

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 79-133

ORDER REQUIRING THE STATE OF CALIFORNIA DEPARTMENT OF
CORRECTIONS SAN QUENTIN PRISON 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 May 16, 1978, the Board adopted Order No. 78-33 (NPDES Permit No. CA0037397) prescribing requirements for the waste discharge by the State of California Department of Corrections San Quentin Prison (hereinafter discharger), from its sewage treatment plant. The plant serves San Quentin Prison and San Quentin Village.

B. The requirements of Order No. 78-33 state, in part, as follows:

"...

A. Effluent Limitations

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

<u>Constituents</u>	<u>Units</u>	<u>30-day Average</u>	<u>7-day Average</u>	<u>Daily Maximum</u>	<u>Instan- taneous Maximum</u>
a. BOD*	mg/l	30	45	60	-
	lbs/day	250	-	500	-
	kg/day	113	-	227	-
b. Suspended Solids*	mg/l	30	45	60	-
	lbs/day	250	-	500	-
	kg/day	113	-	227	-
c. Oil & Grease*	mg/l	10	-	20	-
	lbs/day	83	-	167	-
	kg/day	38	-	76	-

...

2. Prior to the termination of the discharge at this location, the following interim limitations shall apply:

<u>Constituents</u>	<u>Units</u>	<u>30-day Average</u>	<u>Daily Maximum</u>
a. BOD	mg/l	75	100
	lbs/day	1251	1668
	kg/day	569	758

<u>Constituents</u>	<u>Units</u>	<u>30-day Average</u>	<u>Daily Maximum</u>
b. Suspended Solids	mg/l	50	75
	lbs/day	834	1251
	kg/day	380	569

...

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

TOXICITY:

Shallow water discharge -

The survival of an acceptable test organism in 96 hour bioassays 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.

Deep water discharge -

The survival of an acceptable test organism in 96 hour bioassays of the effluent shall achieve a 90 percentile value of not less than 50 percent survival.

...

6. 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 time during the same period (i.e., 85 percent removal).

7. The total coliform bacteria for a median of five consecutive effluent samples shall not exceed 240 per 100 milliliters. Any single sample shall not exceed a most probable number (MPN) of 10,000 total coliform bacteria per 100 milliliters when verified by a repeat sample taken within 48 hours.

B. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters 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;
- ...

- e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
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:

...

- c. pH Variation from natural ambient pH by more than 0.2 pH units.
- d. Un-ionized 0.025 mg/l annual median
Ammonia as N 0.4 mg/l maximum
- e. Nutrients 50 µg/l chlorophyll a maximum. When background levels exceed this requirement, then this discharge shall not add further nutrients.

...

C. Prohibitions

- 1. The discharge of wastewater 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).
- 2. The discharge of wastewater, which has characteristics of concern to beneficial uses, into any dead-end slough or similar confined water areas or their immediate tributaries is prohibited.

...

D. Provisions

- 1. The discharger shall comply with the following time schedule to assure compliance with Effluent Limitations A.1.a, A.1.b, A.1.c, A.4, and A.6; Receiving Water Limitations B.1.a, B.1.c, B.1.e, B.2.c, B.2.d, B.2.e; and Prohibitions C.1 and C.2 of this Order:

<u>Task</u>	<u>Completion Date</u>
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- (a) Complete all work required of the dischargers for the following aspects of the Eastern Marin-Southern Sonoma Wastewater Management Plan:

TaskCompletion Date

1. Project Report Addendum
 - . Solids Handling Analysis
 - . Wet Weather flow review
 - . Preliminary Revenue Program
 - . Belvedere I/I
 - . Seafirth Analysis
 - . North Marin Reclamation/
Disposal Analysis
 - . Central Marin Population,
Energy, Operation, and
Maintenance Review

2. Final EIR/EIS
 - . Central Marin Economics
 - . N. Marin Reclamation Analysis
 - . Description of Recommended
Projects by Oct. 1, 1978

- (b) Complete all work required of the
dischargers necessary for finaliza-
tion of the EIR/EIS and Project
Report for the East Marin-
Southern Sonoma Wastewater
Management Plan by Oct. 15, 1978

- (c) Submit request for State budget
funding of State's share of the
facilities costs by Jan. 1, 1979*

- (d) Complete all Joint Powers Agree-
ments and/or institutional
arrangements necessary to
administer the design, con-
struction, and operation of the
proposed facilities by one month
after EIR/EIS
is finalized

- (e) Submit Joint Powers Agreement to
SWRCB legal staff for approval by one month
after EIR/EIS
is finalized

- (f) Submit final Project Report, final
EIR/EIS and Step 2 grant applica-
tion (with value engineering pro-
posal) to SWRCB and this Board by one month after
EIR/EIS is finalized

- (g) Submit application for NPDES permit
and time schedule for design and
construction of facilities by one month after
EIR/EIS is finalized
necessary to achieve compliance

- (h) State budget adopted with funding
for proposed facilities by August 1, 1980

<u>Task</u>	<u>Completion Date</u>
(i) State Public Works Board approval and authorization for facilities funding	by November 1, 1980

*If the Environmental Protection Agency does not finalize the EIS by this date, the discharger shall complete the task in the shortest reasonable period of time after the EIS is finalized.

..."

- C. The requirements of STANDARD PROVISIONS, REPORTING REQUIREMENTS AND DEFINITIONS, an attachment to Order No. 78-33, 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.

..."

- D. Reports from the discharger and Board staff inspections indicate that the discharger is in violation of or is threatening to violate the requirements and time schedule listed in Findings B and C of this Order.
- E. 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.
- F. 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. 78-33 in accord with a time schedule. The Board has independently reviewed the record of the hearing.
- G. The discharger is violating and threatening to violate the waste discharge requirements listed in Findings B and C of this Order.
- H. 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 B and C of this Order.

- B. The discharger shall comply with Board Order No. 78-33 for Effluent Limitations A.1.a, A.1.b, A.1.c, A.2.a, A.2.b, A.4, A.6, A.7; Receiving Water Limitations B.1.a, B.1.c, B.1.e, B.2.c, B.2.d, B.2.e; Prohibitions C.1, C.2; Standard Provision A.1; and Provision D.1 in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
1. Complete all Joint Powers Agreements and/or institutional arrangements necessary to administer the design, 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 Step III (construction) project financing	by November 15, 1980
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