

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the United States)
Steel Corporation -- Petition to) ORDER NO. 71-1
Review and for Stay of Cease and)
Desist Order of Regional Board) (Denying Stay)
_____)

On December 22, 1970, the United States Steel Corporation petitioned the State Water Resources Control Board to review a cease and desist order adopted by the California Regional Water Control Board, San Francisco Bay Region (Resolution No. 70-97). Petitioner also requested that pending a decision on the matter the Board stay the effect of the cease and desist order.

Without at this time deciding whether the cease and desist order should be reviewed, the Board concludes that good cause for stay of the effect of the order has not been shown. Petitioner alleges that the stay should be granted "to avoid labeling petitioner as a polluter and unfairly subjecting petitioner to severe penalties based solely upon the subjective determination of an inspector." (Petition, page 22, lines 21-24.) However, the petition concedes that violations of waste discharge requirements did in fact occur (page 20, lines 21-28) and the only "penalties" provided by the order is the authority delegated to the executive officer of the regional board, upon failure of petitioner to comply with any part of the order, "to request the Attorney General to petition the Superior Court for the proper legal relief restraining the discharger from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code."

The petition does not indicate any probability that this authority will be exercised while the petition is pending before this Board and, to the contrary, alleges that since issuance of the order petitioner has met its December 15 timetable and is giving top priority to construction of the permanent waste treatment plant. (Page 21, lines 1-7.)

The request for stay of the effect of the cease and desist order pending a decision of the petition for review is denied.

Dated: January 7, 1971

(Board Members' Signatures)