

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

Petition of the Department of
Fish and Game for Review of
Order No. 74-06 of the California
Regional Water Quality Control
Board, Central Coast Region.

Order No. WQ 75-6

BY THE BOARD:

The Department of Fish and Game (petitioner) has submitted a petition to the State Water Resources Control Board (State Board) requesting a review of Order No. 74-06 adopted by the California Regional Water Quality Control Board, Central Coast Region, (Regional Board) on March 8, 1974. Order No. 74-06 prescribes waste discharge requirements for the California Department of Corrections, California Men's Colony, San Luis Obispo.

I. BACKGROUND

California Department of Corrections, California Men's Colony, is a state prison facility located at 1609 Washington Street, Camp San Luis Obispo, California. Wastewater from the prison, Cuesta College and Camp San Luis Obispo is treated at California Men's Colony Wastewater Treatment Plant. Secondary treated wastewater is discharged to Chorro Creek which enters Morro Bay approximately 5.0 miles below the point of discharge.

Chorro Creek is an intermittent freshwater stream which is used by steelhead for migration and reproduction. Due to the intermittency of the receiving water, this discharge would constitute the major source of flow in Chorro Creek during any natural low-flow period. The beneficial uses of Chorro Creek as listed in the order include: groundwater recharge, agricultural water supply, aquatic and wildlife habitat, fishing, and esthetic enjoyment.

On January 8, 1974, the Regional Board transmitted a copy of the proposed waste discharge requirements to all interested parties and invited comments. The Department of Fish and Game responded by letter dated March 4, 1974, in which it presented recommendations that now form the substance of the present petition. A representative of the Department of Fish and Game reiterated the recommendations at the public hearing before the Regional Board on March 8, 1974.

II. CONTENTIONS AND ANALYSIS

Contention

The Regional Board order does not prohibit the discharge from depressing the dissolved oxygen in the receiving water below the level necessary to support fish.

Analysis

There is no dissolved oxygen requirement for the receiving water. The State Board recognizes that a dissolved oxygen

content of at least 5.0 milligrams per liter (mg/l) is necessary for the maintenance of fish. Therefore, the waste discharge requirement should be revised to require the safe dissolved oxygen concentration for maintenance of fish.

Contention

The Regional Board order requires the discharge to carry a minimum chlorine residual of 0.5 mg/l, a level toxic to aquatic life.

Analysis

Paragraph B.3 of the waste discharge requirements requires that the discharge contain a chlorine residual of at least 0.5 mg/l at all times. The presumed purpose of this requirement is to assure that the effluent is disinfected so as not to endanger public health. There is no dispute that 0.5 mg/l of chlorine residual is harmful to fish and aquatic life. In fact, 0.002 mg/l chlorine residual is the generally accepted concentration that is not toxic to aquatic life.

The California State Department of Public Health has established uniform guidelines for receiving water having the probability of public contact. These guidelines do not rely on a required chlorine residual but rather are based on the presence of coliform organisms which serve as an indicator of pathogenic organisms.

The waste discharge requirements reflect these public health guidelines in paragraph B.4, which provides that the "discharge shall be continuously disinfected so that the effluent contains a median most probable number of coliform organisms of less than 23 per 100 milliliters". Consequently, while the chlorine residual requirement in Order No. 74-06 is not necessary to assure protection of public health, it does require an effluent which will be toxic to fish and aquatic life. This requirement is improper.

III. CONCLUSIONS AND ORDER

Having considered the contentions of the petitioner and the records of the Regional Board, we conclude that the action of the Regional Board in adopting Order No. 74-06 was improper.

IT IS HEREBY ORDERED that:

1. Order No. 74-06 shall be revised by the Regional Board to include a requirement that the discharge not depress dissolved oxygen in the receiving water below 5.0 milligrams per liter.

2. Paragraph B.3 of the waste discharge requirements shall be revised to limit the total chlorine residual of the effluent to .002 milligrams per liter. In the alternative, the Regional Board may delete paragraph B.3 entirely and include a receiving water requirement prohibiting the discharge of an effluent which is deleterious to fish or aquatic life. In such event, the discharger shall be required to conduct appropriate toxicity tests at appropriate intervals.

3. The monitoring and reporting requirements of Order No. 74-06 shall be modified consistent with the foregoing revisions.

Dated: February 20, 1975

s/ W. W. Adams

W. W. Adams, Chairman

s/ Ronald B. Robie

Ronald B. Robie, Vice Chairman

s/ Roy E. Dodson

Roy E. Dodson, Member

s/ Mrs. Carl H. Auer

Mrs. Carl H. (Jean) Auer, Member

s/ W. Don Maughan

W. Don Maughan, Member

