

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-91

AMENDING RESOLUTION NO. 68-11 AND ADOPTING A COMPLIANCE TIME SCHEDULE FOR THE CITY OF SAN JOSE AND OTHER AGENCIES, TRIBUTARY TO THE SAN JOSE SEWERAGE SYSTEM, WHICH INCLUDE: THE CITY OF SANTA CLARA; COUNTY SANITATION DISTRICTS 2, 3, and 4; BURBANK, CUPERTINO, AND SUNOL SANITARY DISTRICT, SANTA CLARA COUNTY, INTO A SLOUGH TRIBUTARY TO COYOTE CREEK AND SAN FRANCISCO BAY.

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

INFORMATION ABOUT THIS DISCHARGE

1. This Regional Board adopted Resolution No. 68-11, prescribing revised waste discharge requirements for the City of San Jose and other agencies, tributary to the San Jose Sewerage System, which include: the City of Santa Clara; County Sanitation Districts 2, 3 and 4; Burbank, Cupertino, and Sunol Sanitary District, referred to as the discharger below, on March 21, 1968.
2. The discharger filed a Report on Waste Discharge dated May 25, 1970 with this Board pursuant to Section 13260(b) of the California Water Code.
3. That Report and other information in the Board's files describe the existing waste discharge as about 85 mgd (canning season average for maximum month) of sewage mixed with industrial waste from a present population of 750,000 persons. The present facilities were designed for a flow of 94 mgd. The discharger plans to expand his facilities to serve 1,200,000 persons at a design flow of 160 mgd, average. Wastes will continue to be discharged into a dredged channel and thence into Coyote Creek Estuary via Mallard and Artesian Sloughs. The point of discharge is about 9,000 feet southerly from Coyote Creek.
4. The City of San Jose, acting for the above agencies and under joint powers agreements with other agencies designated as the "South Bay Dischargers", entered into a contract on September 2, 1970 with a consortium of consultants called "Consoer-Bechtel" for a study of alternative solutions for future disposition of South San Francisco Bay Waste Water.

STAFF INVESTIGATION

1. These waste discharges can affect the following existing beneficial water uses of San Francisco Bay and contiguous water bodies:

Industrial cooling and process water supply year-round

Pleasure boating, marinas, fishing, shellfishing, and hunting

Fish, shellfish, and wildlife propagation and sustenance, and waterfowl and migratory birds habitat and resting

Navigation channels and port facilities

Esthetic appeal.

2. Land within 2000 feet of the sewage treatment plant is used for agriculture, hunting and industry.

RESOLVED BY THIS REGIONAL BOARD

BOARD INTENT

1. Protect public health as it may be affected by this waste discharge.
2. Prevent nuisance, as defined in Section 13050(m) of the California Water Code.
3. Protect the beneficial water uses listed under "Staff Investigation" above, except shellfishing.

In accordance with Section XVII of its Resolution No. 803, this Board has received a report from the Department of Fish and Game dated August 26, 1968, which describes beds suitable for shellfishing that are located near the Dumbarton Bridge. This Board will consider the matter of protecting these beds for the taking of shellfish for human consumption after it has reviewed a report to be submitted by the State Department of Public Health in accordance with Resolution No. 803.

WASTE DISCHARGE REQUIREMENTS - RECEIVING WATERS

1. The treatment or disposal of waste shall not create a nuisance as defined in Section 13050(m) of the California Water Code.
2. The discharge shall not:
 - a. Unreasonably affect any of the protected beneficial water uses resulting from:

Floating, suspended, or deposited macroscopic particulate matter or foam, in waters of the State at any place;

Aquatic growths at any place;

Bottom deposits at any place or bayward from a control weir which discharger may install in his dredged effluent channel;

Alteration of temperature, turbidity, or apparent color beyond present natural background levels in waters of the State at any place beyond fifty feet from the existing point of discharge;

Analyses to be determined by the multiple-tube fermentation method using at least two portions per decimal dilution.

- e. Cause waters of the State to exceed the following limits of quality at any place or bayward from a control weir which discharger may install in his dredged effluent channel.

Dissolved oxygen 5.0 mg/l, minimum;
When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.

WASTE DISCHARGE REQUIREMENTS - WASTE STREAM

The waste as discharged to waters of the State shall meet these quality limits at all times:

- 1. In any grab sample:

Settleable matter

The arithmetic average of any six or more samples collected on any day	0.5 ml/l/hr maximum
80% of all individual samples collected during maximum daily flow over any 30-day period	0.4 ml/l/hr maximum
Any sample	1.0 ml/l/hr maximum

- 2. In any set of samples:

Toxicity: Survival of test fishes in 96-hour bioassays of the waste as discharged

Any determination	70% minimum
Average of any three or more consecutive determinations made during any 21 or more days	90% minimum

PROHIBITION

Pursuant to Section 13243 of the California Water Code the discharge of wastes in excess of 94 mgd, average for any month, is prohibited until facilities are provided capable of meeting all of the requirements except the dissolved oxygen limit.

TIME SCHEDULE FOR COMPLIANCE WITH REQUIREMENTS

- 1. Pursuant to Section 13263(c) of the California Water Code, this Regional Board adopts the following time schedule for compliance with the above dissolved oxygen requirement:

Completion of subregional study by January 1, 1972

Submit a detailed plan and time
schedule for provision of
necessary facilities by March 15, 1972

2. The discharger is required to file written progress reports with this Regional Board pursuant to Section 13267 of the California Water Code by:

December 15, 1970

April 15, 1971

August 15, 1971

January 15, 1972

REPORTING REQUIREMENTS

1. This Resolution includes items numbered 1, 2, 3, 4, 5, 6 and 7 of the attached "Reporting Requirements", dated November 24, 1970.

NOTIFICATIONS

1. This Resolution amends Resolution No. 68-11 to make it consistent with the Porter-Cologne Act which became operative on January 1, 1970; and to make specific requirements for BOD removal, receiving water dissolved oxygen, and toxicity consistent with recent revisions in this Board's policy.

The requirements pertaining to maintenance of dissolved oxygen in the receiving waters as prescribed in this Resolution will become effective upon approval by the State Water Resources Control Board of this Regional Board's Resolution No. 70-76 which was adopted on October 22, 1970 and which recommends deletion of the 90% BOD removal limit from the water quality control plan for San Francisco Bay.

This Regional Board will consider further amendment to, or rescinding Resolution No. 68-11 upon the discharger's demonstration of compliance with all the waste discharge requirements prescribed therein, pursuant to the schedule contained in this Board's reissued order to cease and desist, Resolution No. 70-57.

2. The above compliance time schedule is subject to revision in the discretion of this Regional Board.
3. If the discharger fails to comply with the above compliance time schedule, the Executive Officer is instructed to bring a recommendation on the amendment of existing formal enforcement proceedings to the Regional Board for its consideration.
4. This Board will amend this Resolution by adopting a complete time schedule for compliance with the above dissolved oxygen requirement no later than April 30, 1972. In the light of presently available information, this compliance date will be no later than July, 1978.

5. This Resolution includes items number 1 through 7 of the attached "Notifications" dated January 6, 1970.

WILLIAM C. WEBER
Chairman

November 24, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-91 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, at its regular meeting on November 24, 1970.

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
November 24, 1970

REPORTING REQUIREMENTS

1. This Board requires the discharger to file technical reports on self-monitoring work performed according to detailed specifications developed pursuant to the Regional Board's Resolution No. 70-43. (Reference: Sections 13267(b) and 13268, California Water Code.)
2. This Board requires the discharger to file a written report within 90 days after the average dry-weather waste flow for any month equals or exceeds 80% of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.

The discharger's best estimate of when the average daily dry-weather flow rate will equal or exceed the design capacity of his facilities.

The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units. (Reference: Sections 13260, 13267(b) and 13268, California Water Code.)

3. This Board requires the discharger to file a time schedule for engineering studies on facilities needed to comply with the Board's receiving water objective of 5.0 mg/l of dissolved oxygen and/or to file a time schedule for deciding upon the feasibility of participating in regional water quality control systems if he does not meet that dissolved oxygen objective after providing waste treatment facilities which comply with the effluent BOD requirement prescribed elsewhere in this Resolution. (Reference: Sections 13267(b) and 13268, California Water Code.)
4. This Board requires the discharger to file technical reports on studies into correcting violations of the Board's water quality objectives caused by discharging combined storm water and sewage. Specifications for these studies shall be developed pursuant to the Board's Resolution No. 70-43. (Reference: Sections 13267(b) and 13268, California Water Code.)

5. This Board requires the discharger to file written reports within 15 days after each calendar quarter to include:

Name of and number of lots in each subdivision and preliminary maps of planned unit developments for which an application has been received for connection to the sewerage system. Anticipated date of connection of each subdivision to the sewerage system.

Finding and supporting data by governing body on effect of addition of each subdivision and planned unit development on violation of waste discharge requirements.

(Reference: Section 11551.6 Business and Professions Code and Sections 13267(b) and 13268, California Water Code.)

6. This Board requires the discharger to file a report on waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge. (Reference: Sections 13260(b) and 13264, California Water Code.)
7. This Board requires the discharger to file a written technical report at least 15 days prior to advertising for bids on any construction project which would cause or aggravate the discharge of waste in violation of these requirements; said report to describe the nature, costs, and scheduling of all actions necessary to preclude such discharge. In no case should any discharge of sewage bearing wastes be permitted without at least primary treatment and chlorination. (Reference: Sections 13267(b) and 13268, California Water Code.)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
January 6, 1970

NOTIFICATIONS

1. This Board requests the discharger to take note of the comments and recommendations contained in all the correspondence the Board has received and considered concerning this matter, and the Executive Officer is directed to transmit copies of that correspondence to the discharger.
2. This Board considers "Waters of the State" as defined in Section 13050(e) of the California Water Code to include waste waters over which the discharger has lost control.
3. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under Federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
4. This Board will prescribe more restrictive requirements for this waste discharge if necessary:
 - To achieve or maintain dissolved oxygen concentration of at least 5.0 mg/l in tidal waters of the San Francisco Bay System pursuant to Resolution No. 67-30,
 - To protect shellfishing areas which the Board designates pursuant to Resolution No. 803,
 - To protect the beneficial water uses, and to achieve other objectives adopted in the resolutions cited above.
5. This Board will review these requirements periodically, as required by law, and will notify the responsible persons before doing so. (Reference: Section 13263(e), California Water Code.)
6. The water quality parameters used in this resolution are as defined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association.
7. The discharger is advised that this Board will use the general concepts of Phase I of the plan recommended by the Final San Francisco Bay-Delta Program Report as guidelines in reviewing any application for construction grants for sewerage facilities proposed to comply with these requirements, and if the discharger intends to make such application he must demonstrate the compatibility of the proposed facilities with the general concepts of the Bay-Delta Program.