

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 77-34

CONCURRENCE WITH EXCEPTIONS TO THE  
THERMAL PLAN FOR THE LIBBEY-OWENS-FORD COMPANY,  
LATHROP PLANT NO. 10

WHEREAS:

1. On September 18, 1975, the State Water Resources Control Board adopted a revised "Water Quality Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California", hereinafter called the Thermal Plan.
2. Libbey-Owens-Ford Company, Lathrop Plant No. 10, hereinafter the Discharger, discharges an average of 1.7 mgd and a maximum of 4.0 mgd of elevated temperature wastewater into the San Joaquin River, near the town of Lathrop.
3. By letter dated September 29, 1975, the Discharger requested from the Regional Board an exception to specific water quality objectives 5.A(1)a and 5.A.(1)c of the Thermal Plan as quoted below:
  - "(1)a The maximum temperature shall not exceed the natural receiving water temperature by more than 20°F.
  - "(1)c No discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place."
4. The Libbey-Owens-Ford Company has requested that the Regional Board grant the exceptions using as authority Section 4 of the General Water Quality Provisions of the Thermal Plan, quoted below:

"Regional Boards may, in accordance with Section 316(a) of the Federal Water Pollution Control Act of 1972, and subsequent federal regulations including 40 CFR 122, grant an exception to Specific Water Quality Objectives in this Plan. Prior to becoming effective, such exceptions and alternative less stringent requirements must receive the concurrence of the State Board."
5. After review of all pertinent data and testimony received at a public hearing, the Central Valley Regional Water Quality Control Board concluded that the effluent limitations adopted for the control of the thermal component of Libbey-Owens-Ford's discharge are more stringent than necessary to assure the protection and propagation of a balanced indigenous community of shellfish, fish, and wildlife in and on the receiving waters.

6. The Regional Board by Resolution No. 76-217 dated October 22, 1976, requested concurrence within an exception to Specific Water Quality Objective 5.A.(1)a and 5.A.(1)c of the Thermal Plan and proposed as an alternative that:

"The maximum effluent temperature differential limitation be raised from 20°F to 40°F, and eliminating the limitation on surface water temperature effects."

7. The State Water Resources Control Board finds that alternative less stringent requirements proposed in Regional Board Resolution No. 76-217 will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife within the meaning of Section 316(a) of P.L. 92-500.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board concurs with Resolution No. 76-217 of the Central Valley Regional Water Quality Control Board and finds that alternative less stringent requirements to the Thermal Plan recommended for Libbey-Owens-Ford Company will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife within the meaning of Section 316(a) of P.L. 92-500.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 21, 1977.

*Bill B. Dendy*

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Bill B. Dendy  
Executive Officer