

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition )  
of the Mountain View Sanitary )  
District for Review of Order )  
No. 71-74 of the California )  
Regional Water Quality Control )  
Board, San Francisco Bay Region )  
\_\_\_\_\_ )

Order No. 72-10

On November 18, 1971, the Mountain View Sanitary District petitioned the State Water Resources Control Board to review Order No. 71-74 of the California Regional Water Quality Control Board, San Francisco Bay Region adopted on October 28, 197

A. The State Board having considered the petition and the records of the regional board which concern the petitioner's contentions finds:

1. The Mountain View Sanitary District treats 0.7 mgd of sewage from a population of approximately 10,000 people at its plant near Martinez, Contra Costa County (Figure 1). The wastewater is treated by biological filtration, clarification and disinfection before discharge to an unnamed nont drainage channel tributary to a slough which enters Carquinez Strait near Bull's Head about 1½ miles from the point of discharge.

2. On October 28, 1971, the regional board adopted Order No. 71-74 establishing stringent numerical requirements for discharge of waste to the unnamed drainage channel and

3. A prohibition of discharge to the unnamed drainage channel is compatible with the Water Quality Control Plan, San Francisco Bay which contains a prohibition on the discharge of sewage-bearing waste to nontidal waters.

4. Water Code Section 13243 authorizes a regional board to specify certain conditions or areas where the discharge of waste will not be permitted. The discharge prohibition contained in Order No. 71-74 does not specify the conditions or identify the area where the discharge is prohibited.

5. The basin plan provides for exception from the prohibition where the discharge is approved as part of a reclamation project or where an alternate discharge location is not possible. No evidence has been introduced that indicates exemption of the Mountain View Sanitary District from the prohibition would be appropriate.

6. An important issue of the petition relates to the reasonableness of adopted numerical requirements on the "interim discharge" to nontidal waters. The requirements are so stringent that extensive new construction of "tertiary" facilities would be necessary for compliance. Construction of facilities necessary for compliance with numerical requirements could not be completed more than a few months in advance of the prohibition date at which time the new facilities would become obsolete.

B. The specific contentions of the petition and the Board's findings concerning them are as follows:

- (1) Contention: The district has recently completed construction of its present waste treatment facility at a cost of approximately \$1.2 million. This newly constructed facility was designed to meet, and is meeting, the requirements set forth in Resolution No. 67-33.

Findings: The ability of the district to meet existing requirements in no way prevents the regional board from adopting new, more stringent requirements. Division 7 of the California Water Code requires that discharge requirements shall be periodically reviewed and revised as needed. Since Resolution No. 67-33 was adopted, the Interim Water Quality Control Plan, San Francisco Bay has been adopted by the regional board and approved by the State Board. Section 13263 of the Water Code provides that requirements be written so as to implement the plan. Resolution No. 67-33 was not in conformance with the plan and the regional board amended the discharge requirements. The new requirements are in conformance with the plan in that they prohibit discharge to nontidal waters after June 30, 1973, thereby providing a reasonable time period for construction of necessary facilities.

- (2) Contention: The outright prohibition of the discharge after June 30, 1973, in accordance with Section B.3 of the order is untenable and inconsistent with requirements of comparable discharges.

Findings: The water quality control plan for the area requires termination of all discharges of sewage to nontidal surface waters. This policy is being implemented by the regional board throughout the region.

- (3) Contention: The subregional plan for Contra Costa County is still in the preparation stage and the results and conclusions are not presently available.

Findings: This plan was not made part of the record. However, the final draft of the CONTRA COSTA COUNTY WATER QUALITY STUDY recommends that Mountain View Sanitary District consolidate its waste treatment function with a regional agency.

- (4) Contention: These specific, more stringent requirements are obviously set to levels which require additional expensive construction. This construction would require more than a year to finance and accomplish, at the same time flatly banning the discharge within six months after these additions become operative, and is nothing less than capricious.

Findings: The regional board has adopted a Water Quality Control Plan which contains a prohibition on discharge of sewage-bearing wastes to nontidal waters. The prohibition in Order No. 71-74 of discharge to nontidal waters is a proper implementation of this plan. Since the prohibition is to take effect in the near future (June 1973), only waste discharge requirements necessary for interim protection of water uses should be applied during the period prior to discharge termination. The requirements set forth in Order No. 71-73 would necessitate construction of extensive treatment facilities for compliance. This construction would require considerable time for completion and facilities would not be completed in time for use prior to the prohibition deadline. Because they would require extensive short-lived treatment modification, the requirements set forth in Order No. 71-73 are unreasonable for application during the interim period.

- (5) Contention: The unilateral inclusion in the interim plan of the connection of the Mountain View Sanitary District's discharge to primary treatment plant of Central Contra Costa Sanitary District, the pointedness of the requirements in question and the attempt to use federal grant funds to force a consolidation which results in the downgrading of sewage treatment levels and an increase in the pollution load are acts which must be questioned.

Findings: The matter of discharge consolidations was resolved by the regional board after public hearing and in accordance with law at the time of adoption of the Water Quality Control Plan. In describing the "Wastewater Facilities Plan" in the Water Quality Control Plan, the regional board states that the facilities plan "prescribes in broad terms those subregional sewerage facilities which this board, on the basis of present information, believes must be constructed to achieve those water quality objectives and prohibitions contained in this interim plan."

The pointedness of the regional board order is called for by provisions of the Water Code which require waste discharge requirements to implement the water quality control plan.

The contention that consolidation of the Mountain View discharge into the Central Contra Costa Sanitary District (CCCSD) system will result in downgrading of sewage treatment levels and an increase in pollution load is not correct. Requirements were recently established for CCCSD which will necessitate a high level of treatment by CCCSD prior to discharge to Suisun Bay. Diversion of the Mountain View waste to the CCCSD plant would therefore result in

substantial improvement in effluent quality and significant benefit to waters of the state.

- (6) Contention: On the same day that Resolution No. 71-74 was adopted, fixing these requirements for the Mountain View Sanitary District, the regional board approved an increase in the design flow of Central Contra Costa Sanitary District's primary treatment plant from 30 mgd to 45 mgd with virtually no increase in treatment levels.

Findings: This contention is incorrect. The waste discharge requirements adopted for Central Contra Costa Sanitary District prohibit discharge of toxic or biostimulatory wastes after July 1, 1976, and will necessitate substantial treatment improvements at the district plant. This contention is also discussed under Contention 5.

C. The State Board, having considered all contentions of the petitioner and the record before the regional board, concludes as follows:

1. The discharge prohibition is appropriate except that the area of prohibition must be specified.
2. The numerical effluent quality requirements are unreasonable for the protection of beneficial uses during the interim period prior to the elimination of the discharge. Reasonable interim discharge requirements, including any necessary limitation on the volume of discharge, should be established by the regional board for the period prior to the effective date of the prohibition.

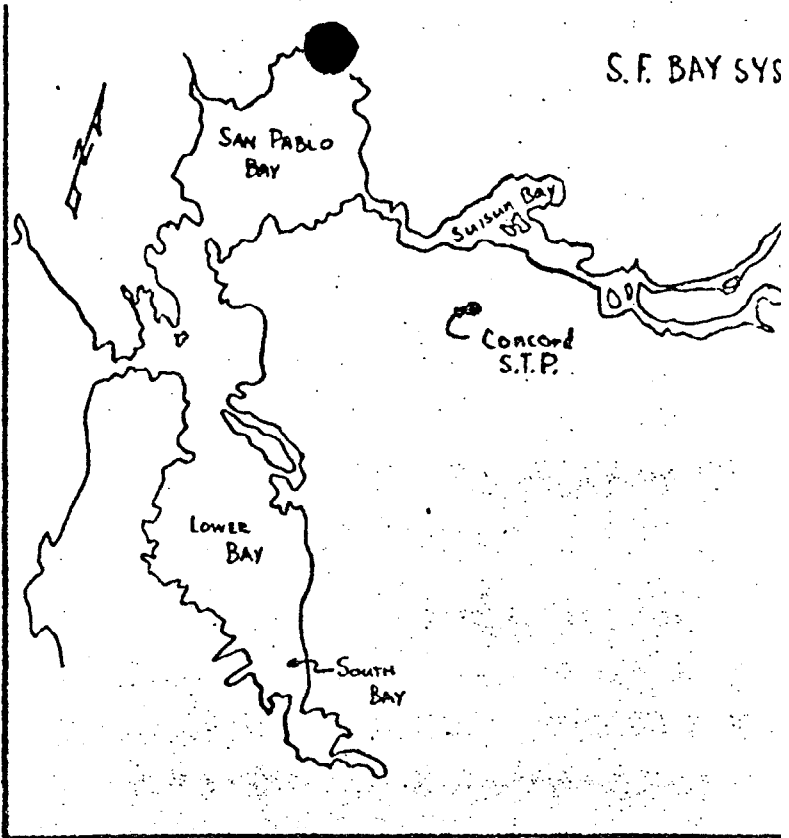
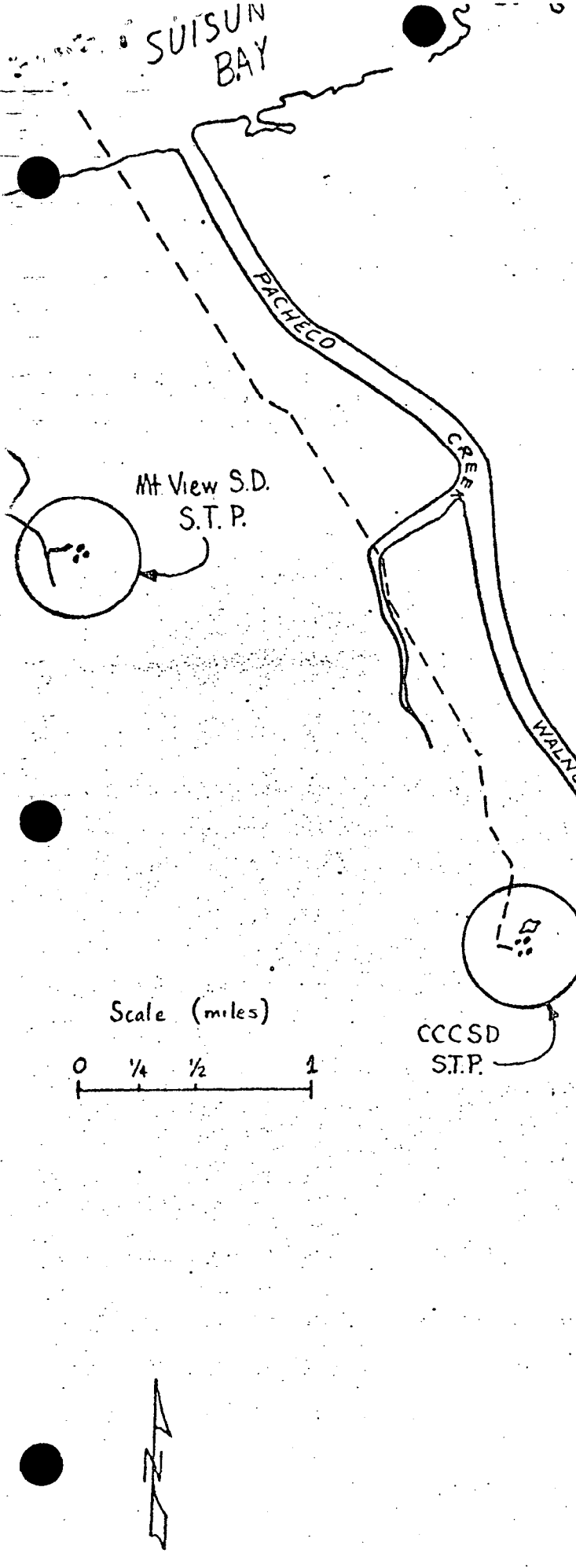


FIGURE 1

IT IS HEREBY ORDERED that the California Regional Water Quality Control Board, San Francisco Bay Region, shall revise the waste discharge requirements contained in Order No. 71-74 in conformity with the conclusions of this order.

Adopted as the order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: May 18, 1972

*W W Adams*

W. W. Adams, Chairman

*E. F. Dibble*

E. F. Dibble, Vice Chairman

*Ronald B. Robie*

Ronald B. Robie, Member

*Roy E. Dodson*

Roy E. Dodson, Member

ABSTAINED

Mrs. Carl H. (Jean) Auer, Member