

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions of  
the Atchison, Topeka and Santa Fe  
Railway Company and the City of  
Barstow for Review of Cleanup and  
Abatement Order No. 73-4 of the  
California Regional Water Quality  
Control Board, Lahontan Region

Order No. WQ 73-29

BY BOARD VICE CHAIRMAN ROBIE:

On October 18, 1973, the Atchison, Topeka and Santa Fe Railway Company and the City of Barstow (petitioners) submitted petitions to the State Water Resources Control Board (State Board) requesting review of Cleanup and Abatement Order No. 73-4 of the California Regional Water Quality Control Board, Lahontan Region (Regional Board). The petitions also requested the State Board to stay the effect of Order No. 73-4 pending disposition of the petitions on its merits.

The cleanup and abatement order directs the petitioners to clean up and/or abate the effects of degraded groundwater of the Mojave River near Barstow.

On November 28, 1973, after due notice, a hearing was held by the State Board at which petitioners and the Regional Board appeared and evidence was given concerning the request for a stay. Upon the basis of the evidence received, the State Board finds that:

1. The petitioners would be required by the terms of the order to invest a substantial sum of money resulting in substantial harm to petitioners if a stay is not granted.

2. The evidence produced demonstrates a lack of substantial harm to other interested persons and to the public interest if a stay is granted in that the progress of downstream degradation of the subsurface water (a rate of approximately one mile every five years) will create no harm or threatened harm to the users of downstream subsurface water during the stay period pending disposition of the petition on the merits.

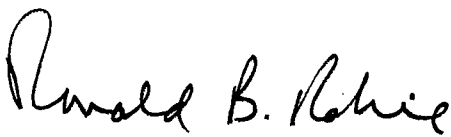
3. Substantial questions of law or fact regarding the disputed action are raised by the petitions.

NOW, THEREFORE, IT IS ORDERED:


1. The effect of Order No. 73-4 is stayed pending disposition of the petitions for review.
2. The State Board will review Order No. 73-4.
3. The two petitions are consolidated for purposes of the review.

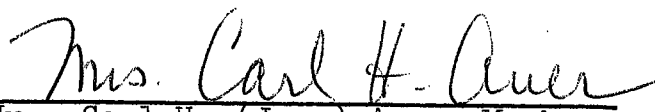
Dated: December 6, 1973

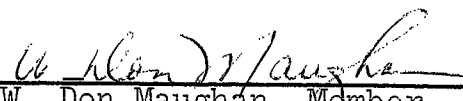
We Concur:

  
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Ronald B. Robie  
Vice Chairman

  
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W. W. Adams, Chairman

  
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Roy E. Dodson, Member

  
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Mrs. Carl H. (Jean) Auer, Member

  
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W. Don Maughan, Member