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STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 95-37

ACCEPTANCE OF SETTLEMENT AGREEMENT AND
REVISION OF WASTE DISCHARGE REQUIREMENTS
FOR WESTLAKE FARMS, INC.

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 a settlement agreement between petitioners, the USFWS and the Bay Institute, and Westlake Farms, Inc.
7. The settlement agreement seeks modification of the operator's WDRs by the SWRCB.
8. The signatory parties have requested that the SWRCB agree to implement the settlement agreement and make the requested revisions in the WDRs.
9. The SWRCB strongly supports the voluntary settlement of the petitions by the affected parties.
10. The SWRCB's acceptance of the settlement agreement and revision of the Westlake Farms, Inc. WDRs 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 remaining pond operators.

11. It is the SWRCB's intent to decline further review of the petitions as they relate to Westlake Farms, Inc.

THEREFORE BE IT RESOLVED:

1. The SWRCB accepts the settlement agreement contained in Attachment A of this resolution.
2. The SWRCB hereby revises CVRWQCB WDRs Order No. 93-138 (Westlake Farms, Inc.) as provided in paragraphs 1 through 6, 8, 10, 11, and 13 through 16 of Exhibit 1 to Attachment A.
3. The SWRCB's acceptance of the settlement agreement contained in Attachment A and revision of WDRs Order No. 93-138 shall, in no way, prejudice the SWRCB in its review of any of the petitions with respect to the remaining pond operators.

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 June 22, 1995.



Maureen Marché
Administrative Assistant to the Board