

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Union Pacific)
Railroad Company - Petition to)
Review and For Stay of Order and)
Decision of Regional Board)

ORDER NO. 70-11

On August 5, 1970, the Union Pacific Railroad Company petitioned the State Water Resources Control Board to review and stay a cease and desist order, as adopted in Resolution No. 70-42, by the California Regional Water Quality Control Board, Los Angeles Region. On September 3, 1970, the State Board agreed to consider the petition; and on October 8, 1970, a hearing was held at which time the Company appeared and presented evidence.

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

1. The California Regional Water Quality Control Board, Los Angeles Region, acted appropriately in issuing the cease and desist order on July 8, 1970, based upon the record before that Board.
2. Union Pacific Railroad Company has taken interim measures to facilitate compliance with waste discharge requirements.
3. Union Pacific Railroad Company is proceeding diligently with construction of treatment facilities designed to permit the injection of all wastewater into underground strata, thereby eliminating discharge to Cerritos Channel.
4. There have been no reported violations of requirements since May 15, 1970.
5. The facilities necessary for complete injection of wastewater are scheduled to be completed in December 1970, after which there will not be a reasonable probability that the present waste discharge requirements will again be violated.
6. Several of the requirements, as adopted in Resolution No. 69-14, require a subjective determination of compliance, and are difficult to interpret.
7. Union Pacific Railroad Company did not present any evidence that the Company had been injured by the cease and desist order or that a stay of the order is necessary.

IT IS HEREBY ORDERED:

1. The matter be remanded to the California Regional Water Quality Control Board, Los Angeles Region, and in view of finding No. 5, herein, is directed to review the matter at an early date to consider rescinding the cease and desist order adopted in Resolution No. 70-42.

2. The California Regional Water Quality Control Board, Los Angeles Region, revise the waste discharge requirements prescribed in Resolution No. 69-14 in accordance with the guidelines set forth in the Administrative Procedures adopted by the State Water Resources Control Board on September 24, 1970.

Adopted as an order by the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: November 5, 1970

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