Findings: Order No. 75-50 contains mass emission limits for, among other things, suspended solids, oil and grease, phenols, and ammonia nitrogen. Mass emission rates for these parameters were calculated for this discharge based on EPA Effluent Guidelines. No concentration limits are required by the Guidelines and none were included in Order 75-50.

The Ocean Plan, as amended in 1978, however, establishes receiving water concentration limits for two of these parameters, specifically, phenols and ammonia nitrogen (see Table B). These substances can be toxic to aquatic life or can create other undesirable conditions in the receiving water if discharged in sufficiently high concentrations. The Regional Board's requirements must conform to the Ocean Plan and; therefore, should be amended to include effluent limitations that assure compliance with the receiving water concentrations specified in Table B for these two constituents.

Since the Ocean Plan, as amended, imposes no concentration limits for suspended solids and oil and grease for industries covered by federal effluent limitation guidelines (see paragraph preceding Table A, page 5) we must undertake further consideration of the allegations with respect to these constituents. The Department alleges that toxic "slugs" of waste can occur and not violate mass emission rates. However, in this case this condition would appear to be highly unlikely because storage in the treatment processes provided prior to discharge effectively spreads any waste slugs so that they will either meet the Ocean Plan requirements or be reflected as a violation of the daily mass emission rates.

III. CONCLUSIONS

After review of the record, and for reasons heretofore expressed, we have reached the following conclusions:

1. The Regional Board, with no discretionary authority, applied strict chromium limits as required by the 1972 Ocean Plan and included a requirement for an initial dilution efficiency of 100 to 1 as recommended by the Plan. The Ocean Plan has now been amended and the chromium and dilution provisions of the Plan have been modified. The Regional Board should amend its requirements consistent with the amended Plan.

2. With respect to the issue raised by the Department of Fish and Game, the Regional Board applied mass emission rates to suspended solids, oil and grease, phenols, and ammonia nitrogen based on federal Effluent Guidelines. The Regional Board should amend its requirements to reflect the receiving water concentration limits for ammonia nitrogen and phenols contained in the Ocean Plan as amended in 1978. Although concentration limits for oil and grease and suspended solids would have been required by Table A of the 1972 Ocean Plan, the current Ocean Plan does not require concentration limits for substances listed in Table A when an industry is covered by Effluent Guidelines as is the case here. In addition, storage capacity in the treatment process will attenuate any "slugs" of these constituents. Therefore, no concentration limits need be imposed in these requirements for these constituents.

IV. ORDER

IT IS THEREFORE ORDERED that the Regional Board amend its requirements in conformity with this Order.

Dated: SEP 25 1978

/s/ John E. Bryson
John E. Bryson, Chairman

/s/ W. Don Maughan
W. Don Maughan, Vice Chairman

Absent
W. W. Adams, Members

/s/ William J. Miller
William J. Miller, Member

/s/ L. L. Mitchell
L. L. Mitchell, Member