

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 96-029

CONSIDERATION OF STATE WATER RESOURCES CONTROL BOARD (SWRCB)
DIRECTION REGARDING ISSUES RELATING TO AN
APPLICATION BY THE U.S. BUREAU OF RECLAMATION (BUREAU)
FOR A DISCHARGE PERMIT FOR THE SAN LUIS DRAIN

WHEREAS:

1. The U.S. Department of Interior, Secretary of Interior, and the Bureau have been found in Federal court to be in violation of the San Luis Act by failure to provide drainage service to the San Luis Unit of the Central Valley Project and have been ordered to take such reasonable and necessary actions to promptly prepare, file, and pursue an application for a discharge permit for the San Luis Drain.
2. This order has been appealed but its effect has not been stayed.
3. By letters dated April 28, 1995 and December 21, 1995 the Director of the Mid-Pacific Regional Office of the Bureau requested that the SWRCB provide guidance regarding an application for a discharge permit.
4. By letter to the Bureau dated June 6, 1995 the Chairman of the SWRCB indicated that it appeared that the SWRCB would be the lead agency in considering a discharge permit for the San Luis Drain, and that more time would be required to evaluate existing information.
5. By Resolution No. 81-1 the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has requested that the SWRCB assume the lead role in the development, revision, renewal, and enforcement of Waste Discharge Requirements (WDRs) for the San Luis Drain.
6. Performance of the work necessary to process a permit application would require substantial staff resources, and no source of funding has been identified.
7. In 1981 the SWRCB issued guidance to the Bureau pertaining to information to be submitted in a Report of Waste Discharge (RWD) and to interim standards for possible WDRs for the San Luis Drain.

8. The SWRCB adopted Resolution Nos. 81-56, 82-33, and 83-32 stating its intention to consider adopting WDRs for the San Luis Drain, and concurring with six Study Plans prepared by the Bureau in support of an RWD.
9. The Bureau did not complete the requirements specified in the 1981 guidance and did not submit an RWD.
10. California Water Code (CWC) Section 13953.2 provides that no discharge from a San Joaquin Valley agricultural drain to the Delta, Suisun Bay, or Carquinez Straits shall be permitted until the SWRCB makes certain findings relative to the discharge.
11. Many changes have taken place in the 15 years since the original guidance was issued pertaining to institutional and regulatory requirements, water supply and management, hydrology, and knowledge of scientific and environmental factors affecting the proposed discharge.
12. The SWRCB is responsible under California law for protecting the waters of the State and desires to be kept informed of progress on and issues relating to the proposed discharge.

THEREFORE BE IT RESOLVED THAT:


The SWRCB:

1. Directs staff to negotiate terms of reimbursement with the Bureau and/or other responsible agencies for any work done by the SWRCB, SFBRWQCB, and Central Valley Regional Water Quality Control Board (CVRWQCB) in connection with a permit application for the proposed discharge.
2. Upon the negotiation of a satisfactory reimbursement agreement, as determined by the Executive Director, directs staff to develop a workplan for processing a permit application to include a less structured permitting approach without the detailed guidance provided previously. The California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) process should be used to:
 - (a) Identify project features and parameters, and
 - (b) Provide the information needed by the SWRCB to allow the SWRCB to find whether the requirements of CWC Sections 13953.2 have been satisfied,

3. Directs the Executive Director to provide an oral or written progress report to the SWRCB on the status of negotiations with the Bureau and any other issues, as needed, commencing with the June 4 or 5, 1996 Workshop Session.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 18, 1996.



Maureen Marché
Administrative Assistant to the Board