

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of
Concerned Citizens for Agriculture
in Sonoma County for a Stay and
Review of Resolution No. 79-15
and Order No. 79-196 of the
California Regional Water Quality
Control Board, San Francisco Bay
Region. Our File No. A-255.

Order No. WQ 80-8

BY THE BOARD:

On October 16, 1979, the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board), adopted Resolution 79-15, entitled "Resolution of Intent with Respect to City of Petaluma Wastewater Treatment and Disposal." At the time the Resolution was adopted, the Eastern Marin-Southern Sonoma Wastewater Management Study, a facilities planning study funded under the Clean Water Grants program, had been completed. The study had selected, as the apparent best wastewater treatment alternative for the City of Petaluma, a project involving a discharge to the Petaluma River during the winter months with agricultural reclamation during the dry weather months. Opposition to the proposed project had arisen, however, among concerned citizens and owners of the agricultural lands that might be irrigated, and a wetlands project was proposed by these individuals as an alternative.

In Resolution No. 79-15, the Regional Board recited a prohibition contained in the Water Quality Control Plan for the

San Francisco Bay Basin (Basin Plan) against the discharge of waste to confined water bodies, such as the Petaluma River, and found that the City's present wastewater treatment facilities which discharge into the Petaluma River contribute to the water quality problems of the River. The Resolution confirmed the need for eliminating waste discharges into the Petaluma River, especially during dry weather months, and stated the intention of the Regional Board to require the City to comply with the prohibition against a river discharge in the shortest reasonable time. In addition, the Resolution found that a wetlands creation project with a discharge into the River would not remove the substances currently contributing to the water quality problems in the River, that such a project would be unacceptable in terms of water quality protection for the River, and that the Regional Board would not accept delays in the implementation of a project to eliminate river discharges in order that a wetlands project could be studied. The Resolution further states that the Regional Board would reconsider its position, based upon a review of the Step 2 design studies for the City's proposed agricultural reclamation project, particularly as these studies relate to the availability of lands for irrigation.

On December 18, 1979, the Regional Board adopted waste discharge requirements in Order No. 79-196 (NPDES No. CA0037810) for the City of Petaluma, in accordance with Resolution No. 79-15. The requirements prohibit a discharge to the Petaluma River during the dry weather months, and include a time schedule for the

construction of treatment facilities to achieve compliance with the Basin Plan.

On January 18, 1980, the State Board received an amended petition for review of Resolution 79-15 and Order No. 79-196 by the Concerned Citizens for Agriculture in Sonoma County. The petition alleges generally that the prohibition against a dry weather discharge to the Petaluma River precludes the consideration of alternative reclamation projects, such as a wetlands project, and that Resolution 79-15 and Order No. 79-196 fail to address applicable State and Regional Board policies. The petition contains a request for a stay of the prohibition in Order No. 79-196 against discharge of wastewater to the Petaluma River during the dry weather months and of a provision in Order No. 79-196 requiring the City to submit a complete Step 2 grant application to the State Board by December 18, 1979.

Petitioners have filed the affidavit, dated February 27, 1980, of Rita Cardozo, an owner of agricultural land in the area designated for irrigation, in support of their request for a stay. The affidavit, a copy of which is attached, fails to allege facts and proof to show a lack of substantial harm to other interested persons and to the public interest if the stay is granted, or to show substantial harm to the petitioner and to the public interest if the stay is denied. We, therefore, do not find grounds for a stay in this matter.^{1/}

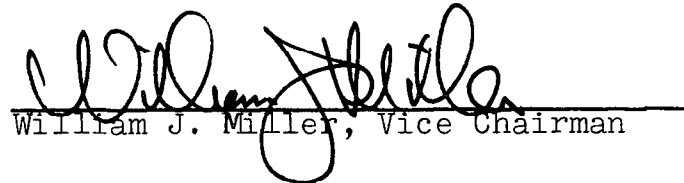
^{1/} We note that the City of Petaluma filed its Step 2 grant application with the State Board on January 14, 1980, prior to the State Board's receipt of the petitioners' amended petition, and that the City accepted the grant from EPA on February 19, 1980. Petitioners' request for a stay of that part of Order No. 79-196 requiring submission by the City of a Step 2 grant application, is therefore moot.

ORDER

IT IS HEREBY ORDERED that petitioners' request for a stay of Order No. 79-196 is denied.

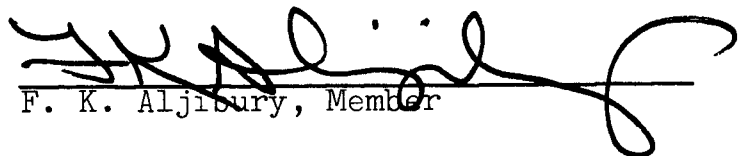
Dated: APR 17 1980


Carla M. Bard, Chairwoman


William J. Miller, Vice Chairman


L. L. Mitchell, Member


Jill B. Dunlap, Member


F. K. Aljibury, Member