Management Zone Implementation Plan. The content of each report shall provide the Management Zone with the relevant information needed to compile and submit required reports to the Central Valley Water Board.

N. Nitrate Control Program – Interim Milestones Specific to the Modesto Management Zone

The Coalition shall ensure the following interim milestones are met to implement the Management Zone Implementation Plan for the Modesto Management Zone:

<u>Phase</u>	<u>Years</u>	<u>Interim Milestones (from date in effect in ILRP General Orders)</u>
<u>Phase I</u>	<u>Years 1-5</u>	<ul style="list-style-type: none"> • <u>Conduct focused outreach and education to growers re: Priority 1 NRP</u> • <u>Outreach to growers Priority 1 Management Zones regarding UCANR NII program</u> • <u>Coordinate with commodity organizations and other grower groups to inform them of the Priority 1 NRP</u> • <u>Support Management Zone efforts applicable to all Management Zone sectors throughout duration of Phase I</u> • <u>Within 2 years, update GQMPs to incorporate Priority 1 Management Zone specific requirements, including interim milestones, milestones, triggers, interim and final deadlines, and final compliance date</u>

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<u>Phase</u>	<u>Years</u>	<u>Interim Milestones (from date in effect in ILRP General Orders)</u>
		<ul style="list-style-type: none"> • <u>Within 5 years, complete collating recently available INMP Summary Report data for all enrolled acreage within Priority 1 Management Zones, calculate ILRP GWPVs for enrolled irrigated acreage in Priority 1 Management Zones, and submit data to Priority 1 Management Zones</u> • <u>Starting within 3 years, and annually thereafter, organize annual management practice and INMP summary report data for enrolled parcels in Priority 1 Management Zones - maintaining anonymous member IDs</u> • <u>Within 4 years, identify enrolled growers with parcels in Priority 1 Management Zones that have 3-year running totals, based on the most recent three-years of INMP summary report data, that are outside A/R ratio acceptable ranges</u> • <u>Starting at the end of year 3, and annually thereafter, prepare a Management Plan Progress Report for submittal to the Management Zone; progress report shall identify actions and progress made towards implementing the Priority 1 NRP</u> • <u>Starting within 3 years, and annually thereafter, conduct focused outreach to growers that have enrolled parcels that are not within the acceptable A/R ratio range – per crop type</u> • <u>Starting within 5 years, and annually thereafter, conduct focused outreach to growers that have enrolled parcels in townships where the township exceeds ILRP GWPTs</u>
	<u>Years 6-10</u>	<ul style="list-style-type: none"> • <u>Conduct annual focused outreach to growers that have parcels outside of the acceptable A/R ratio range – per crop type</u> • <u>Conduct annual focused outreach to growers that have parcels in townships where the township exceeds the ILRP GWPTs</u> • <u>Within 6 years, require low vulnerability growers in Priority 1 Management Zones to have a certified Irrigation and Nitrogen Management Plan</u> • <u>Within 6 years, require high vulnerability growers in Priority 1 Management Zones to have an updated certified Irrigation and Nitrogen Management Plan</u> • <u>Within 9 years, develop submit updates to Priority 1 NRP to reduce loads from irrigated agricultural parcels in Priority 1 Management Zones to meet Management Zone township GWPTs; submit updates to Priority 1 NRP to Management Zone and Central Valley Water Board</u>

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<u>Phase</u>	<u>Years</u>	<u>Interim Milestones (from date in effect in ILRP General Orders)</u>
		<ul style="list-style-type: none"> • <u>Within 9 years, identify new technologies and management practices designed to reduce the amount of Nitrate available to leach below the rootzone; submit report to Management Zone documenting findings regarding new technologies and management practices</u> • <u>Within 10 years, and using all data and information obtained between years 1 through 10, prepare comprehensive update to GQMP to identify strategies, performance goals, management practices, updated interim milestones, etc. to meet Phase II milestones</u>
<u>Phase II</u>	<u>Years 11-15</u>	<ul style="list-style-type: none"> • <u>Implement updated interim milestones identified in Year 10</u>
	<u>Years 16-20</u>	<ul style="list-style-type: none"> • <u>Implement updated interim milestones identified in Year 10</u> • <u>Within 20 years, and using all data and information obtained between years 11 through 20, prepare comprehensive update to GQMP to identify strategies, performance goals, management practices, updated interim milestones, etc. to meet Phase III milestones</u>
<u>Phase III</u>	<u>Years 21-25</u>	<ul style="list-style-type: none"> • <u>Implement updated interim milestones identified in Year 20</u>
	<u>Years 26-30</u>	<ul style="list-style-type: none"> • <u>Implement updated interim milestones identified in Year 20</u> • <u>Within 30 years, and using all data and information obtained between years 21 through 30, prepare comprehensive update to GQMP to identify strategies, performance goals, management practices, updated interim milestones, etc. to meet Phase IV milestones</u>
<u>Phase IV</u>	<u>Years 31-35</u>	<ul style="list-style-type: none"> • <u>Implement updated interim milestones identified in Year 30</u>

MO. Surface Water/Groundwater Quality Management Plan (SQMP/GQMP)

1. SQMP/GQMP General Requirements

...Members shall comply with the revised management plans once they are approved by the Executive officer.

By [DATE], the Third-Party shall develop or update existing GQMPs as applicable in accordance with the approved Management Zone Implementation Plan for the

Modesto Management Zone area and specified conditions of Central Valley Water Board approved exception to meeting Water Quality Objectives for nitrate (Resolution No. R5-2026-XXXX). Where the Central Valley Water Board exception specifies conditions that vary from the Management Zone Implementation Plan (e.g., modified timelines), the exception shall prevail.

XII. Time Schedule for Compliance

Groundwater: The time schedule identified in a GQMP for compliance with Groundwater Limitation III.B must be as short as practicable and shall generally not exceed 10 years from the date the GQMP is submitted for approval by the Executive Officer.⁵⁰ ~~For nitrate and boron only, the Central Valley Water Board maintains the discretion to extend this schedule to up to 35 years and 50 years, respectively,⁵¹ if for nitrate there is an approved Management Zone Implementation Plan, or there is a Central Valley Water Board approved Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Nitrate and/or Boron. The proposed time schedules must be supported with quantifiable milestones and appropriate technical or economic justification as to why the proposed schedules are as short as practicable.~~

On [Date], the Central Valley Water Board adopted Order No. R5-2026-XXXX, which granted an exception to meeting water quality objectives for nitrate for a period of 35 years. This exception is applicable to all dischargers identified as active participants in the Modesto Management Zone. The exception will be reviewed on regular 5-year intervals that will evaluate whether growers in the Modesto Management Zone that are members of the third-party group may employ practicable treatment or control technologies to achieve compliance earlier than 35 years from the adoption of Order No. R5-2026-XXXX and the exception term may be modified as appropriate to ensure it is the shortest practicable time to achieve the goals of the Nitrate Control Program.

⁵⁴ ~~This provision is in regards to a revision of the Salt and Nitrate Control Program that was adopted by the Central Valley Water Board in December 2020 and is pending approval by the State Water Board and the OAL.~~