

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of United States)
Steel Corporation -- Petition to)
Review Cease and Desist Order of)
Regional Board)

Order No. 71-9

On December 23, 1970, the State Water Resources Control Board received a petition from United States Steel Corporation requesting State Board review and stay of a cease and desist order issued by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 24, 1970.

It is the contention of the petitioner:-----

(1) That adequate notice of hearing was not given;
(2) that the time schedule for compliance set by the Regional Board is unreasonable; (3) that certain of the requirements are too vague and uncertain as to their meaning and therefore are unenforceable; and (4) that the issuance of the cease and desist order was improper and inappropriate because it was not necessary.

On January 7, 1971, the State Board refused to stay the effect of the cease and desist order. On January 21, 1971, the Board ordered a review and scheduled a hearing on the matter.

On February 4, 1971, the State Board held a public hearing and received evidence concerning the U. S. Steel Corporation discharge.

The State Board, having considered all evidence presented at the hearing, finds:

71-9

1. United States Steel Corporation's Pittsburg works located in Contra Costa County discharge about 20 MGD of industrial wastes from the manufacturing of fabricated iron and steel products. Cleaning, pickling, galvanizing and tin-plating processes are the major sources of these wastes. These wastewaters enter New York Slough at its shore from three outfalls.

2. Waste discharge requirements were prescribed by the Regional Board by Resolution No. 594 on September 17, 1964, and Resolution No. 70-88 on November 4, 1970.

3. U. S. Steel was notified by the Regional Board by mail on November 9, 1970, that a public hearing would be held on November 24, 1970, to consider whether waste discharge requirements had been violated and if so, the contents of an appropriate compliance time schedule. The notice did not specify which requirements were involved.

4. The Regional Board, by certified mail dated November 20, 1970, notified the petitioner of a tentative resolution to be considered at the hearing on November 24 ordering petitioner to cease and desist violations of certain specified waste discharge requirements prescribed in Resolution Nos. 594 and 70-88.

5. On November 24, 1970, the Regional Board conducted a hearing pursuant to the foregoing notices.

6. The Regional Board found U. S. Steel in violation of certain requirements of Resolution No. 594 and certain

requirements of Resolution No. 70-88, including a provision prohibiting creation of a nuisance.

7. On November 24, 1970, the Regional Board adopted Resolution No. 70-97 ordering U. S. Steel to cease and desist violating the waste discharge requirements prescribed in Resolution No. 594 by December 15, 1970, and to award contracts for construction of necessary facilities for compliance with all requirements of Resolution No. 70-88 by March 1, 1971.

8. Although adequate notice was not given to U. S. Steel prior to the hearing on November 24, any prejudice the company may have suffered was cured by affording it a further hearing before the State Board on February 4, 1971.

9. U. S. Steel was aware of its violations of Resolution No. 594 as early as December 1964. The company had known of the need for improved waste facilities to meet the toxicity requirements which are included in Resolution No. 70-88 when the State Board originally held hearings regarding its toxicity policy on July 15, 1968.

10. The time schedule adopted by the Regional Board is reasonable, considering the long history of failure to comply with waste discharge requirements, and the failure of U. S. Steel to demonstrate to the State Board during the public hearing on February 4, 1971, that it had developed a specific program with a time schedule to correct the deficiencies and comply with the new regulations in the shortest possible time.

11. No evidence was introduced at the regional board or state board hearings to support a finding that the U. S. Steel discharge is causing a nuisance.

12. The requirements in Resolution Nos. 594 and 70-88 are not vague and uncertain.

13. Data collected on December 17, 1970, and on January 6, 11, and 22, 1971, showed violations of requirements for pH and zinc at each of the three outfalls, lead at outfall No. 1, and color at outfall No. 3.

14. Interim and immediate corrective measures have been provided by U. S. Steel; however, periodic violations of waste discharge requirements in Resolution Nos. 594 and 70-88 continue.

15. At the hearing on February 4, 1971, U. S. Steel presented testimony that the company would not comply with the March 1 date for awarding contracts and could not state when the contracts will be awarded.

16. The continued violation and threatened violation of discharge requirements support the issuance of the cease and desist order.

17. The action of the San Francisco Bay Regional Board in issuing the cease and desist order was appropriate and proper.

IT IS HEREBY ORDERED:

1. That the cease and desist order issued by the California Regional Water Quality Control Board, San Francisco Bay Region, is affirmed.

2. That the Executive Officer of the State Board is directed to refer the matter to the Attorney General to obtain an injunction and an appropriate fine for each day in which violations occur.

Dated: March 4, 1971.

KERRY W. MULLIGAN

Kerry W. Mulligan, Chairman

E. F. DIBBLE

E. F. Dibble, Vice Chairman

NORMAN B. HUME

Norman B. Hume, Member

RONALD B. ROBIE

Ronald B. Robie, Member

W. W. ADAMS

W. W. Adams, Member