

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQ 2009-0004
DATE ADOPTED	May 19, 2009
PETITION TITLE	Own Motion Review of Rialto-Area Contamination Interlocutory Order Regarding State Water Board's Review, On Its Own Motion, of Groundwater Contamination in the Area of the City of Rialto
POPULAR NAME [if applicable]	Rialto-Area Groundwater Contamination
REGIONAL BOARD	Santa Ana Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1824

NON-PRECEDENTIAL DECISION

The Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) has been conducting an investigation of groundwater contamination in the area of the City of Rialto focusing on a 160-acre site. The Santa Ana Water Board Executive Officer issued a Cleanup and Abatement Order (CAO) for the site on February 8, 2005. The 2005 CAO and amendments are the subject of challenges in petitions to the State Water Resources Control Board (State Water Board). In light of various objections and appeals, and the need to take action in an expeditious manner, the State Water Board, acting through its Executive Director, decided to review the matter on its own motion and by letter dated February 5, 2007, informed all parties it would hold a hearing on this matter.

On June 3, 2008, the State Water Board adopted Order WQ 2008-0004 that ratified the decision to conduct own motion review. The petitioners filed objections and motions with the Los Angeles Superior Court seeking to invalidate Order WQ 2008-0004. A trial was conducted on January 15, 2009, and the Court granted in part, and denied in part a writ of mandate. The purpose of this interlocutory order is to comply with the writ of mandate.

The order rescinds all actions to assume jurisdiction, to commence and taken in SWRCB/OCC File No. A-1824 prior to June 3, 2008, including those actions taken by the Executive Director and Hearing Officer, other than those actions related to scheduling and noticing Order WQ 2008-0004. The order rescinds those portions of Order WQ 2008-0004 that attempt to ratify *nunc pro tunc* (a) the actions of the Executive Director to commence SWRCB/OCC File No. A-1824, (b) the actions of the Executive Director to appoint the Hearing Officer in SWRCB/OCC File No. A-1824, and (c) the actions of the Hearing Officer taken prior to June 3, 2008, in SWRCB/OCC File No. A-1824. In addition, the order delegates to the Executive Director, after consultation with the Board Chairperson, the authority to select a hearing officer for the hearings and investigation authorized by this order and Order WQ 2008-0004.