

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition by)
Laguna Hills Sanitation, Inc., for)
Review of Action by the California)
Regional Water Quality Control Board,)
Santa Ana Region, Including Adoption)
of Order No. 77-100. Our File)
No. A-194.)

Order No. WQ 79-10

BY THE BOARD:

On November 18, 1977, the California Regional Water Quality Control Board, Santa Ana Region (Regional Board) adopted Order No. 77-100, waste discharge requirements for Laguna Hills Sanitation, Inc., Orange County (Petitioner). Pursuant to Water Code Section 13320, Petitioner, a privately owned sanitation agency which treats primarily domestic wastewater, filed with the State Water Resources Control Board (State Board) a petition dated December 15, 1977.

Petitioner requested review of the following discharge standards which are part of Discharge Specifications 1.a. and 1.b. in Order No. 77-100:

"1.a. The discharges of wastes containing constituents in excess of the following limits is prohibited:

<u>Constituents</u>	<u>Unit</u>	<u>Average Concentration</u>
Filtrable Residue	milligrams per liter	720
Chloride	(mg/l) "	150
Sodium + (Total Hardness/2)	"	275
Boron	"	0.5

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"1.b. The discharge of wastes containing constituents in excess of the concentrations of the same constituents in the water supply by more than the following limits is prohibited:

<u>Constituents</u>	<u>Unit</u>	<u>Average Concentration</u>
Filtrable Residue	mg/l	230
Chloride	"	55
Sodium + (Total Hardness/2)	"	60

For Discharge Specification A.1.a. and A.1.b., whichever limitation results in the lower concentration shall be controlling. Compliance with average concentrations shall be determined from three consecutive samples."

In addition, Petitioner requested review of the following compliance schedule set forth in Provisions 8.a. and 8.b. of Order No. 77-100:

"8.a. The discharger shall comply with the following time schedule to assure compliance with the filtrable residue, chloride, and sodium + (total hardness/2) limitations in Discharge Specification A.1.b. of this order:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Status Report	1/1/78	1/15/78
Status Report	3/1/78	3/15/78
Full Compliance	5/1/78	5/15/78

"8.b. The discharger shall comply with the following time schedule to assure compliance with the filtrable residue, chloride, boron, sodium + (total hardness/2) and sulfate limitations in Discharge Specification A.1.a.

<u>Task</u>	<u>Completion Date</u>	<u>Compliance Date</u>
Develop Plan	1/1/78	1/15/78
Status Report	6/1/78	6/15/78
Status Report	6/1/79	6/15/79
Full Compliance	6/1/80	6/15/80

The discharger shall submit to the Board on or before each compliance report date a report detailing compliance or noncompliance with the specific task. If noncompliance is reported, the reasons for noncompliance shall be stated, with an estimate of the date when the discharge will be in compliance. The discharger shall notify the Board by letter when he has returned to compliance with the schedule."

Finally, Petitioner sought review of the Regional Board's refusal to consider modification of relevant portions of the Water Quality Control Plan Report for the Santa Ana River Basin (Basin Plan) prior to the adoption of Order No. 77-100.

The Legal Division of the State Board received letters from Petitioner, dated November 29, 1978, and December 12, 1978, requesting that the resolution of the pending appeal be deferred until at least the fall of 1979.^{1/} Petitioner stated two reasons for the request. First, relevant sections of the Basin Plan are presently undergoing review. It is conceivable that this review will result in changes in the existing Basin Plan and, consequently, revision of the waste discharge requirements presently being appealed. In the very least, information gathered by the Regional Board in the process of reviewing the relevant parts of its Basin Plan would be a valuable source of evidence in considering the matter under appeal.

Secondly, Petitioner states that:

"By this time next year, LHS anticipates that its discharge will no longer be disposed of on land, but rather will be sent through the Aliso Water Management Agency ocean outfall which is presently under construction. After that time, the only other discharge will be for reclamation uses such as the Leisure World golfcourse, a local nursery, and irrigation of crops.

1. Letters to Kathleen Keber, Legal Division, State Water Resources Control Board, from Jeffrey M. Oderman, Rutan & Tucker, Attorneys at Law, dated November 29, 1978, and December 12, 1978.

In our view, it would not be an efficient use of resources to do battle over incremental waste discharge standards which will for the most part be moot after Fall 1979."²

I. DISCUSSION

Since Petitioner has requested that the pending appeal be held in abeyance until at least the fall of 1979, we have decided to dismiss the petition without prejudice to the cause of Petitioner. If and when Petitioner files another appeal, we will review that petition expeditiously in keeping with our newly instituted goal to process petitions within 120 days from receipt of a completed petition.

II. ORDER

IT IS, THEREFORE, ORDERED that this matter is dismissed without prejudice.

Dated: FEB 15 1979

/s/ W. Don Maughan
W. Don Maughan, Acting Chairman

/s/ William J. Miller
William J. Miller, Member

/s/ L. L. Mitchell
L. L. Mitchell, Member

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2. Letter to Kathleen Keber, Legal Division, State Water Resources Control Board, from Jeffrey M. Oderman, Rutan & Tucker, Attorneys at Law, dated November 29, 1978.