

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 82-23

AMENDING ORDER NO. 79-147, AS AMENDED BY ORDER NO. 80-20, AN ORDER REQUIRING THE CITIES OF SAN JOSE AND SANTA CLARA TO CEASE AND DESIST FROM DISCHARGING WASTES FROM THE SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT IN VIOLATION OF THE REQUIREMENTS OF ORDER NO. 77-107 (NPDES PERMIT NO. CA0037842) AS AMENDED BY ORDER NO. 78-92

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

1. On October 25, 1979, the Board adopted Order No. 79-147 requiring the Cities of San Jose and Santa Clara (hereinafter discharger) to cease and desist from discharging wastes in violation of requirements contained in Board Order Nos. 77-107 and 78-92.
2. Upon partial completion of the tasks required in Order No. 79-147 the Board adopted Order No. 80-20 on April 15, 1980, amending Order No. 79-147. Order 80-20 specified further tasks required of the discharger to assure the Board that the Water Pollution Control Plant would have adequate capacity, consistent treatment, and a satisfactory contingency plan.
3. The requirements contained in Order No. 80-20 provide in part as follows:
  - "A. Item C of Order No. 79-147 shall be deleted and replaced with the following:
    - G. The discharger shall comply with the following to assure continuous consistent compliance with the requirements listed in Finding 3 (of Order No. 79-147).

<u>Task</u>	<u>Compliance Date</u>
I. <u>Immediate Facilities</u>	
...	
II. <u>Intermediate Facilities</u>	
a. Capacity study	by May 15, 1980
b. Preliminary report for intermediate improvements	by June 30, 1980
c. Advertise for proposals (RFP) for planning for the necessary facilities	by July 15, 1980

- d. Receive proposals by August 15, 1980
- e. Award contract for planning September 1, 1980
- f. Complete and submit planning report for intermediate facilities by December 1, 1980
- g. Begin design by January 1, 1981
- h. Complete design and submit time schedule for construction by May 1, 1981
- i. Begin construction
- j. Complete construction
- k. Place facilities in operation
- ..."

4. Although the Board finds that the discharger has taken measures to assure consistent compliance with requirements for the immediate time frame, the discharger has not fully complied with the tasks in Finding 3 above in that the design for the Intermediate Facilities is still not complete. The Board finds that the timely completion of the design and all the remaining previous unscheduled tasks (Finding 3.) is necessary to assure the Board that there is no continuing threat of violation of waste discharge requirements and that they will be consistently met.
5. By letters of February 1, March 16, and April 19 and 20, 1982, the discharger has submitted satisfactory amended time schedules to assure adequate capacity and consistent treatment for 1982 (priority improvements), but not necessarily for the 1985 (Intermediate Facilities), and 1990 (expansion facilities). The discharger desires to delay for two years the final decision on the scope of the 1985 reliability features and 1990 facilities until further evaluation is made of the future food processor loadings. Due to the high costs involved this is acceptable to the Board provided the discharger follows a firm plan and time schedule to finalize the decision and "sophisticated operations" and chemical assistance techniques are maintained.
6. 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.
7. On March 17, 1982 at a meeting starting at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the discharger, and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED that Board Order No. 79-147 is amended as follows:

- A. Item C of Order No. 79-147 and Item A of Order No. 80-20 shall be deleted and replaced with the following:

"C. The discharger shall comply with the following to assure continuous consistent compliance with the requirements listed in Finding 3 (of Order No. 79-147):

<u>Task</u>	<u>Compliance Date</u>	<u>Report on Compliance Due</u>
<u>I. Financial Plan--Intermediate &amp; Expansion Facilities</u>		
A. Modify and Adopt Financial Plan Adequate to Construct Intermediate and Expansion Facilities	April 20, 1982	April 30, 1982
B. Status Reports		July 1, 1982 February 1, 1983
<u>II. 1982 Priority Projects</u>		
A. Status Report	May 1, 1982	May 15, 1982
B. Complete installation of additional blowers and modifications to electrical, nitrification air piping and liquid oxygen systems to increase reliability	June 15, 1982	June 17, 1982
<u>III. Intermediate Facilities</u>		
A. Phase I--Schedule B Spent Filter Backwash Facility operational	November 1, 1982	November 15, 1982
B. Phase IIA--Aeration Basin Modifications		
1. Complete Final Design	May 1, 1982	May 15, 1982
2. Award Construction Contract	December 1, 1982	December 15, 1982
3. Complete modification of Battery "A"	June 15, 1983	June 16, 1983
4. Complete modification of Battery "B"	May 15, 1984	May 29, 1984
C. Phase IIB--All other Intermediate Facilities		
1. Complete Final Design	July 7, 1982	July 21, 1982
2. Award contract (Phase IIB)		
a) prepurchase equipment	December 1, 1982	December 15, 1982
b) blower/generator, substation		
	February 15, 1983	March 1, 1983

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| D.  | Complete all construction of Intermediate facilities (less bio-filters)  | May 15, 1984     | May 29, 1984   |
| E.  | Intermediate Facilities Operational (less bio-filters)   | June 15, 1984    | June 29, 1984  |
| F.  | Document Available Intermediate Capacity (less biofilters)   | October 15, 1984 | November 1, 1984   |
| IV. | <u>Status Reports</u> on all Intermediate and Expansion Facilities shall be submitted to the Regional Board on the following dates:  |                  | March 1, 1983<br>June 16, 1983<br>October 1, 1983<br>January 1, 1984<br>May 29, 1984<br>November 29, 1984<br>February 15, 1985 |
| V.  | <u>Reliability Features</u><br>Submit Plan/Program to evaluate future food processor loadings, decide on size and type of reliability features, and document available reliable capacity |                  | August 1, 1982   |

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 April 21, 1982.

FRED H. DIERKER  
Executive Officer