

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-79

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING UNION SANITARY DISTRICT, NEWARK PLANT
TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN FRANCISCO BAY REGION, IN ORDER NO. 77-78
(NPDES PERMIT NO. CA0037605)

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

1. This Board on June 21, 1977 adopted Order No. 77-78 prescribing waste discharge requirements including a compliance time schedule for Union Sanitary District, Newark Plant in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains a compliance date of July 1, 1977 for achieving secondary effluent limitations as required by the Federal Act.
2. Union Sanitary District has submitted evidence which documents that the above requirements contained in Order No. 77-78 cannot be achieved. The discharger has experienced delays beyond its control because of problems in development of the East Bay Discharger's Authority (EBDA) Water Quality Management Program Phase I Project.
3. Union Sanitary District has submitted a time schedule by which it can achieve the requirements contained in Order No. 77-78.
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, Union Sanitary District, Newark Plant, shall comply with provision D.4. of Order No. 77-78 in accordance with the following schedule:

<u>1. Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
a. Submission of 100% complete plans & specifications for pump station	August 1, 1977	August 15, 1977
b. Submission of 100% complete plans & specifications for force-main between Newark and Alvarado	September 1, 1977	September 15, 1977
c. Status report: Bidding process for pump station and force-main	May 1, 1978	May 15, 1978
d. Award of contract for pump station and force-main	November 1, 1978	November 15, 1978
e. Status report: Construction	August 1, 1979	August 15, 1979
f. Complete construction of force-main between Newark and Alvarado	June 1, 1980	June 15, 1980
g. Complete pump station, commence discharge to interceptor and achieve full compliance	November 1, 1980	November 15, 1980
2. This Order expires on January 1, 1981.		

The Board declares that it shall not undertake further enforcement action to bring Union Sanitary District, Newark Plant, into compliance with secondary effluent limitations by July 1, 1977 as contained in Order No. 77-78 provided:

- a. Union Sanitary District complies with all terms of the time schedule contained in this Order;
- b. Union Sanitary District complies fully with all terms of the permit with the exception of provision D.4.;
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 21, 1977.

FRED H. DIERKER
Executive Officer