

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions of)

CENTRAL DELTA WATER AGENCY,)
SOUTH DELTA WATER AGENCY, and)
CALIFORNIA FARM BUREAU)
FEDERATION)

ORDER NO. WQ 97-07

for Review of General Waste)
Discharge Requirements Order)
No. 95-140 and Resolution)
No. 95-144 of the California)
Regional Water Quality Control)
Board, Central Valley Region.)
SWRCB/OCC Files A-977 and)
A-977(a).)

BY THE BOARD:

In compliance with the Writ of Mandate by the Sacramento County Superior Court in the case of *Central Delta Water Agency and South Delta Water Agency v. State Water Resources Control Board et al.*, Case No. 96CS01366, it is hereby ordered that Order No. WQ 96-08 will be amended to remove certain language found to be invalid by the court. The following modifications will be made to Order No. WQ 96-08:

"In the interim, farmers who have submitted waivers ~~or filed NOIs~~ with the CVRWQCB, on or before April 1, 1996, may continue to submit pre-application reports and may discharge sewage sludge on lands covered by ~~the NOI or~~ an approved waiver. Those who have not submitted ~~an NOI or~~ a waiver request by this date may not discharge under these authorizations until there is CEQA compliance. ~~Case law makes it clear that enjoining activities that have already commenced is discretionary and depends on a balancing of the environmental threat and other factors such as cost.~~

~~(Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California (1988) 47 C.3d 376, 424, 253 Cal.Rptr. 426.) Representations in the record indicate that the magnitude of the environmental threat posed by the few additional operations is unlikely to cause water quality problems and, therefore, is not significant compared to the cost and inconvenience that would be visited upon the individual farmers." (Page 7.)~~

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 21, 1997.

AYE: John P. Caffrey
John W. Brown
Marc Del Piero
Mary Jane Forster
James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None



Maureen Marché
Administrative Assistant to the Board

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The following modifications will be made to Order

No. WQ 96-08:

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Maureen Marché
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