

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-30

ORDERING JOSEPH D. EVERS, HELEN EVERS, THE SOUTHERN PACIFIC COMPANY,  
AND THE CITY OF VALLEJO TO CEASE AND DESIST VIOLATIONS OF THE WASTE  
DISCHARGE REQUIREMENTS OF RESOLUTION NO. 70-29

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

INFORMATION ABOUT THIS DISCHARGE

1. Joseph D. Evers, Helen Evers, The Southern Pacific Company, and the City of Vallejo are called the discharger below.
2. On November 25, 1969 this Regional Board adopted Resolution No. 69-59 prescribing requirements for the discharge of waste by Joseph D. Evers and Helen Evers onto land owned by the Southern Pacific Company, the City of Vallejo and/or Joseph D. Evers and Helen Evers.
3. On March 26, 1970 this Regional Board adopted Resolution No. 70-29 to amend Resolution No. 69-59 to make the code references consistent with the Porter-Cologne Water Quality Control Act which became operative on January 1, 1970 without making any substantive changes in the specific requirements contained therein.
4. The waste discharge requirements provide, in part, as follows:

"The discharge shall not cause waste material to be in a position where it is, or can be, carried from the disposal site and deposited into waters of the State."

and

"Pursuant to Section 13243 of the California Water Code, this Regional Board prohibits at any time the disposal of material acceptable only at Class I or II waste disposal sites in Land Disposal Site L-1."
5. Inspection by the Board's staff indicated that the discharger is violating the requirements listed in "4" above.
6. Joseph D. Evers, Helen Evers, the Southern Pacific Company, and the City of Vallejo were notified by certified mail that this Board would consider issuing an Order to Cease and Desist under the provisions of Section 13301 of the California Water Code at a meeting duly held on March 26, 1970.
7. This Board, at its meeting March 26, 1970, reviewed the staff report to the Board relative to this case, considered issuing an Order to Cease and Desist, and heard all interested parties present and desiring to be heard.

REGIONAL BOARD FINDINGS

1. The discharger is violating the following requirements:

"The discharge shall not cause waste material to be in a position where it is, or can be, carried from the disposal site and deposited into waters of the State."

and

"Pursuant to Section 13263 of the California Water Code this Regional Board prohibits at any time the disposal of material acceptable only at Class I or II waste disposal sites in Land Disposal Site L-1."

IT IS HEREBY ORDERED BY THE REGIONAL BOARD

1. The discharger cease and desist forthwith from discharging waste in violation of the requirements listed in item "1" of "Regional Board Findings."
2. Upon the failure of the discharger 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 discharger from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code.

CLEANUP AND ABATEMENT ORDER BY THE REGIONAL BOARD

1. The discharger, by May 10, 1970, shall clean up and remove from Land Disposal Site "L-1", which is defined in requirements Resolution No. 70-29, wood debris, scrapped automobiles and appliances, tires, and such other material defined in the Regional Board's "Land Disposal Policy" as requiring confinement in "Class I" or "Class II" dumpsites.
2. The Attorney General is requested to petition the Superior Court for the issuance of an injunction requiring the discharger to comply forthwith pursuant to Section 13304(a) California Water Code, if the discharger fails to comply with this Order.

WILLIAM C. WEBER  
Chairman

March 26, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-30, as adopted by the California Regional Water Quality Control Board, San Francisco Bay Region at its regular meeting on March 26, 1970.

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