

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 79-132

ORDER REQUIRING SANITARY DISTRICT NO. 1 OF MARIN COUNTY TO CEASE AND DESIST FROM DISCHARGING WASTES CONTRARY TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

I. FINDINGS

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

- A. On June 21, 1977, the Board adopted Order No. 77-67 (NPDES Permit No. CA0037877) prescribing requirements for the waste discharge by Sanitary District No. 1 of Marin County (hereinafter discharger) from its municipal sewage treatment plant.
- B. The Sanitary District No. 1 of Marin County provides treatment and disposal of wastewater collected by Sanitary District No. 2 of Marin County and by the City of Larkspur, and collection, treatment, and disposal for Ross, Kentfield, San Anselmo, Fairfax and Greenbrae.
- C. The requirements of Order No. 77-67 state, in part, as follows:

"A. Prohibitions:

- 1. Discharge at any point at which the wastewater does not receive an initial dilution of at least 10:1 is prohibited (receiving water to wastewater flow).

...

B. Effluent Limitations:

- 1. Prior to achievement of secondary treatment as required by the Federal Water Pollution Control Act, and as defined by regulations of the Environmental Protection Agency, the following interim effluent limitations shall apply:

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Maximum Daily</u>
a. BOD	mg/l	35	70
	lbs/day	3809	7618
b. Suspended Solids	mg/l	45	90
	lbs/day	4917	9834
c. Settleable Matter	ml/l-hr	-	0.5

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Maximum Daily</u>
d. Coliform Organisms	240 MPN/100 ml, moving median of five (5) consecutive daily samples, maximum. Any single sample shall not exceed a most probable number (MPN) of 10,000 total coliform bacteria per 100 ml when verified by a repeat sample taken within 48 hours.		

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

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>7-Day Average</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>
a. BOD	mg/l	5	7.5	10	
	lbs/day	546	-	1093	
	kg/day	248	-	496	
b. Suspended Solids	mg/l	5	7.5	10	
	lbs/day	546	-	1093	
	kg/day	248	-	496	
c. Oil & Grease	mg/l	10	-	20	
	lbs/day	1093	-	2185	
	kg/day	496	-	991	
d. Settleable Matter	ml/l-hr	0.1	-	-	0.2
e. Turbidity	JTU	-	-	-	10.0
...					

5. In any representative set of samples the waste as discharged shall meet the following limit of quality:

TOXICITY:

The survival of an acceptable test organism in a 96 hour bioassay of the effluent shall achieve a median of 90% survival for three consecutive samples and a 90 percentile value of not less than 70% survival for 10 consecutive samples.

...

7. At some point in the treatment process the waste shall not exceed a median MPN of coliform organisms of 2.2/100 ml as determined from the results of the previous consecutive 7 days for which analyses have been completed.

8. The arithmetic mean of values for BOD and Suspended Solids in effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of respective values for influent samples collected at approximately the same times during the same period (i.e., 85 percent removal).

C. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in water of the state at any place.
  - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
  - ...
  - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - ...
2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the water surface:
  - ...
  - d. Un-ionized Ammonia                      0.025 mg/l annual median  
as N    0.4 mg/l maximum

D. Provisions:

- ...
2. The discharger shall comply with the following time schedule to assure compliance with the specification of this Order:
  - a. Compliance with effluent limitations B.2.a., B.2.b., B.2.c., B.2.d., B.2.e., B.5., B.7., B.8., Receiving Water C.1.c., C.2.d., and Prohibition A.1.

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance</u>
Full Compliance	July 1, 1977	July 1, 1977

..."

- D. The requirements of STANDARD PROVISIONS, REPORTING REQUIREMENTS AND DEFINITIONS, an attachment to Order No. 77-67, state, in part, as follows:

"A. Standard Provisions:

1. Neither the treatment nor the discharge of wastes shall create a nuisance or pollution as defined by the California Water Code.

..."

- E. Reports from the discharger and the Board staff inspections indicate that the discharger is in violation of or is threatening to violate the requirements and time schedule listed in Findings C and D of this Order.
- F. Starting at 1 p.m. on October 8, 1979, in the San Rafael City Council Chambers, after due notice to the discharger and other affected persons, a hearing panel of the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge. The hearing was reconvened at 9 a.m. on October 16, 1979, in the Assembly Room, State Building, 1111 Jackson Street, Oakland, where further evidence was received.
- G. Upon the basis of evidence received, the hearing panel recommended that the Board issue a Cease and Desist Order against the discharger requiring that he comply with Order No. 77-67 in accord with a time schedule. The Board has independently reviewed the record of the hearing.
- H. The discharger is violating and threatening to violate the waste discharge requirements listed in Findings C and D of this Order.
- I. 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 Control Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

II. IT IS HEREBY ORDERED THAT:

- A. The discharger cease and desist from discharging wastes contrary to requirements and time schedules listed in Findings C and D of this Order.
- B. The discharger shall comply with Board Order No. 77-67 for Prohibition A.1; Effluent Limitations B.1.a, B.1.b, B.1.c, B.1.d, B.2.a, B.2.b, B.2.c, B.2.d, B.2.e, B.5, B.7, B.8; Receiving Water Limitations C.1.a, C.1.c, C.2.d; Standard Provision A.1; and Provision D.2.a in accord with the following time schedule:

Task

Completion Date

1. Complete all Joint Powers Agreements and/or institutional arrangements necessary to administer the design

<u>Task</u>	<u>Completion Date</u>
construction and operation of the necessary facilities, and submit to State Water Resources Control Board legal staff for approval	by October 16, 1979
2. Provide documentation of availability of Step II project financing	by October 16, 1979
3. Document availability of engineering services for Step II (design) work	by January 1, 1980
4. Submit complete Step II grant application to SWRCB	by January 15, 1980
5. Award design contract	by March 15, 1980
6. Provide documentation of local share of Step III (construction) project financing	by November 15, 1980
7. Award construction contract	by May 1, 1981
8. Full compliance	by July 1, 1983
C. The discharger is required to submit to the Board by the fifteenth of every month, beginning November 15, 1979, a report, under penalty of perjury, on its progress toward compliance with this Order.	
D. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.	
E. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.	

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 October 16, 1979.

FRED H. DIERKER  
Executive Officer