

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2001 - 129

ACTION TO VACATE SITE-SPECIFIC VARIANCES ADOPTED AS PART OF THE
CONSOLIDATED TOXIC HOT SPOTS CLEANUP PLAN
(STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 99-065)

WHEREAS

On June 17, 1999, the State Water Resources Control Board (SWRCB) adopted Resolution No. 99-065 adopting the Consolidated Toxic Hot Spots Cleanup Plan and approving three site-specific variances to allow the Central Valley Regional Water Quality Control Board to address pesticide regulation under the Clean Water Act Section 303(d) Total Maximum Daily Load process.

2. In 1999, a lawsuit was filed by the San Francisco Baykeeper and Bill Jennings challenging, among other things, the site-specific variances for pesticides.
3. On October 11, 2001, a Judgment was entered in favor of the petitioners.
4. The Judgment directed the SWRCB to vacate and set aside the site-specific variances for Toxic Hot Spot Sites 5.3, 5.4, and 5.5 in the Consolidated Toxic Hot Spots Cleanup Plan adopted by the SWRCB in 1999.

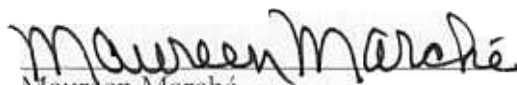
THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Vacates and sets aside the site-specific variances for Toxic Hot Spot Sites 5.3, 5.4, and 5.5 in the Consolidated Toxic Hot Spots Cleanup Plan adopted by the SWRCB in 1999 (SWRCB Resolution No. 99-065) as shown in the attached the deleted sections of Volume II: Regional Cleanup Plans of the Consolidated Toxic Hot Spots Cleanup Plan; pages 5-40 through 5-61.
2. Vacates and sets aside its approval of the site-specific variances in SWRCB Resolution No. 99-065.

CERTIFICATION

The undersigned, Clerk 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 November 15, 2001.


Maureen Marché
Clerk to the Board