

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2007 - 0002**

AUTHORIZING THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD (SANTA ANA WATER BOARD) FUNDING FROM THE WATER QUALITY CONTROL FUND CLEANUP AND ABATEMENT ACCOUNT (CAA) TO IMPLEMENT A PROJECT RELATED TO THE CHINO BASIN DAIRIES WASTEWATER DISCHARGE COMPLIANCE IN THE AMOUNT OF \$258,000 PURSUANT TO A FEDERAL COURT ORDER

WHEREAS:

1. On March 30, 2006, the U.S. District Court entered an order designating the Santa Ana Water Board as the recipient of \$258,000 to be paid by the defendants in a proceeding by Defend the Bay and Natural Resources Defense Council against Ben Vander Laan Dairy, and directing that the Santa Ana Water Board use the funds to implement the designated Project.
2. The sum of \$258,000 has been paid by the defendants and deposited in the State Water Pollution Control Cleanup and Abatement Account.
3. The Santa Ana Water Board described the Project in Assistant Executive Officer Kurt Berchtold's declaration submitted as part of the court proceeding and the March 30, 2006 court order designated this Project as the "Supplemental Environmental Project" to be funded by \$258,000 to be paid by the defendants in the court action.
4. The Project will address the water quality issues in the Chino Basin that relate to the enforcement of waste discharge requirements for dairies.
5. The Chino Basin contains the highest concentration of dairies found anywhere in the United States. If not managed properly and in accordance with law, the wastes generated by this extremely large animal population can degrade the quality of local surface and ground waters.
6. The Santa Ana Water Board is in need of additional funds to augment its dairy unit to increase regulatory oversight of and the likelihood of compliance by dairies in the Chino Basin.
7. The additional resources will augment the Santa Ana Water Board's current enforcement procedures in that it would allow for a more complete identification of noncompliance and timely elimination of actual or threatened violations, thereby preventing and abating the effects of waste.
8. The court order directs that the Santa Ana Water Board "must utilize the funds that it receives to implement the Project as described in the Recipient's [Santa Ana Water Board, through Kurt Berchtold] Declaration and pursuant to the terms of this Order." (March 30, 2006, Court Order.)

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves funding of \$258,000 from the CAA to support the Santa Ana Water Board's implementation of a Project related to the Chino Basin Dairies Wastewater Discharge Compliance as directed by court order.

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 January 18, 2007.

AYE: Tam M. Doduc
Gary Wolff, P.E., Ph.D.
Arthur G. Baggett, Jr.
Charles R. Hoppin

NO: None

ABSENT: None

ABSTAIN: None



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Clerk to the Board