

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-83

AMENDING RESOLUTION NO. 734, ORDERING LESTER J. GILARDI AND CLARENCE E. GILARDI, SUCCESSORS IN INTEREST TO JAMES GILARDI, TO CEASE AND DESIST THE VIOLATION OF RESOLUTION NO. 671

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

ADMINISTRATIVE INFORMATION

1. On June 17, 1965 this Regional Board adopted Resolution No. 671 prescribing requirements as to the nature of waste discharge by James Gilardi at 5686 Lakeville Highway into the Petaluma River and into a subsurface leaching field, Sonoma County.
2. The waste discharge requirements provide, in part, as follows:

"B. FOR THE PROTECTION OF BENEFICIAL WATER USES AND PREVENTION OF HAZARDS TO PUBLIC HEALTH

... ..

2. The discharge of waste from the remaining structures on the discharger's property to the Petaluma River under present method of disposal is prohibited

IX. BE IT FURTHER RESOLVED THAT,
the discharger is required to file the following:

- A. Time schedule no later than July 23, 1965 for compliance with paragraph VIII-B-2;
- B. "Report on Waste Discharge" for change in method of waste treatment and/or point of waste discharge filed
no later than August 23, 1965;"

3. A staff investigation on January 14, 1966 revealed that thirteen of the fourteen structures on Mr. Gilardi's property were discharging sewage in violation of the requirements of Resolution No. 671.
4. On March 17, 1966, this Regional Board adopted Resolution No. 734, a cease and desist order which stated:

"... .. this Regional Board finds that sixty (60) days from the date of this Resolution represents an adequate amount of time for taking actions for compliance with the requirements of Resolution No. 671 and that failure of James Gilardi to meet this deadline will be cause for the Regional Board to certify the facts to the District Attorney of Sonoma County"

5. On June 16, 1966 this Regional Board adopted a motion authorizing its Executive Officer to certify to the Sonoma County District Attorney the facts relative to the failure of the estate of the late James Gilardi to comply with Resolution No. 734, a Cease and Desist Order if sewerage facilities were not provided capable of meeting the requirement of Paragraph VIII-B-2 of Resolution No. 671 within ninety (90) days of the date of the motion.
6. An inspection on September 23, 1966, of the Gilardi property revealed no facilities necessary for compliance with Resolution No. 671 had been constructed.
7. On October 3, 1966 the facts relative to the failure of the estate of the late James Gilardi to comply with Resolution No. 734 were referred to the Sonoma County District Attorney; however, this matter has not been referred to Superior Court or the waste disposal problem solved.
8. This Board held a public hearing on September 24, 1970 at which it received testimony regarding issuance of an amendment to the cease and desist order to successors in interest to James Gilardi and at which Clarence E. Gilardi did present testimony.
9. Lester J. Gilardi and Clarence E. Gilardi were served by certified mail with a notice that this Board would consider issuance of an amendment to the cease and desist order to successors in interest to James Gilardi under provisions of Section 13301 of the Porter-Cologne Water Quality Control Act at a meeting duly held on October 22, 1970.
10. This Board did, at its meeting on October 22, 1970, review the staff report to the Board relative to this case, did consider issuance of an amendment to the cease and desist order and heard all interested parties present and desiring to be heard.

REGIONAL BOARD FINDINGS

Untreated sewage is being discharged into the Petaluma River in violation of the following requirement:

"The discharge of waste from the remaining structures on the discharger's property to the Petaluma River under the present method of disposal is prohibited... ..".

IT IS HEREBY ORDERED BY THE REGIONAL BOARD

1. Lester J. Gilardi and Clarence E. Gilardi, successors in interest to James Gilardi are hereby ordered to cease and desist discharging wastes which violate and threaten to violate requirements prescribed in Resolution No. 671 on or before December 1, 1970.
2. Lester J. Gilardi and Clarence E. Gilardi, successors in interest to James Gilardi, are required to file a written report on compliance with this order to this Regional Board pursuant to Section 13267 of the California Water Code on or before December 8, 1970.

3. Upon the failure of Lester J. Gilardi and Clarence E. Gilardi, successors in interest to James Gilardi, to comply with this order, the Executive Officer is authorized and directed to request the Attorney General to petition the Superior Court for the proper legal relief restraining the successors in interest to James Gilardi from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code.

WILLIAM C. WEBER
Chairman

October 22, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-83 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region at its regular meeting on October 22, 1970.

FRED H. DIERKER
Executive Officer
CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION