
State Water Resources Control Board

Mr. Jonas Minton
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VIA U.S. MAIL AND ELECTRONIC MAIL

PETITION TO MODIFY RESOLUTION 2016-0040/APPLICATION TO MODIFY ORDER
WR 2016-0016: DISMISSAL WITHOUT PREJUDICE

Dear Mr. Minton:

The State Water Resources Control Board (State Water Board) will not accept for review the application filed on May 9, 2018, (Application) by Planning and Conservation League, Monterey One Water, Monterey Regional Water Authority, Marina Coast Water District, Land Watch Monterey, Sierra Club, Citizens for Just Water, Public Trust Alliance, and Public Water Now (collectively, Applicants). Under section 1832 of the Water Code, Applicants have applied for modification of the cease and desist order against California American Water Company (Cal-Am) for unauthorized diversion of water from Carmel River (State Water Board Order WR 2009-0060, Order WR 2010-0001, and Order WR 2016-0016 [adopted by State Water Board in Resolution 2016-0040]). Specifically, the Application seeks to modify Order WR 2016-0016 to incorporate milestones associated with development of the Expanded Pure Water Monterey project between 2019 and 2021, as “parallel (not substitute) milestones” to the order’s existing milestones for completion of Cal-Am’s proposed Monterey Peninsula Water Supply Project. (Application, pp. 1 & 3.)

The Application will not be considered by the State Water Board at this time, based on the apparently outdated timelines proposed in the Application and the current lack of clarity regarding the status and viability of any alternative water supply project that has been proposed to fully replace Cal-Am’s existing unauthorized diversions by the end of 2021. The Application is dismissed without prejudice. The existing cease and desist order remains fully in effect. Applicants, as well as Cal-Am and other parties, may apply

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

to the State Water Board for modification of the cease and desist order in the future, as information and circumstances develop.

Sincerely,

Original Signed By

Eileen Sobeck,
Executive Director
State Water Resources Control Board

cc: [via email only]

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