
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2023 - 2024 Regular

Bill No: SB 23
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Fiscal: Yes

SUBJECT: Water supply and flood risk reduction projects: expedited permitting

DIGEST: For water supply and flood risk reduction projects, requires the State Water Resources Control Board (State Water Board) and regional water quality control boards (regional boards), and the California Department of Fish and Wildlife (CDFW) to take final action on water quality certifications issued under the federal Clean Water Act or issue a final Lake and Streambed Alteration Agreement (LSAA), in specific timeframes and modifies the substantive standards applicable for those certifications and agreements.

ANALYSIS:

Existing law:

- 1) Establishes the federal Clean Water Act (CWA) to regulate discharges of pollutants into the waters of the United States (U.S.) and to regulate quality standards for surface waters. (33 United States Code (U.S.C.) §1251 et seq.)
- 2) Under section 401 of the CWA (Section 401), a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the U.S. unless a section 401 water quality certification is issued, or certification is waived. States and authorized tribes where the discharge would originate are generally responsible for issuing water quality certifications. Certifications are intended to ensure the federally permitted activity complies with state water quality requirements and “any other appropriate requirement of state law.” (33 U.S.C. §1341)
- 3) Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), the State Water Board and the regional boards (collectively, Water Boards) are the principal state agencies with primary authority over water quality matters. (Water Code (WC) § 13000 et seq.)

This bill:

For purposes of water quality certifications,

- 1) Requires the Water Boards to take final action on water quality certifications required under either Porter-Cologne or federal CWA within 180 days after receiving a complete application or 60 days after receiving final environmental documentation, whichever is later, if the project proponent:
 - a) Requests a pre-application consultation at least 60 days before filing the application for certification.
 - b) Files a complete application.
 - c) Files a complete application or petition for all water rights approvals, or amendments necessary, to implement the flood risk reduction project or water supply project.
 - d) Submits final environmental documentation to the Water Boards required by the California Environmental Quality Act (CEQA).
- 2) Requires the Water Boards, within 30 days after the submittal of an application, to notify the project proponent whether the application is complete. If the application is incomplete, the Water Boards are required to provide the project proponent with written notification of all specific items that were complete and incomplete – and indicate how incomplete items can be made complete.
 - a) Prohibits the Water Boards from requesting or requiring the project proponent to provide new or additional information not identified in the initial list of incomplete items.
 - b) Deems the application complete if the Water Board does not provide the project proponent with written notification that includes complete and incomplete items within 30 days.
- 3) Requires the project proponent, within 45 days of receiving notification of incomplete materials, to submit the supplemental materials or appeal the determination.
- 4) Requires State Water Board or the regional board, within 30 days of receiving the supplemental materials, to determine if the application is now complete. Allows the Water Boards to only look at whether the re-submitted application includes the information specified in the prior notification of incompleteness.
 - a) If the supplemented application is again determined to be incomplete, requires the Water Boards to provide the project proponent with a written notification specifying the parts of the supplemented application that are

still incomplete and indicate how they can be made complete. If the Water Boards does not provide such written notification within 30 days of receiving the supplemented application, the application, as supplemented, is deemed complete.

- b) Requires the project proponent to act within 30 days by submitting additional supplemental materials or by appealing the notification of incompleteness.
- 5) Authorizes the project proponent to petition the State Water Board to reconsider its determination of application completeness, or to appeal to the State Water Board any regional board's determination of application completeness; and requires the Board to act on the petition or appeal within 60 days.
 - 6) Limits the Water Boards, when issuing water quality certifications, to measures included in an approved habitat conservation plan (HCP), natural communities conservation plans (NCCP), and habitat management plans (HMP) (collectively, approved plan), as specified, as the *only* mitigation measures that can be required in the water quality certification unless the Water Board determines the approved plan does not substantially meet the definition of a watershed plan.
 - a) Requires the Water Boards to accept, as terms of the water quality certification, any avoidance, minimization, and compensatory mitigation required by the approved plan, for those impacts to the water of the state already addressed by the approved plan, if certain conditions are met. The Water Boards are not allowed to determine whether the mitigation measures are adequate or whether the permitted activity will comply with state water quality standards and other appropriate requirements of State law.
 - b) Prohibits the Water Boards from imposing terms and conditions mandating avoidance, minimization, or compensatory mitigation for impacts to waters of the state in addition to those already provided under approved plans if certain conditions are met, including that the watershed plan addresses the project impacts to waters of the state, among others.
 - c) Requires the Water Boards, in order to make a determination that an approved plan does not substantially meet the definition of a watershed plan, to make a proposed written determination, supported by specific written findings of insufficiency, for public review and comment, and provide written responses to the public comments received.

- 7) Requires the State Water Board, by January 1, 2025, to act on general water quality certifications for general nationwide permits issued by the United States Army Corps of Engineers (Army Corps) under the federal CWA within the state for discharge of dredge and fill material in connection with water supply projects and flood risk reduction projects. Requires the State Water Board, whenever possible, to rely on an environmental review completed by the Army Corps under the National Environmental Policy Act (NEPA) for compliance with CEQA if the environmental review complies with CEQA.
- 8) Requires the Water Boards, commencing January 1, 2025, to annually prepare, provide public notice of, and make available for public review on their internet website, and provide to legislative policy and budget committees, a report with specified information, including water supply projects and flood risk reduction projects that have been issued water quality certifications.
- 9) Sunsets these provisions on January 1, 2029.

For purposes of LSAAs,

- 1) Requires CDFW, for water supply projects and flood risk reduction projects subject to LSAAs whose project proponent submits a complete notification for the project activity and submits the certified or adopted environmental documentation for the activity, to issue a final agreement within 180 days of receiving a complete notification or within 60 days of receiving the certified or adopted environmental documentation, whichever is later. CDFW and the project proponent can agree to extend this time period.
- 2) If the department and project proponent are not able to reach a final agreement on all measures within that timeframe, the project proponent can proceed under a final agreement issued by an arbitration panel.
- 3) Sunsets these provisions on January 1, 2029.

Background

- 1) *Federal Clean Water Act (CWA)*. The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the U.S. and regulating quality standards for surface waters. Under the CWA, the U.S. Environmental Protection Agency (U.S. EPA) has

implemented pollution control programs, set wastewater standards for industrial facilities, and set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters without a permit.

- 2) *Federal Clean Water Act Certification.* Under Section 401, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into the waters of the U.S. unless a Section 401 water quality certification (401 certification) is issued, or certification is waived. The state where the discharge would originate is generally responsible for issuing water quality certifications.

Section 401 is an important tool for states to help protect the water quality of federally regulated waters by giving them the authority to grant, deny, or waive certification of proposed federal licenses or permits that may discharge into the waters of the U.S. When issuing a certification, the state certifies the activity complies with CWA requirements, and it can condition certification to provide reasonable assurance the activity will comply with federal requirements and other appropriate requirements of state law.

Some major federal licenses and permits subject to Section 401 include Federal Energy Regulatory Commission (FERC) licenses for hydropower facilities and natural gas pipelines. For projects regulated by FERC, Section 401 certifications are the only way the state can require the permitted activity to comply with state water quality standards and other appropriate requirements of state law, due to federal preemption under the Federal Power Act.

The CWA requires certifying authorities (i.e., states, authorized tribes, and U.S. EPA) to act on a Section 401 certification request "within a reasonable period of time (up to one year) after receipt" of such a request. A certifying authority may waive certification expressly, or by not acting in less than a year. In making decisions to grant, grant with conditions, or deny certification requests, certifying authorities consider whether the federally licensed or permitted activity will comply with applicable water quality standards, effluent limitations, new source performance standards, toxic pollutants restrictions, and other appropriate water quality requirements of state or tribal law.

Once the state issues its certification, it is up to the applicable federal entity to decide whether to issue a federal license or permit allowing the project to proceed. The federal government cannot issue a license or permit that requires

a water quality certification until the state where the activity will occur has certified the project or waived its right to certify.

- 3) *401 Water Quality Certification and Waste Discharge Requirements.* The 401 Water Quality Certification and Wetlands Program is responsible for regulating discharges of dredged or fill material to the waters of the state. The Water Boards have the authority to regulate these discharges under Section 401 of the CWA and Porter-Cologne.
- 4) *Current application process.* Applicants for a water quality certification must submit a complete application to the appropriate water board. Typically, applicants file with the water board at the same time that they apply for a dredge and fill permit with the Army Corps. For dredge and fill projects, the state's Permit Streamlining Act (permit act) and applicable federal regulations establish the time-frame for the water boards to issue a certification. The permit act expedites Board action on these projects, while the federal regulations also apply to water quality certifications that require an Army Corps permit for dredge and fill discharges.

If a Water Board's processing and review of the application will take more than one year, it may request additional time from the Army Corps or deny the application without prejudice, which allows the applicant to resubmit an application for the same project. This usually occurs when an applicant has not supplied the requested information or the project is complex and issues have not been resolved. Denial without prejudice is not a reflection on the project but rather a means to take meet the one-year time-frame to act when the applicant has failed to provide the required information. Once the Water Boards review the complete application and issues the water quality certification, the applicant may then obtain a permit from the Army Corps to conduct dredge and fill activities, after which it can start work on its project.

- 5) *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State.* In 2001, the U.S. Supreme Court limited federal jurisdiction under the CWA when it determined in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, 531 U.S. 159 (2001), that certain "isolated" waters, including some wetlands and riparian areas, do not fall within the Army Corps' interpretation of waters of the United States. Following the SWANCC decision, the State Water Board issued a memorandum stating the Porter-Cologne Act provides the regional boards with the authority to regulate any discharges of waste to waters that may no longer be subject to the Army Corps' jurisdiction.

In 2008, the Water Board began conducting informal stakeholder meetings to develop wetland definitions and requirements. Following extensive public and stakeholder input, a revised draft regulation was issued in January 2019, after which Board staff held four workshops to address stakeholder concerns. Finally, in 2019, after more than a decade of work, the Board adopted a State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). The Procedures represent a carefully negotiated compromise between water managers, agriculture, the conservation community, and business interests. They delineate processes for the submittal, review, and approval of applications for water quality certifications and waste discharge requirements for dredge or fill activities.

The Water Board adopted the Procedures to address: inconsistency across the Water Boards regarding discharges of dredged or fill material into waters of the state; Regional Boards having different requirements and levels of analysis when issuing water quality certifications; and regulations being inadequate to prevent losses in the quantity and quality of wetlands.

- 6) *Water Supply Strategy: Adapting to a Hotter, Drier Future*. In August 2022, Governor Newsom outlined actions needed to increase the water supply and adapt to more extreme weather patterns caused by climate change. The “Water Supply Strategy: Adapting to a Hotter, Drier Future” calls for modernizing the state’s water system by investing in infrastructure to create new sources of water supply. The plan also sets specific goals for increasing the amount of water stored above and below ground, recycled and reused, and making new water available by capturing stormwater and desalinating ocean water and salty water in groundwater basins.

To advance the infrastructure and policies needed to adapt, the strategy asks the Legislature to streamline processes so projects can be planned, permitted, and built more quickly while protecting the environment.

Comments

- 1) *Purpose of Bill*. According to the author, “The climate extremes California has been experiencing in recent years are unfolding a new pattern of drought and precipitation timeframes that we are ill adapt to respond to. With drought lasting years at a time, only to be interrupted by prolonged and potentially destructive rainfall, the need for water supply and flood protection infrastructure is evident. However, getting these critical, timely projects

approved and built can be a significant challenge. The permitting process for these projects can be mired in delays caused by overlapping jurisdictions of state and federal agencies, confusion over what's required for a completed application, and state agency and project applicant staffing issues. As described in Governor Newsom's "Water Supply Strategy: Adapting to a Hotter, Drier Future", streamlining permitting processes is a crucial next step for our state, so projects can be planned, permitted, and built more quickly, while still protecting the environment.

"SB 23 would provide comprehensive solutions to streamline a multitude of projects meant for various hydrological events. This bill will help accelerate recycled water, desalination, and stormwater capture projects so that these regions have access to a drought-proof sustainable supply of high-quality water, while also accelerating projects meant to provide flood control and respond to sea level rise. SB 23 identifies opportunities to improve and streamline the regulatory permitting process while preserving established environmental protections, so critical infrastructure projects are built at the pace and scale needed to prepare for climate change and protect families and businesses that are affected by the delays inherent in our current permit process."

- 2) *Limits State's authority to condition federal permits for water infrastructure projects.* Section 401 of the CWA authorizes California to ensure all federal permits under the CWA comply with state water quality standards and other appropriate requirements of state law. However, SB 23 limits the state's authority to impose terms and conditions to ensure compliance with water quality standards and mitigate the adverse environmental impacts of proposed projects.

SB 23 allows alternative environmental documents to be used to "streamline" the process and cut down on "redundant" environmental reviews. The bill requires the Water Boards to use approved HCPs, NCCPs, and HMPs that include biological goals for aquatic resources in place of watershed plans unless the Water Board makes a certain finding. HCPs and NCCPs are landscape-level multi-species plans used for other purposes under the federal Endangered Species Act and the state Natural Community Conservation Planning Act. NCCPs and HCPs take a broad-based ecosystem approach, typically focused on habitat preservation and restoration, to planning for the protection and perpetuation of biological diversity.

By *requiring* the Water Boards to use these alternative plans, the bill precludes the use of other terms and conditions to minimize and mitigate impacts and

ensure compliance with water quality standards in a certification, except under limited circumstances. The Water Boards would *only* be able to impose additional conditions if the impacts are not already addressed in one of the alternative plan – *even if the measures are inadequate to ensure compliance with state water quality standards and other requirements of state law*. If the Water Board finds the mitigation measures inadequate or that the project would violate state water quality standards, it may not have any recourse if the alternative plan substantially meets the definition of a watershed plan.

The bill's restriction on a Water Board's conditioning authority violates federal law. Under Section 401 of the CWA, a state issuing certification is required to determine there is reasonable assurance the activity will comply with water quality standards. Requiring the use of HCPs and NCCPs effectively limits what conditions the Water Boards can include in a certification, even when the certification would result in violations of state water quality standards.

- 3) *Importance of accurately interpreting Procedures*. According to the sponsors, the intent is to codify Procedures (discussed above). However, while the Procedures *authorize* the Water Boards to use these alternative plans, the Water Boards are *not required to use them*. Moreover, the Procedures do not limit the permitting entity to avoidance, minimization, and mitigation measures contained in the alternative plan. The Procedures say the alternative plans *can be used, but does not restrict* Water Boards from imposing additional conditions, or supplementing those plans. In other words, under current law, the Procedures set a floor on what may be required, while the bill uses the Procedures as a ceiling on what may be required. This is one reason why the Procedures are consistent with the federal CWA but this bill is not.

Further, the Procedures only apply to dredge and fill permits, whereas Section 401 certifications apply to any federal permit under the CWA. The Procedures were not intended to address the primary concerns involved with other types of activities that may be subject to water quality certification, such as permitting hydroelectric facilities or federal permits for point source discharges of pollution.

Given these issues, *the Committee may wish to:*

- 1) *Delete Section 13389.3 (a) (2-3), (b), and (c) to instead direct the State Boards to implement Procedures, including provisions related to watershed plans, to address the impacts of dredge and fill activities from water supply and flood risk projects; and*

2) *Modify the bill's intent language to more accurately reflect the Procedures as follows:*

On April 2, 2019, the state board adopted the "State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State" (procedures) that requires that any regional habitat conservation plan approved by the United States Fish and Wildlife Service pursuant to the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.) before December 31, 2020, and any natural communities conservation plan approved by the Department of Fish and Wildlife pursuant to the Natural Communities Conservation Planning Act before December 31, 2020, shall be used by the state board and regional boards as a watershed plan for such aquatic resources, unless the permitting authority makes a written determination, based on substantial evidence in the record, that the HCP or NCCP does not substantially meet the definition of a watershed plan for such aquatic resources.

- 4) *General Nationwide Permits (NWP).* Under the CWA, the Army Corps can issue general permits to authorize activities that have minimal adverse environmental effects. An NWP is a general permit that authorizes activities across the country and the Army Corps can ask the State Water Board to adopt specific NWPs. The Board determines if the NWPs would ensure compliance with state water quality standards and other appropriate state laws before approving an NWPs.

In 2021, the State Water Board conditionally approved 18 NWPs but rejected 39 other NWP permit applications because it could not certify the 39 would be consistent with state water quality requirements and other state laws. However, this denial does not preclude an applicant from submitting a new or separate project-specific certification request.

This bill requires the Board to proactively revisit all of the NWPs it already rejected. It is not clear how this would work since the role of the State Water Board is to review submitted applications. It should be noted that the Army Corps is not expected to resubmit NWPs for the State Water Board to consider until 2026.

Since the Board has already acted upon the NWPs and applicants can simply submit a new application if they disagree with the Board's decision, *the Committee may wish to delete this provision contained in Section 13389.3*

(d).

- 5) *Conforming amendments.* “Final” environmental review documents under CEQA are either certified or adopted. To clarify what is meant by “final environmental documentation” as it relates to the LSAA provisions, the SNR&W Committee amended the bill to refer to environmental documents that have been “certified or adopted.”

The Committee may wish to amend the bill to make similar changes to the Water Board provisions for Section 401 environmental review documents and extend to the time for the Water Boards to take final action on a project certification in the same provision from “60” to “90” days.

- 6) *Other minor amendments.*
- a) *Limit the definition of “project certifications” to water quality certifications required under Section 13160.*
 - b) *Under the definition of “water supply project,” clarify that “water treatment facility” is limited to “drinking water treatment facility.”*
- 7) *Committee amendments. Staff recommends the committee adopt the bolded amendments contained in Comments 3, 4, 5, and 6 above.*

DOUBLE REFERRAL:

This measure was heard in the Senate Natural Resources and Water Committee on April 11, 2023, and passed out of committee with a vote of 10-0.

Related/Prior Legislation

SB 651 (Grove) requires CEQA-related challenges to projects that enhance the ability of the state or local agency to capture high precipitation events for local storage or recharge be decided by the courts within 270 days, if feasible. SB 651 is set to be heard in this committee on April 26, 2023.

AB 1376 (Gray, 2021) would have prohibited the State Water Board from issuing a certificate or statement under federal water quality control laws until there is a 60-day public comment and review period for the certificate or statement and after that review period a majority of the members of the State Water Board vote on the certificate or statement. This bill was held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 92 (Budget, Chapter 18, Statutes of 2020) allows the State Water Board to issue a water quality certification before the completion of the environmental review of the project.

AB 3005 (R. Rivas, 2020) would have expedited permitting and contracting requirements to facilitate the replacement of the Leroy Anderson Dam and Reservoir (Anderson Dam). Vetoed by the Governor.

SOURCE: Association of California Water Agencies (ACWA)

SUPPORT:

Agricultural Council of California
Amador Water Agency
American Pistachio Growers
Bay Area Council
Bella Vista Water District
Bellflower Somerset Mutual Water Company
Caldesal
California Alliance for Jobs
California Building Industry Association (CBIA)
California Central Valley Flood Control Association
California Chamber of Commerce
California Citrus Mutual
California Council for Environmental & Economic Balance (CCEEB)
California Date Commission
California Farm Bureau Federation
California Fresh Fruit Association
California Municipal Utilities Association (CMUA)
California Special Districts Association
California State Association of Counties (CSAC)
California Strawberry Commission
Calleguas Municipal Water District
Carmichael Water District
Citrus Heights Water District
City of Santa Rosa
Coachella Valley Water District
Coastside County Water District
County of Humboldt
County of Monterey

Cucamonga Valley Water District
Desert Water Agency
Eastern Municipal Water District
El Dorado Irrigation District
Elsinore Valley Municipal Water District
Florin Resource Conservation District/elk Grove Water District
Foothill Municipal Water District
Fresno Metropolitan Flood Control District
Habitat for Humanity, Merced/Stanislaus County
Hidden Valley Lake Community Services District
Humboldt Bay Municipal Water District (HBMWD)
Indian Wells Valley Water District
Irvine Ranch Water District
Kings River Conservation District
Laguna Beach County Water District
Mckinleyville Community Services District
Mesa Water District
Midpeninsula Regional Open Space District
Modesto Irrigation District
Monterey Peninsula Water Management District
Nisei Farmers League
North Marin Water District
Olivenhain Municipal Water District
Orange County Water District
Orchard Dale Water District
Padre Dam Municipal Water District
Pajaro Valley Water Management Agency
Palmdale Water District
Placer County Water Agency
Puente Basin Water Agency
Rancho California Water District
Regional Water Authority
Rowland Water District
San Bernardino Valley Municipal Water District
San Diego County Water Authority
San Joaquin Council of Governments
San Juan Water District
San Luis Delta-mendota Water Authority
Santa Clara Valley Habitat Agency
Santa Clara Valley Water District
Santa Fe Irrigation District

Solano County Water Agency
Southern California Water Coalition
State Water Contractors
Stockton East Water District
Tahoe City Public Utility District
Three Valleys Municipal Water District
Tuolumne County Water Agency
Tuolumne Utilities District
Turlock Irrigation District
United Water Conservation District
United Way of Merced County
Upper San Gabriel Valley Municipal Water District
Utica Water and Power Authority
Valley Ag Water Coalition
Valley Center Municipal Water District
Valley Onward
Vista Irrigation District
Walnut Valley Water District
Water Replenishment District of Southern California
Western Growers Association
Western Municipal Water District
Western Plant Health Association

OPPOSITION:

California Environmental Voters (formerly CLCV)
California Trout
Clean Water Action
Community Water Center
Defenders of Wildlife
Environmental Law Foundation
Friends of The River
Golden State Salmon Association
Institute for Fisheries Resources
Leadership Counsel for Justice & Accountability
Los Angeles Waterkeeper
Mono Lake Committee
National Resources Defense Council
Pacific Coast Federation of Fishermen's Associations
Restore the Delta
San Francisco Baykeeper

Sierra Club California
Silicon Valley Youth Climate Action
Trout Unlimited
Union of Concerned Scientists

ARGUMENTS IN SUPPORT: According to a coalition letter from water agencies, “California faces a range of water management challenges, including droughts, floods, and other natural disasters. While our weather patterns have always been variable, climate change has, and will continue to exacerbate the weather whiplash that is intensifying drought and precipitation events. Addressing these challenges requires a coordinated effort between state and local agencies to construct and maintain water infrastructure projects needed in a 21st century climate. Unfortunately, the current permitting process for water infrastructure projects in California is complex and lengthy, and can be a significant barrier to progress in expanding and improving our water supply and flood risk reduction systems. This can result in delays, higher project costs, and uncertainty for communities, agricultural interests, and businesses that rely on a reliable and sustainable water supply. In addition, this can result in worse environmental outcomes, delaying projects that provide important benefits to aquatic and natural resources.

“SB 23 would help address these issues by identifying opportunities to improve and streamline the regulatory permitting process, without shortcutting environmental reviews, so these critical infrastructure projects are built at the pace and scale needed to prepare for climate change. SB 23 would address inefficiencies in the application review process and ensure project proponents and state agencies are meeting reasonable deadlines and moving applications forward in an expeditious manner.”

ARGUMENTS IN OPPOSITION: According to a coalition letter from environmental organizations, “We write to express our opposition to SB 23, which removes critical protections for communities from impacts of water supply and flood projects and inhibits our progress in fulfilling the Human Right to Water. While developing projects faster is a worthy goal, it cannot come at the expense of public health.

“SB 23 would limit review of permits for water quality to only 180 days for water supply or flood risk reduction projects, after which they are deemed approved. This limits the ability of the State and Regional Water Quality Control Boards to be able to fulfill their mission to protect water quality for public health and other

beneficial users of water. Many of these applications could be long, complicated, or misleading, necessitating additional analysis that could easily take longer than the 180-day window in this bill. For example, a recent groundwater recharge project on Mariposa Creek in Merced County merely proposed recharge on agricultural land and was approved by the Department of Water Resources and State Board. Only after further investigation by the Regional Board was it discovered that the project was proposing to recharge on dairy lands, threatening to contaminate groundwater used for drinking water with nitrate contamination. Effective permitting requirements should not be waived to save an application a few months when the consequence could be decades of contamination for communities.”

-- END --