

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-5

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

Order directing the East Bay Municipal Utility District, Orinda Filter Plant, to comply with requirements prescribed by the California Regional Water Quality Control Board, San Francisco Bay Region, Order No. 82-4 NPDES Permit No. CA0038342.

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

1. The Board on February 17, 1982 adopted Order No. 82-4 reissuing waste discharge requirements (NPDES Permit CA0038342) to the East Bay Municipal Utility District, Orinda Filter Plant (hereinafter discharger), and rescinded previously issued discharge requirements, this Board's Order No. 76-93.
2. Order No. 82-4 includes the following requirements, which were also included in Order No. 76-93, relative to the discharge of filter backwash waters.

"A. Effluent Limitations

1. The discharge of an effluent containing constituents in excess of the following limits is prohibited:

<u>Wastes</u>	<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Maximum Daily</u>	<u>Instan- taneous Maximum</u>
a) 001	Total	lbs/day	3750	5630	-
	Suspended	kg/day	1710	2560	-
	Solids	mg/l	30	45	-

...

B. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:

...

- d. Increased turbidity so as to cause nuisance or impair beneficial uses.

...

- f. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, ..."
3. The discharger has failed to fully comply with Provision C.5 of Order No. 76-93 which required that by July 1, 1977 full compliance be achieved with effluent and receiving water limitations referred to in finding 2 above.
4. The intent of the requirements listed in Finding 2 is to reduce the quantity of filter backwash solids discharged to San Pablo Creek in order to improve the habitat for aquatic organisms and to reduce the adverse aesthetic impact of the discharge.
5. The discharger has submitted evidence that full compliance with the requirements of Order No. 82-4 will involve, significant cost to the District, and may not necessarily result in improved habitat because of the unstable aquatic environment created by rapid flow fluctuations resulting from Mokelumne Aqueduct raw water releases to the creek to replenish San Pablo Reservoir.
6. Further studies are needed to determine whether alternative discharge standards, enhancement measures or environmental mitigation measures would provide equivalent protection to the environment than present standards.
7. The discharger has agreed to modify its operating procedures to reduce variability of Mokelumne Aqueduct flow volumes released to San Pablo Creek.
8. The discharger has agreed to complete by July 1, 1983 a comprehensive study of San Pablo Creek to assess the impacts of its existing discharges and to identify measures or discharge standards that would protect the beneficial uses of the creek.
9. The Board intends to review the requirements of the discharger's NPDES Permit following submission of the receiving water study referred to in Finding 8.
10. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.
11. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
12. The Board in a public hearing heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with Effluent Limitation A.1.a (suspended solids concentration), and Receiving Water Limitations B.1.d (turbidity) and B.1.f (toxic or deleterious substances) of Order No. 82-4 according to the following schedule:

- | 1. | <u>Task</u> | <u>Report Due</u> |
|----|--|-------------------|
| a. | Prepare and submit report describing discharger options for reducing variations in raw water releases to San Pablo Creek and discussing how operating procedures selected are likely to reduce variations to maximum feasible extent. | March 17, 1982 |
| b. | Prepare and submit detailed study plan, acceptable to Executive Officer, for (1) analyzing impacts of filter backwash discharge and raw water releases on beneficial uses or potential beneficial uses of San Pablo Creek, and (2) identifying measures to eliminate adverse impacts of discharges on beneficial uses and/or to provide mitigating enhancement measures. | May 17, 1982 |
| c. | Complete study, acceptable to the Executive Officer, and submit results to Regional Board. | July 1, 1983 |
| 2. | 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. | |
| 3. | This Order expires August 1, 1983. | |

I, Fred H. Dierker, Executive Officer, do hereby certify 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 February 17, 1982.

FRED H. DIERKER
Executive Officer