

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2006 – 0006

In the Matter of Draft Cease and Desist Order Nos. 262.31-16 and 262.31-17
Against the
Department of Water Resources
and the
United States Bureau of Reclamation
Under their Water Right Permits and License¹
and
In the Matter of Petitions for Reconsideration of the Approval of a Water Quality
Response Plan Submitted by the
Department of Water Resources
and the
United States Bureau of Reclamation
for their Use of Joint Points of Diversion in the Sacramento-San Joaquin Delta

SOURCES: Sacramento and San Joaquin Rivers and their tributaries, and the
Sacramento-San Joaquin Delta Estuary

COUNTY: San Joaquin

**ORDER ADOPTING CEASE AND DESIST ORDER AND GRANTING
PETITIONS FOR RECONSIDERATION**

BY THE BOARD:

1.0 INTRODUCTION

In this order, the State Water Resources Control Board (State Water Board or Board) orders the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) to take corrective actions under a time schedule to correct threatened violations of their permits and license. Their permits and license require DWR and USBR to meet the 0.7 millimhos per centimeter (mmhos/cm) electrical

¹ Permits 16478, 16479, 16481, 16482, and 16483 (Applications 5630, 14443, 14445A, 17512, and 17514A, respectively), of the Department of Water Resources and License 1986 (Application 23) and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735, 16597, 16600, and 20245 (Applications 13370, 13371, 234, 1465, 5638, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316, 14858A, 19304, and 14858B, respectively).

the April through August permit/license conditions for Interagency Stations C-6, C-8, and P-12 and an updated projection of the final compliance date (including the final construction and operations dates if DWR and USBR determine that permanent barriers or alternative measures are the preferred method of compliance).

8. This order requires DWR and USBR promptly to report any threat that they will exceed any water quality objectives.
9. This order requires that if DWR and USBR are unable to collect EC data at any of the interior southern Delta EC stations for more than 7 days in a row DWR or USBR shall submit a report to the Executive Director of the State Water Board explaining why the outage occurred, a plan for restoring data collection, and the anticipated date when they will resume collecting the required data.
10. In this order, the State Water Board revises the July 1, 2005, approval by the Division Chief of the WQRP for use by DWR and USBR of JPOD in the southern Delta.
11. This order, in accordance with D-1641, conditions the use of JPOD upon DWR and USBR meeting all requirements of their permits.

ORDER

- A. The State Water Resources Control Board (State Water Board) ORDERS that, pursuant to Water Code sections 1831 through 1836, the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) shall take the following corrective actions and satisfy the following time schedules:
 1. DWR and USBR shall implement measures to obviate the threat of non-compliance with Condition 5 on page 159, Condition 1 on pages 159 and 160, and Condition 1 on pages 160 and 161 of Revised Decision 1641 (D-1641) regarding the 0.7 mmhos/cm electrical conductivity (EC) objective by July 1, 2009. Beginning April 1, 2005, these conditions require DWR and USBR to meet the

Upon the failure of any person to comply with a CDO issued by the State Water Board pursuant to chapter 12 of Part 2 of Division 2 of the Water Code (commencing with section 1825), the Attorney General, upon the request of the State Water Board, shall petition the superior court for the issuance of prohibitory or mandatory injunctive relief as appropriate, including a temporary restraining order, preliminary injunction, or permanent injunction. (Wat. Code, § 1845, subd. (a).) Any person or entity who violates a CDO may be liable for a sum not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs. (Wat. Code, § 1845, subd. (b)(1).)

B. The State Water Board ORDERS that the petitions for reconsideration of the approval of the Water Quality Response Plan (WQRP) are granted, and amends the approval of the WQRP as follows:

1. Condition 1 of the Division Chief's July 1, 2005 conditional approval of the WQRP is replaced by the following condition:

"1. DWR and USBR shall meet the requirements included in the WQRP dated April 25, 2005, and shall meet the further conditions in this approval as follows. Joint Points of Diversion (JPOD) operations are authorized pursuant to the WQRP dated April 25, 2005, if DWR and USBR are in compliance with the conditions in part A. of this order and if they meet the following requirements:

a. DWR and USBR may conduct JPOD diversions if DWR and USBR are, at the time of the JPOD diversion, in compliance with all of the conditions on their water right permits and license including, if it is still a condition of their water rights, meeting the 0.7 EC objective for the protection of agricultural beneficial uses in the interior southern Delta at Interagency Station Nos. C-6, C-8, and P-12.

b. If DWR or USBR violate any permit or license condition implementing the water quality objectives, JPOD diversions shall cease until such time as the water quality objectives are met.”

CERTIFICATION

The undersigned, Acting Clerk 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 February 15, 2006.

AYE: Tam M. Doduc
Richard Katz
Gerald D. Secundy

OPPOSED: None

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None



Selica Potter
Acting Clerk to the Board