

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of
Michael F. Richman for Review of
Order No. 73-19 of the California
Regional Water Quality Control
Board, Santa Ana Region

Order No. WQ 73-22

BY BOARD MEMBER MAUGHAN:

On July 10, 1973, Michael F. Richman (petitioner) submitted a petition to the State Water Resources Control Board (State Board) requesting review of Order No. 73-19 of the California Regional Water Quality Control Board, Santa Ana Region, establishing discharge requirements for Jack K. Bryant and Associates, Inc. (discharger). The petition requested the State Board to stay the effect of Order No. 73-19 pending disposition of the petition on its merits.

The discharge involves the spreading and discing of oily wastes for vegetation and dust control on roads and a 25-acre test area on lands owned and operated by the U. S. Naval Weapons Station, Seal Beach.

On August 13, 1973, after due notice, a hearing was held by the State Board at which petitioner and other interested parties appeared and gave evidence concerning the request for a stay. Petitioner's motion to enter in evidence the transcript of the deposition of Ora L. Wells, dated August 10, 1973, and

objections by the discharger thereto, was taken under submission. Upon the basis of the evidence received, the State Board finds that:

1. The testimony of Ora L. Wells is relevant to the issues of this hearing, therefore, the motion of petitioner is granted and the transcript of the deposition of Ora L. Wells, dated August 10, 1973, is accepted, entered into evidence, and considered upon the record of this hearing.

2. The petitioner failed to produce proof of substantial harm to petitioner or to the public interest if a stay is not granted or a lack of substantial harm to other interested persons if a stay is granted in that:

(a) The evidence presented fails to indicate that the proposed spreading and discing of waste by the discharger in compliance with terms of the discharger's contract with the U.S. Navy and Order No. 73-19 of the Santa Ana Regional Board until the State Board determines the merits of the petition will create offensive or persistent odors, will harm fish or wildlife, or will adversely affect beneficial uses of water.

(b) A stay would cause financial loss to the discharger.

3. The petition raises substantial issues appropriate for review.

NOW THEREFORE IT IS ORDERED that:

1. The stay of Order No. 73-19 requested by petitioner is denied.

2. The State Board will review Order No. 73-19.

Dated: September 6, 1973

W. Don Maughan
W. Don Maughan, Member

We Concur:
W. W. Adams
W. W. Adams, Chairman

Ronald B. Robie
Ronald B. Robie, Vice Chairman

Roy E. Dodson
Roy E. Dodson, Member

Mrs. Carl H. Auer
Mrs. Carl H. (Jean) Auer, Member