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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition)
of the Goleta Sanitary District)
for Review of Resolution No. 77-05)
of the California Regional Water)
Quality Control Board, Central)
Coast Region, and Request for Stay)
of Resolution No. 77-05. Our File)
No A-184.)

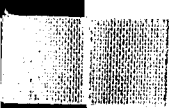
Order No. WQ 78-6

BY THE BOARD:

Pursuant to Water Code Section 13320, on October 13, 1977, the Goleta Sanitary District (Petitioner) submitted a petition to the State Water Resources Control Board (State Board) requesting review of Resolution No. 77-05, which was adopted September 16, 1977, by the California Regional Water Quality Control Board, Central Coast Region (Regional Board). In addition, pursuant to Water Code Section 13221 and Section 2053 of Title 23, California Administrative Code, the Petitioner submitted a Petition for Stay of Resolution No. 77-05, accompanied by the declaration of Donald J. Poulsen, a Director of the Goleta Sanitary District, in support of the Petition for Stay Order. Resolution No. 77-05 refers the matter of violation of Central Coast Regional Board Order No. 77-03 by the Goleta Sanitary District to the Office of the Attorney General for appropriate enforcement action pursuant to Water Code Section 13385. Regional Board Order No. 77-03 which was adopted June 10, 1977, is an order containing a time schedule for compliance with waste discharge requirements in Regional Board Order No. 74-53 (NPDES Permit No. CA0048160).

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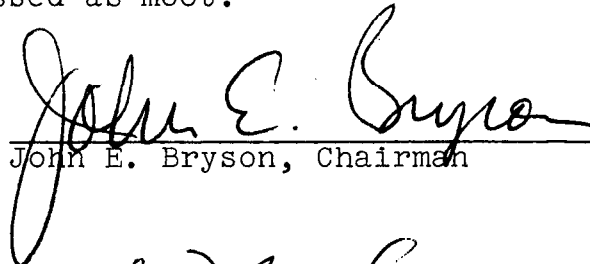


Petitioner asserts that it will be entitled to some relaxation of the applicable waste discharge requirements as a result of Congress' adopting amendments to the Federal Water Pollution Control Act on December 15, 1977. It is not possible to determine at this time whether the petitioner will qualify for an exemption from secondary treatment requirements. Development of standards for waivers and consideration of individual applications for waiver is expected to take a considerable period of time. Nevertheless, the petitioner's Project Report and EIR developed in connection with its application for a grant to construct secondary treatment facilities reveal that there are a number of tasks which the petitioner must accomplish to insure that its facilities accomplish adequate primary treatment whether or not secondary treatment is ever required. Since filing its petition, the Petitioner has entered into an agreement with the Regional Board through the Attorney General's Office in settlement of the Regional Board's referral. A copy of the agreement is attached hereto and made a part hereof by reference. The Petitioner has asked that as a result of the agreement we declare its petition moot and we do so by this Order. In doing so, we intend to preclude any future appeal to us by the Petitioner of enforcement actions taken by the Regional Board to obtain compliance with measures necessary to accomplish adequate primary treatment as set forth in tasks 1-7 of the attached agreement.

The first paragraph on page 6 of the agreement could be interpreted as permitting a future petition to the State Board on this issue if at some subsequent time further action by the Regional Board (such as referral to the Attorney General for enforcement of the terms of the agreement) were necessary. However, we find that tasks nos. 1-7 of the agreement and the schedule for accomplishing them (including the schedule contained in tasks 8-17 as it applies to the accomplishment of tasks 1-7) are appropriate and proper and we see no purpose in maintaining a right on behalf of the petitioner for further administrative review of these tasks.

IT IS HEREBY ORDERED that the Petition of Goleta Sanitary District for Review of Central Coast Regional Board Resolution No. 77-05 is dismissed as moot.

Dated: MAR 16 1978



John E. Bryson, Chairman



W. Don Maughan, Vice-Chairman



W. W. Adams, Member

AGREEMENT BETWEEN THE GOLETA
SANITARY DISTRICT AND THE CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

This agreement is entered into between the Goleta Sanitary District (hereinafter, "District") and the California Regional Water Quality Control Board - Central Coast Region (hereinafter, "Regional Board") regarding their respective duties pursuant to Regional Board Order No. 77-03, "Enforcement Order for Issuance of a Time Schedule," adopted June 10, 1977.

The parties enter into this Agreement in response to amendments to the Federal Water Pollution Control Act of 1972. The legislation, the "Clean Water Act of 1977," has been passed by the United States Congress and has been signed by the President.

The parties hereby agree that the time compliance schedule set forth in Regional Board Order No. 77-03 need not be complied with by the District.

The District hereby agrees to develop, adopt and implement a source control ordinance that will:

1. protect its treatment facilities from upset caused by incompatible wastes;
2. result in the treatment plant effluent meeting the applicable water quality standards contained in the Water Quality Control Plan for the Ocean Waters of California, after the construction of any necessary additional waste treatment facilities and outfall modifications necessary to accomplish secondary waste treatment, or to qualify for modification of secondary treatment requirements under section 44 of the Clean Water Act of 1977, whichever becomes applicable;

3. satisfy the Guidelines for Determining Effectiveness of Local Source Control Programs; and

4. require the District's customers and public entities connected to the District's waste treatment facilities to comply with the ordinance, including, but not necessarily limited to, compliance with 1, 2 and 3 above. Such compliance shall be accomplished no later than July 1, 1979.

The District hereby agrees to the following schedule of tasks and compliance dates, in lieu of the tasks and compliance dates specified in Regional Board Order No. 77-03:

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
1. Negotiate and enter into an agreement with consulting engineers to prepare an application for and assist the District in seeking a modification of Secondary treatment requirements in accordance with Section 44 of the Clean Water Act of 1977.	3-15-78	3-31-78
2. Negotiate and enter into an agreement with consulting engineers to proceed with any work necessary to assist the District in accomplishing task 3 below.	3-15-78	3-31-78
3. Begin Preparation of Plans and Specifications.	3-15-78	3-31-78

This task includes the following work:

- a. Provide detailed layout of existing facilities;
- b. Perform ground control work (surveying elevations, site acquisition, right of way, etc.);
- c. Perform foundation exploration, and soils analysis;
- d. Begin design of modifications to existing sludge digesters;
- e. Begin design of additional solids stabilization basin;
- f. Begin design studies for energy conservation and reclamation system;
- g. Begin design of landward portion of outfall;
- h. Begin design for operations building;
- i. Conduct corrosion protection study;
- j. Conduct grit and screenings disposal study;
- k. Evaluate structural adequacy of existing sludge digester number 2;
- l. Design structural modifications for sludge digester number 2, if required;
- m. Conduct septage disposal study; and
- n. Design format of construction specifications.

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
4. Develop above described source control ordinance, and commence procedures required for adoption of ordinance.	4/1/78	4/15/78

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
5. Adopt source control ordinance.	7/3/78	7/17/78
6. Complete inventory of sources of noncompatible and toxic discharges.	7/3/78	7/17/78
7. Submit application for modification of secondary treatment requirements.	11/1/78	--

Compliance dates of tasks 8 through 17 are based on the assumption that the application for modification of secondary treatment requirements will be disposed of by the appropriate administrative agencies within 90 days of submission. If such disposition is not made within such 90 day period, and/or judicial appeals are taken, then the compliance dates of tasks 8 through 17 shall be adjusted accordingly. In the event the denial of the application for modification of the secondary treatment requirement becomes final, compliance dates for tasks 11 through 17 shall be advanced 90 days.

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
8. Submit amended project report, environmental impact report, financial plan, and revenue program report.	5/1/79	--
9. Submit amended application for a Coastal Commission permit.	6/1/79	6/15/79
10. Conduct environmental impact report public hearing and submit final amended EIR.	8/1/79	--

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
11. Complete plans and specifications	2/1/80	2/15/80
12. Begin construction	10/1/80	10/15/80
13. Submit Progress Report to Regional Board	7/1/81	--
14. Submit Progress Report to Regional Board	1/4/82	--
15. Submit Progress Report to Regional Board	9/1/82	--
16. Complete construction (Full functional use of modified and/or new facilities).	4/1/83	4/15/83
17. Full compliance with NPDES permit conditions.	10/3/83	10/17/83

The compliance dates indicated above are contingent upon availability of State and Federal Grant Funds provided prompt application for such funds is made by the District.

If the District's application for a modification of secondary treatment requirements is denied, and such denial becomes final in the event appeals are taken, District commits itself to accomplish secondary treatment by October 3, 1983.

As necessary, the Regional Board shall expeditiously schedule and hold hearings to consider further orders which will carry out the purposes of this Agreement, in accordance with the law as it exists at the time.

Both parties agree that this document is and shall be fully enforceable in a court of law or equity; however, the District, by entering into this Agreement, does not waive any of its rights to administrative and/or judicial review of Regional Board Order No. 77-03, or of any other order or action of the Board.

In consideration of the District's agreement to the foregoing, the Regional Board agrees that the above agreement by the District constitutes substantial compliance with Regional Board Order No. 77-03, and that as long as the District complies with the said agreement, no further enforcement action regarding Order No. 77-03 shall be undertaken.

This document may be amended only upon mutual agreement thereto by both parties.

Adopted by the Goleta Sanitary District, this 9th day of January, 1978, by a vote of 4 in favor and 1 against.

Certified to this 10th day of February, 1978, by R. E. Blanton, General Manager, Goleta Sanitary District.

Adopted by the California Regional Water Quality Control Board, Central Coast Region, this 10 day of Feb, 1978, by a vote of 8 in favor and 0 against.

Certified to this 10 day of Feb, 1978, by Kenneth J. [Signature], Executive Officer of the Regional Board.