

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 79-71

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING CITY OF PALO ALTO TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, IN ORDER NO. 74-167 (NPDES PERMIT NO. CA0037834) AS AMENDED BY ORDER NOS. 75-62 AND 78-58

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

1. This Board on December 6, 1974, adopted Order No. 74-167, prescribing amended by Order Nos. 75-62 and 78-58, prescribing waste discharge requirements including a compliance time schedule for the City of Palo Alto (hereinafter "discharger") in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains an immediate compliance date for achieving secondary effluent limitations as required by the Federal Act and also includes more stringent effluent and receiving water limitations consistent with the Board's Basin Plan. The discharge currently meets secondary effluent limitations.
2. The discharger has submitted evidence which documents that the above more stringent requirements contained in Order No. 74-167 cannot be achieved. The discharger has experienced delays beyond its control because of the grant process for construction of necessary facilities and complexity of South Bay water quality problems.
3. The discharger has submitted a time schedule by which it can achieve the requirements contained in Order No. 74-167.
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.
6. 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 Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with D.2.a. and D.2.d. of Order No. 74-167 as amended in accordance with the following schedule:

1. Provision D.2.a:

"a. Compliance with Effluent Limitations A.1.a. (BOD), A.1.b. (S.S.), A.1.c. (S.M.), A.1.f. (Turb.) A.4 (tox.), A.6 (BOD/SS remov.), A.7 (coli.); Receiving Water Limitations B.1.a (float, susp. etc.), B.1.c. (alter temp. etc.), B.2.d. (un-ionized ammonia):"

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
Construction status report	January 1, 1980	January 15, 1980
Complete construction	May 1, 1980	May 15, 1980
Full compliance	November 1, 1980	November 15, 1980

Provision D.2.d.:

"... .."

d. Compliance with Prohibition C.1 (prohibiting waste discharge to San Francisco Bay south of Dumbarton Bridge)

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
Issue Final EIS and submit a time schedule to comply with Prohibition C.1. If the discharger in its Final EIR/EIS recommends a project not in compliance with the Basin Plan, the discharger shall submit a petition to the Regional Board along with the Final EIR/EIS requesting those exceptions and/or amendments to the Basin Plan needed for the discharger's recommended project to achieve compliance. The discharger's petition shall also contain the rationale for the proposed exceptions and/or amendments either directly or by reference to the Final EIR/EIS	September 15, 1979	October 1, 1979

2. This Order expires on January 1, 1981.

The Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with final effluent and receiving water limitations by December 15, 1979 as contained in Order No. 74-167 as amended provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of provisions D.2.a. and D.2.d.
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that 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 June 19, 1979.

FRED H. DIERKER  
Executive Officer