

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 95-46.

ACCEPTANCE OF SETTLEMENT AGREEMENTS  
AND  
REVISION OF WASTE DISCHARGE REQUIREMENTS  
FOR SIX OPERATORS OF  
AGRICULTURAL SUBSURFACE DRAINAGE EVAPORATION PONDS  
IN THE TULARE LAKE BASIN

WHEREAS:

1. In 1993 the State Water Resources Control Board (SWRCB) received three petitions for review of the adoption of waste discharge requirements (WDRs) and the certification of environmental impact reports (EIRs) by the Central Valley Regional Water Quality Control Board (CVRWQCB) for 14 operators of evaporation ponds containing agricultural subsurface drainage in the Tulare Lake basin.
2. The petitioners are the United States Fish and Wildlife Service (USFWS), the Bay Institute of San Francisco and other environmental groups (Bay Institute), and two individuals, Patrick Porgans and Lloyd Carter.
3. On September 22, 1994, because the regulatory deadline for review of the WDRs and EIRs was about to expire, the SWRCB adopted Order No. WQ 94-6, granting review of the issues raised in the petitions on the SWRCB's own motion.
4. The SWRCB commenced evidentiary hearings on the petitions on April 3, 1995. Hearings were conducted on April 3 and 4 and May 1, 4, 25, and 26, 1995.
5. During the pendency of these proceedings, the USFWS and the Bay Institute have participated in settlement discussions with several of the pond operators.
6. These discussions have resulted in four settlement agreements, involving seven of the pond operators. One agreement is between petitioners, the USFWS and the Bay Institute, and Westlake Farms, Inc. The remaining three agreements are between petitioner USFWS and the following pond operators: (1) Pryse Farms, Inc., Bowman Farms, Inc., Steven W. Martin Ranch, Inc., and 4-J Corporation (known collectively as "The Alpaugh Group"); (2) Britz, Inc.; and (3) Rainbow Ranches, Inc.
7. The settlement agreements seek modification of the seven pond operators' WDRs by the SWRCB.

8. The signatory parties have requested that the SWRCB agree to implement the settlement agreements and make the requested revisions in the WDRs.
9. On June 22, 1995, the SWRCB adopted Resolution No. 95-37 implementing the settlement agreement with Westlake Farms, Inc. and revising its WDRs.
10. The SWRCB strongly supports the voluntary settlement of the petitions by the affected parties.
11. The SWRCB's acceptance of the settlement agreements and revision of the WDRs for the six operators is conditioned upon the understanding that this action shall, in no way, prejudice the SWRCB in its review of the issues raised in any of the petitions with respect to the pond operators which have not entered into settlement agreements.
12. It is the SWRCB's intent to decline further review of the petitions as they relate to Pryse Farms, Inc., Bowman Farms, Inc., Steve W. Martin Ranch, Inc., 4-J Corporation, Britz, Inc., and Rainbow Ranches, Inc., provided that the settlement agreements pertaining to these operators become effective, as provided in Resolved Clause 3 of Attachments A, B, and C of this Resolution, within thirty days of the effective date of this Resolution.

THEREFORE BE IT RESOLVED:

1. The SWRCB accepts the settlement agreements contained in Attachments A, B, and C of this resolution.
2. The SWRCB hereby revises CVRWQCB WDRs Order Nos. 93-140 (Pryse Farms, Inc.), 93-142 (Bowman Farms, Inc.), 93-146 (Steve W. Martin Ranch, Inc.), and 93-148 (4-J Corporation) as provided in Exhibits 1, 2, 3, and 4, respectively, of Attachment A.
3. The SWRCB hereby revises CVRWQCB WDRs Order No. 93-150 (Britz, Inc.) as provided in Exhibit 1 of Attachment B.
4. The SWRCB hereby revised CVRWQCB WDRs Order No. 93-154 (Rainbow Ranches, Inc.) as provided in paragraphs 1 through 7 and 10 through 16 of Exhibit 1 of Attachment C.
5. The SWRCB's acceptance of the settlement agreements contained in Attachments A, B, and C and revision of the WDRs listed above shall, in no way, prejudice the SWRCB in its review of

any of the petitions with respect to the remaining nonsignatory pond operators.

6. The SWRCB's acceptance of the settlement agreements contained in Attachments A, B, and C and revision of the WDRs listed above shall not become effective unless, within 30 days of adoption of this resolution, the Bay Institute dismisses, without prejudice, the affected pond operators from the lawsuit entitled Bay Institute of San Francisco v. California State Water Resources Control Board, Sacramento County Superior Court Case No. 379765.

#### CERTIFICATION

The undersigned, Administrative Assistant of the State Water Resources Control 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 July 20, 1995.



Maureen Marché  
Administrative Assistant to the Board