

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE ORDER NO. R5-2026-XXXX – ATTACHMENT D

WATER CODE SECTION 13267 **ORDER R5-2026-XXXX-NRP3-XX**
MODEL MONITORING AND REPORTING PROGRAM
ENACTING THE MODESTO MANAGEMENT ZONE IMPLEMENTATION PLAN
FOR POULTRY FACILITIES

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 3rd 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-3 as enforceable requirements for each recipient (“**Discharger**”).¹ The requirements of this MRP are in addition to those dischargers’ existing requirements under Central Valley Water Board Order R5-2016-0087-01, *Waste Discharge Requirements General Order for Poultry Operations* (“**Poultry General Order**”) and its associated MRP R5-2016-0087, and/or any other

¹ Each poultry operation participating in the Modesto Management Zone has been issued a unique copy of this MRP **R5-2026-XXXX-NRP3** (as indicated by number(s) following “NRP3” in each discharger’s MRP order number (e.g., **R5-2026-XXXX-NRP3-01**). The requirements of each of these MRPs are identical.

applicable waste discharge requirements orders (“**WDRs**”) and/or MRPs.² (See Tables 1-3.)

Under the Poultry General Order, enrolled facilities are categorized as either Low-Threat Operations or Full Coverage Operations, and each category is subject to differing requirements based on their potential threat to water quality. (See Poultry General Order, Finding 4.) This MRP prescribes two sets of requirements: one set for Low-Threat Operations and a second set for Full Coverage Operations and other poultry facilities regulated under individual WDRs. Each discharger receiving a copy of this MRP is only required to comply with the requirements that correspond to its existing regulatory category.

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 the NCP. The burden, including costs, of these requirements are 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 Low-Threat Poultry Operations:

1. **Within 15 years after adoption of this Order or 11 years after establishment of the Poultry Quality Assurance Program (“PQAP”)**, whichever date is sooner, submit proof of PQAP certification confirming that, for your Poultry operation is in full compliance with the terms and conditions of the Poultry General Order.

B. For Full Coverage and Individually Permitted Poultry Operations:

1. **Within 5 years** of adoption of the MZIP Approval Order, submit a **Nitrate Delineation Report** including, at minimum, the following:
 - a. Delineation of the Facility’s Area of Contribution (AOC).
 - b. Quantification of the Facility’s nitrate loading to the Upper Zone of groundwater underlying the Facility’s AOC.
2. **Within 7 years** of adoption of the MZIP Approval Order, submit a **Nitrate Reduction Workplan**, as described in the Modesto MZIP, Appendix NRP-3,

² One poultry facility, Foster Poultry Farms Ellenwood Chicken Hatchery, is regulated under individual WDRs, rather than the Poultry General Order (see Table 3).

including, at minimum, the following:

- a. 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).
- b. A detailed time schedule for meeting the following interim milestones and milestones to ensure compliance with the Nitrate Control Program:
 - i. Interim Milestone #1: Complete Facility Planning Process
 - ii. Interim Milestone #2: Select Compliance Project and Initiate Project
 - iii. Interim Milestone #3: Complete Compliance Project
 - iv. Interim Milestone #4: Demonstrate Facility Compliance

The time schedule shall be as short as practicable and include estimated initiation and completion dates for each interim milestone. If a particular milestone is unnecessary, the Report shall document this finding and the reasoning.

- c. Documentation of why compliance with the water quality objectives for nitrate cannot be achieved in less time than the term of the Discharger's nitrate exception (see MZIP Approval Order, § XXX).
3. The Discharger shall collect and report to the Modesto Management Zone any and all nitrate discharge-related data required by the Management Zone to effectuate the Modesto MZIP and the requirements of the MZIP Approval Order.
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 Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the 30th day falls on a Saturday, Sunday or state holiday, in which case the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Copies of laws and regulations applicable to filing petitions](#) will be provided upon request or may be found on the internet. (https://www.waterboards.ca.gov/public_notices/petitions/water_quality)

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

This Order is effective upon the date of signature.

For the Central Valley Regional Water Quality Control Board

APPENDIX I

TABLE 1
Low-Threat Poultry Operations

NRP-3 #	Facility Name	Facility Address	Facility City
01	Empire Ranch	530 Albers Rd.	Modesto
02	Kemper Ranch	7142 Kemper Rd.	Modesto
03	Albers Ranch	7749 Kemper Rd.	Modesto
04	Ladd Ranch	1454 Ladd Rd.	Modesto
05	Los #1 Ranch	2336 West Monte Vista Ave.	Modesto
06	Wellsford Ranch	1572 Wellsford Rd.	Modesto
07	Valk Ranch	8901 Claribel Rd.	Oakdale
08	Sierra Vista Ranch	12812 Claribel Rd.	Oakdale
09	Oakdale Ranch	13242 Hwy 108	Oakdale
10	Rice Ranch	9000 Rice Rd.	Oakdale
11	Smith Ranch	6231 Smith Rd.	Oakdale
12	Triumph Ranch	2107 South Stearns Rd.	Oakdale
13	Foothill Ranch	11007 Warnerville Rd.	Oakdale
14	Nelson Ranch	14455 Claribel Rd.	Waterford
15	Claribel Ranch	15724 Claribel Rd.	Waterford
16	El Pomar Ranch	14042 El Pomar Ave.	Waterford
17	Ellenwood Ranch	1537 Ellenwood Rd.	Waterford
18	Tim Bell Ranch	1852 Tim Bell Rd.	Waterford
19	Warnerville Ranch Complex	20601 Warnerville Rd.	Waterford
20	Bentley Ranch	5012 Bentley Rd.	Oakdale
21	Hollander Farms	2132 Finney Rd.	Modesto
22	Yankee Farms	3707 Hammett Rd.	Modesto

TABLE 2
Full Coverage Poultry Operations

NRP-3 #	Facility Name	Facility Address	Facility City
23	Crow Ranch	4724 Crow Rd.	Oakdale

TABLE 3
Individually Regulated Poultry Operations

NRP-3 #	Facility Name	Facility Address	Facility City
24	Foster Poultry Farms Ellenwood Chicken Hatchery	1307 Ellenwood Rd.	Waterford