

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions by)
Apple Valley Ranchos and Apple Valley)
County Water District for Review of)
Order No. 6-77-93, California Regional)
Water Quality Control Board, Lahontan)
Region. Our File No. A-179.)
_____)

Order No. WQ 79-11

BY THE BOARD:

On August 11, 1977, the California Regional Water Quality Control Board, Lahontan Region (Regional Board) adopted Order No. 6-77-93, waste discharge requirements for Apple Valley Ranchos, Tract 8476, San Bernardino County. Both Apple Valley Ranchos, a Division of Reserve Oil and Gas Company, and the Apple Valley County Water District (Petitioners) were designated as the dischargers in the order which applies to a 448 lot subdivision in Apple Valley.

Pursuant to Water Code Section 13320, Apple Valley Ranchos, owner of the tract, filed with the State Water Resources Control Board (State Board) a petition dated August 22, 1977. The Apple Valley County Water District, which is the public entity responsible for providing any necessary sewers in the Apple Valley area, filed a petition with the State Board on September 9, 1977.

Petitioners object to the order which they allege is in effect a prohibition on septic tanks in the proposed subdivision.

✓ They raise several reasons for their objection to the requirements, including assertions that the order is contrary to the Basin Plan; the findings that are the basis for the order are either not specified or are inaccurate; the order is unnecessary, unreasonable

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and cannot be complied with without incurring extreme economic hardship; and that Petitioners were denied due process by the Regional Board. Apple Valley County Water District also requested that the State Board consider vacating the order as it applies to all lots which are located at an elevation of 40 feet or more above groundwater.

This petition has been held in abeyance for a period of time based upon the fact that Petitioners and the Regional Board staff were working on revisions to the current waste discharge requirements which might be satisfactory to Petitioners and, thus, eliminate any need for State Board review. When informed that the Regional Board planned to consider new requirements for the tract at its January 11, 1979, Board meeting, William R. Attwater, Chief Counsel for the State Board, wrote to Petitioners on December 15, 1978, stating that it was inappropriate to proceed with State Board review at this time.

In a letter dated December 29, 1978, Edward F. Taylor, Esq., responded that Apple Valley Ranchos would not insist on State Board review of Order No. 6-77-93 until the Regional Board had considered the proposed new requirements, which he anticipated would occur at the March 1979 Regional Board meeting, if not before. Apple Valley Ranchos has also informed the Regional Board that it wishes to present additional evidence which was not available at the time Order No. 6-77-93 was adopted. Apple Valley County Water District did not respond to the State Board's letter of December 15, 1978.

In a letter dated January 4, 1979, Robert Caverly of Reserve Oil and Gas Company wrote to the Executive Officer of the Regional Board confirming the rescheduling of the consideration of revised requirements to the April Regional Board meeting.

I. DISCUSSION

Since Petitioner Apple Valley Ranchos agreed to the proposal to hold the pending appeal in abeyance until Regional Board consideration of proposed new requirements for Tract 8476 and since Petitioner Apple Valley County Water District has not objected to the proposal not to proceed at this time, we have decided to dismiss the petitions without prejudice to the cause of Petitioners. Either Petitioner may file another appeal requesting review of the Regional Board's adoption of new waste discharge requirements for Tract 8476; or, if new requirements are not adopted within a reasonable period of time, the current petitions may be refiled. We will review any such petition expeditiously in keeping with our newly established goal to process petitions within 120 days from receipt of a completed petition.

II. ORDER

IT IS, THEREFORE, ORDERED that this matter be dismissed without prejudice.

Dated: FEB 15 1979

/s/ W. Don Maughan
W. Don Maughan, Acting Chairman

/s/ William J. Miller
William J. Miller, Member

/s/ L. L. Mitchell
L. L. Mitchell, Member