

ORDER REQUIRING THE CITIES OF SAN JOSE, SANTA CLARA AND OTHER AGENCIES, TRIBUTARY TO THE SAN JOSE SEWERAGE SYSTEM, WHICH INCLUDE: COUNTY SANITATION DISTRICTS 2, 3, AND 4; BURBANK, CUPERTINO, AND SUNOL SANITARY DISTRICT, SANTA CLARA COUNTY, TO CEASE AND DESIST FROM DISCHARGING WASTES CONTRARY TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

ORDER NO. 71-78

The California Regional Water Quality Control Board, San Francisco Bay region finds:

- A. On November 24, 1970, this regional board adopted Order No. 70-91 prescribing discharge requirements and a compliance time schedule covering the discharge of the Cities of San Jose, Santa Clara and other agencies, tributary to the San Jose sewerage system, which include: County Sanitation Districts 2, 3, and 4; Burbank, Cupertino, and Sunol Sanitary District, Santa Clara County, from its sewage treatment plant.
- B. The discharge requirements provide, in part, as follows:

"WASTE DISCHARGE REQUIREMENTS - WASTE STREAM

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

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% minimum¹

- C. Inspection by Board staff and data submitted by the discharger indicate that the discharger is violating the requirement for toxicity of its waste as discharged.
- D. By letter dated August 23, 1971 the regional board notified the discharger of violations of requirements and requested immediate action to eliminate such violations.
- E. On November 16, 1971, after due notice to the discharger and all other affected persons, a hearing panel of the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

- F. Upon the basis of the evidence received, the hearing panel recommended that the board issue a cease and desist order against the discharger requiring that it comply with the aforesaid requirements in accordance with the time schedule below.
- G. The discharger is violating the requirement listed in "B" above.
- H. Any increase in the concentration of toxicity of the waste discharge will further unreasonably impair water quality.

IT IS HEREBY ORDERED THAT

- A. The Cities of San Jose, Santa Clara and tributary agencies, above, cease and desist from discharging wastes contrary to requirement listed in "B" above;
- B. Compliance with the Board's toxicity requirement be completed according to the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>	<u>STATUS REPORT DUE</u>
Submit detailed plan and time schedule for provision of necessary facilities	March 15, 1972	March 30, 1972
Implement program to reduce toxicity of waste discharges to the sewerage system	May 1, 1972	May 15, 1972

- C. The Cities of San Jose, Santa Clara and tributary agencies, above, are required to submit by March 1, 1972 a report on the feasibility of reducing the ammonia concentration in the waste discharge and to submit by June 1, 1972 a report on all sources of toxicity in the waste discharge, and a program for their elimination.
- D. Additional industrial waste discharges with toxicities greater than a 96-hour TLM of 70% to the sewer system tributary to the San Jose-Santa Clara treatment plant by dischargers not discharging to the system prior to the issuance of this order are prohibited except this prohibition does not apply to industrial buildings under construction or to building or sewer connection permits issued prior to November 23, 1971.
- E. The City of San Jose is required to provide to the board by January 1, 1972 and monthly thereafter a report, under penalty of perjury, on its progress toward compliance with the toxicity requirement and the implementation of the industrial waste control program.
- F. If, in the opinion of the Executive Officer, the Cities of San Jose, Santa Clara and tributary agencies, above, fail to comply with the provisions of this order, the Executive Officer is directed to request the Attorney General to take the appropriate enforcement action against the Cities including injunction and civil monetary remedies, if appropriate.

I, Fred H. Dierker, Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Board at a meeting held on November 23, 1971.

Executive Officer