

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition)
of Simpson Timber Company and)
Nor-Cal Cutters, Inc., for)
Review of Cleanup and Abatement)
Order No. 79-21, California)
Regional Water Quality Control)
Board, North Coast Region. Our)
File No. A-220.)

Order No. WQ 79-29

BY THE BOARD:

On January 2, 1979, the Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Board) issued a Cleanup and Abatement Order, pursuant to Section 13304 of the California Water Code, requiring Simpson Timber and Nor-Cal Cutters, Inc., (petitioners) to cleanup and abate the effects of earthen and organic materials discharged to Omagar Creek during timber cutting operations.

On February 5, 1979, the State Water Resources Control Board received an appeal from the petitioners requesting that the order be withdrawn from the record and that the Regional Board be admonished not to issue such orders before making a proper and timely investigation and determination of the facts.

The petitioners assert that:

1. There was no discharge in violation of the Klamath River Basin Plan because the accidental deposition of the butts of logs and miscellaneous debris items in the creek in timber cutting operations was not such as to be deleterious to

fish, wildlife or other beneficial uses in view of the nature, extent and timeliness of regular and normal logging practices carried out relative to the log and debris items.

2. The petitioner did not intentionally or negligently perform any act which resulted in the matters complained of.

3. The alleged discharge, or deposit where there would probably be a discharge, into waters neither created nor threatened to create a condition of pollution or nuisance.

I. DISCUSSION

On July 23, 1979, the Executive Officer of the Regional Board issued Order No. 79-140 rescinding Cleanup and Abatement Order No. 79-21 because the activities required by that order have been completed. Since the requirements of the order which is the subject of this petition have been met and the order has been rescinded, it is neither necessary or appropriate for us to review this matter at this time.

II. ORDER

IT IS, THEREFORE, ORDERED that the petition for review of issuance of California Regional Water Quality Control Board, North Coast Region, Cleanup and Abatement Order No. 79-21 is dismissed.

Dated: AUG 16 1979



W. Don Maughan, Chairman

ABSENT

William J. Miller, Vice Chairman



L. L. Mitchell, Member



Carla M. Bard, Member

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