

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-57

REISSUING CEASE AND DESIST ORDER, RESOLUTION NO. 69-26 WITH AMENDMENTS FOR THE CITY OF SAN JOSE AND OTHER AGENCIES TRIBUTARY TO THE SAN JOSE SEWERAGE SYSTEM, WHICH INCLUDE: THE CITY OF SANTA CLARA; COUNTY SANITATION DISTRICTS 2, 3, AND 4; BURBANK, CUPERTINO, AND SUNOL SANITARY DISTRICTS, SANTA CLARA COUNTY, TO CEASE AND DESIST FROM VIOLATIONS OF REGIONAL BOARD REQUIREMENTS IN RESOLUTION NO. 68-11.

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

INFORMATION ABOUT THIS DISCHARGE

1. This Regional Board adopted Resolution No. 316 on November 19, 1959, prescribing requirements for waste discharge by the City of San Jose and other agencies tributary to the San Jose Sewerage System, which include: the City of Santa Clara; County Sanitation Districts 2, 3, and 4; Burbank, Cupertino, and Sunol Sanitary Districts, hereinafter referred to as the discharger, and revised said requirements in Resolution No. 68-11 adopted March 21, 1968. On June 24, 1969, this Board adopted Resolution No. 69-26, an order to cease and desist from violations of requirements.
2. This Board did conduct hearings for consideration of reissuance and amending of a cease and desist order at its meetings on May 28 and July 23, 1970, after due notice to the discharger; did consider the staff report relative to the case; and did hear all interested parties present and desiring to be heard.
3. The discharger was served by certified mail with a notice that this Board would consider issuance of a cease and desist order under provisions of Section 13301 of the California Water Code at a meeting duly held on July 23, 1970.
4. It is this Regional Board's intent with this Resolution to amend and reissue Resolution No. 69-26 to make the code references consistent with the California Water Code.

REGIONAL BOARD FINDINGS

1. This Board accepts the aforementioned staff report as evidence and finds that the discharger is discharging wastes from its sewage treatment plant which do not comply with requirements prescribed by this Board in its Resolution No. 68-11. The discharger is violating the following requirements:

A. The discharge shall not cause at any time

- (1) The presence of macroscopic particulate material or foam in waters of the State at any place or deposited therefrom
- (2) At any place in the receiving waters bayward from any point 1,000 feet south of the confluence of Mallard Slough and Coyote Creek, a bacterial quality in excess of those limits prescribed in Section 7958, Title 17 of the California Administrative Code

Whenever this bacterial quality is not maintained for any reason at the above locations, then it shall be maintained at a point in the discharger's sewage treatment plant or outfall at which all waste tributary to the discharge is present.

The discharger is threatening to violate the following requirements:

1. BOD Removal provisions.
2. Settleable matter limitations.

IT IS HEREBY ORDERED BY THE REGIONAL BOARD

1. The discharger is hereby ordered to cease and desist discharging waste from its sewage treatment plant in violation of requirements and threatening to violate requirements prescribed in Resolution No. 68-11 pursuant to the following time schedule:

DIVISION A CHLORINATION FACILITIES AND FINAL EFFLUENT PUMPING STATION  
DIVISION F RAILROAD SPUR TRACK

Award construction contract for spur track on or before August 24, 1970.

Place new facilities in operation on or before February 28, 1971.

Demonstrate compliance with disinfection requirements on or before March 31, 1971.

DIVISION B PRIMARY AND SECONDARY TREATMENT ADDITIONS  
DIVISION C SLUDGE CONCENTRATION FACILITIES AND DIGESTERS

Advertise for bids on or before September 30, 1970.

Receive bids on or before November 15, 1970.

Review bids and award contract on or before December 19, 1970.

Completion of construction - Date to be established upon review of bids received on alternative construction periods.

2. The discharger is required to file written reports with this Regional Board pursuant to Section 13267 of the California Water Code within fifteen days after each of the dates specified above.
3. Upon failure by the discharger to comply with this order, the Executive Officer is authorized and directed to request the Attorney General to petition the Superior Court for proper legal relief restraining the City from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code.
4. This Regional Board will review the discharger's proposed schedule and adopt an addendum to this Resolution specifying additional dates for completion of Divisions B and C, above, no later than its January 1971 regular meeting.

WILLIAM C. WEBER  
Chairman

July 23, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-57 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region at its regular meeting on July 23, 1970.

FRED H. DIERKER  
Executive Officer  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION