

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 76-30

PETITION FOR REVIEW OF ORDER NO. 73-4 OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION, BY THE CITY OF BARSTOW AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

WHEREAS:

1. On September 21, 1973, the California Regional Water Quality Control Board, Lahontan Region (Regional Board), issued a Cleanup and Abatement Order No. 73-4 to the City of Barstow (City) and Atchison, Topeka and Santa Fe Railway Company (Railway).
2. On October 16, 1973, the City and the Railway filed petitions for review and requested a stay of Order No. 73-4 with the State Water Resources Control Board (State Board).
3. On August 15, 1974, the State Board adopted Order No. WQ 74-13 pursuant to a review of the aforementioned petitions.
4. On September 13, 1974, the City and the Railway filed actions in the Superior Court, San Bernardino County, seeking a writ of mandamus ordering the State Board to set aside State Board Order No. WQ 74-13. Subsequently, the Attorney General for the State of California filed separate actions against the City and the Railway on collateral issues arising out of groundwater degradation in the Barstow area.
5. On January 10, 1975, the Superior Court of San Bernardino County made its order which, among other things, remanded the matter to the State Board for further consideration.
6. Efforts to effect achievement of the objectives of Order No. 73-4 and the ultimate objective of cleaning up and abating groundwater degradation in the Barstow area subject to that Order, have resulted in a proposed work plan to be implemented by the City and the Railway.
7. A proposed agreement relative to the work plan and related matters has been received and reviewed by the State Board and has been found to be appropriate.

THEREFORE BE IT RESOLVED:

1. That the proposed agreement between the State Water Resources Control Board, the City and the Railway be and it is hereby approved subject to approval of the agreement by the Attorney General of the State of California.
2. That the State Board's Executive Officer be authorized to execute the proposed agreement, subject to approval of the agreement by the Attorney General of the State of California.
3. That said Executive Officer is directed to forward this resolution and a copy of the agreement to the Attorney General of the State of California for his concurrence and to request a stay of the pending litigation as provided in the agreement.
4. That further action on the pending petitions heretofore referred to be stayed until further order of the State Board.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 15, 1976.

Bill B. Dendy
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Executive Officer