

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 79-13

Concurrence with exception to the Thermal Plan for Allied Chemical Corporation, Bay Point Works

WHEREAS:

1. On September 18, 1975, the State Water Resources Control Board adopted a revised "Water Quality Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California", hereinafter called the Thermal Plan; and
2. Allied Chemical Corporation, Bay Point Works, hereinafter the Discharger, discharges an average of 3.5 mgd of elevated temperature wastewater into Suisun Bay, near Pittsburg; and
3. By letter dated November 20, 1978, the Discharger requested an exception to specific water quality objective 5.A(2) of the Thermal Plan from the San Francisco Bay Regional Water Quality Control Board as quoted below:
 - "(2) Thermal waste discharges shall comply with the provisions of 5.A(1) above, and, in addition, the maximum temperature of thermal waste discharges shall not exceed 86°F"; and
4. The Discharger has requested that the Regional Board grant the exception using as authority Section 4 of the General Water Quality Provisions of the Thermal Plan, quoted below:
 - "Regional Boards may, in accordance with Section 316(a) of the Federal Water Control Act of 1972, and subsequent Federal regulations including 40 CFR 122, grant an exception to Specific Water Quality Objectives in this plan. Prior to becoming effective, such exceptions and alternative less stringent requirements must receive the concurrence of the State Board."; and
5. After review of all pertinent data and testimony received at a public hearing, the Regional Board concluded that the

effluent limitations adopted for the control of the thermal component of Allied Chemical Corporation's discharge are more stringent than necessary to assure the protection and propagation of a balanced indigenous community of shellfish, fish, and wildlife in and on the receiving waters; and

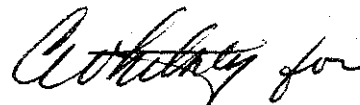
6. The Regional Board by Resolution No. 78-19 dated November 21, 1978, requested concurrence with the exception to Specific Water Quality Objective 5.A(2) of the Thermal Plan and proposed as an alternative that the Discharger shall comply with all provisions of the Thermal Plan including 5.A(1) however, the maximum temperature of thermal waste discharges shall not exceed 90°F; and
7. The evidence submitted indicates that alternative less stringent requirements proposed in Regional Board Resolution No. 78-19 will not compromise the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife within the meaning of Section 316(a) of the Clean Water Act.

THEREFORE BE IT RESOLVED that:

The State Water Resources Control Board concurs with Resolution 78-19 of the San Francisco Bay Regional Water Quality Control Board and finds that the alternative less stringent requirement to the Thermal Plan for a maximum discharge temperature of 90°F recommended for Allied Chemical Corporation, Bay Point Works, will not compromise the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife, within the meaning of Section 316(a) of the Clean Water Act.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 15, 1979.



Larry F. Walker
Executive Director
(Clint Whitney for)