

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 79-33

GRANTING STAY OF EFFECT OF PORTION OF
ORDER NO. 79-16, CALIFORNIA REGIONAL
WATER QUALITY CONTROL BOARD, CENTRAL
VALLEY REGION, A CEASE AND DESIST ORDER
REGARDING OCCIDENTAL CHEMICAL COMPANY

WHEREAS:

1. On March 23, 1979, the California Regional Water Quality Control Board, Central Valley Region (Regional Board), adopted Order No. 79-76 requiring Occidental Chemical Company (petitioner) to cease and desist discharging waste contrary to waste discharge requirements prescribed earlier by the Regional Board.
2. On April 10, 1979, petitioner filed a petition with the State Board to review the action of the Regional Board in adopting Order No. 79-76.
3. Petitioner has requested a stay until May 27, 1979, of Paragraph 3 of Regional Board Order No. 79-76 which provides as follows:

Occidental Chemical Company shall, by 16 April 1979, cease and desist discharging any waste to ponds or lands with hydrologic continuity with ground or surface waters.
4. Based upon a commitment by petitioner to undertake an extensive program to eliminate the discharges in question at a cost of approximately one million dollars, the staff of the Central Valley Regional Water Quality Control Board has prepared a tentative revised order for consideration by the Regional Board at its April 27, 1979, meeting extending the date for compliance with Paragraph 3 of Order No. 79-76.
5. Petitioner has stated that it has requested the stay in question to permit the Regional Board to consider this revised order.
6. Petitioner is engaged in the production of dry fertilizers, sulfuric acid and phosphoric acid. By sworn affidavit of its Vice President and General Manager, petitioner states that it is a large supplier of fertilizer to the California agricultural community, and that as a result of the order to cease discharging waste by April 16, 1979, it would have to close down its dry fertilizer manufacturing process and related processes resulting in insufficient supplies of fertilizer to California agriculture and in the potential loss of 300 jobs.

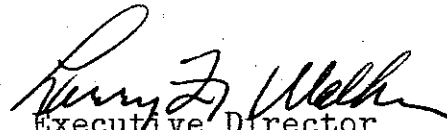
7. A continuation of the discharges in question until May 3, 1979, will not result in substantial harm to the public interest.

THEREFORE, BE IT RESOLVED:

That the State Board grant a stay of the effect of Paragraph 3 of Regional Board Order No. 79-76 until May 3, 1979.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 19, 1979.


Executive Director
(Larry F. Walker)