STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

Marian

In the Matter of the Tahoe-Truckee Sanitation Agency Request for Stay of California Regional Water Quality Control Board, Lahontan Region, Order No. 6-77-27; Alpine Springs County Water District Request for Stay of California Regional Water Quality Control Board, Order No. 6-76-7; and Squaw Valley County Water District Request for Stay of California Regional Water Quality Control Board, Lahontan Region, Order No. 6-76-9.	Order No. WQ 78- 3

BY BOARD MEMBER ADAMS:

Certain petitions for review of specified orders of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) have been submitted to this Board by entities located generally in the North Lake Tahoe area of California. These are the Petition of the Tahoe-Truckee Sanitation Agency (T-TSA) for Review of California Regional Water Quality Control Board, Lahontan Region, (Regional Board) Order No. 6-77-27 (our File No. A-172); the Petition of the Alpine Springs County Water District (ASCWD) for Review of Regional Board Order No. 6-77-27 (our File No. A-171); and the Petition of ASCWD for Review of Regional Board Order No. 6-76-7 (our File No. A-132). In addition, the Squaw Valley County Water District (SVCWD) has submitted to the Board a request to modify the Step III State grant contract with T-TSA (Project No. C-06-1121-0) to provide increased capacity in the T-TSA regional treatment plant in order to serve the Blyth Arena, a U. S. Forest Service facility in Squaw Valley (our File No. A-191). All of these matters have been consolidated for consideration by the Board, pursuant to Section 2054 of Title 23, California Administrative Code.

I. BACKGROUND

In connection with these consolidated proceedings, three requests for stay of a Regional Board order have been submitted to the Board. These are the ASCWD Request for Stay of Provision II. 9 of Regional Board Order No. 6-76-7, which prohibits the discharge of waste from the existing ASCWD treatment facility after January 1, 1978; the SVCWD Request for Stay of Provision II. 11, of Regional Board Order No. 6-76-9,[1/] which prohibits the discharge of waste from Squaw Valley's Olympic Wastewater Treatment facility after January 1, 1978; and the T-TSA Request for Stay of Discharge Specifications B.3, 4, 5, and 6 of Regional Board Order No. 6-77-27, which limit total waste flows from T-TSA member entities to the T-TSA treatment plant. Discharge specifications B.3, 4, 5, and 6 read as follows:

> "3. The total flow of wastewater from the Tahoe City and North Tahoe Public Utility Districts for any seven (7) consecutive days shall not exceed an arithmetic average of 2.94 mgd (129 l/s).

1/ The SVCWD Request for Stay of Regional Board Order No. 6-76-9, which was submitted December 19, 1977, was accompanied by a Petition for Review of Orders Nos. 6-76-9 and 6-77-3, and a request for a stay also of certain provisions of Regional Board Orders Nos. 6-76-10 and 6-77-3, which contain waste discharge requirements for two other SVCWD treatment plants. The Petition for Review was not filed in a timely manner in accordance with Water Code Section 13320(a) and has not been accepted by the Board. Only the Request for Stay of Regional Board Order No. 6-76-9 was accepted for consideration, as related to the SVCWD request for additional capacity to serve Blyth Arena and for the limited purpose of deciding whether the Olympic Wastewater Treatment Plant should be allowed to continue in operation to treat up to 46,500 gallons per day of wastewater from Blyth Arena or, in the alternative, whether SVCWD should be permitted temporarily to exceed its flow allocation upon connection to the T-TSA regional plant, pending resolution of the merits of the Squaw Valley request.

4. The flow of wastewater from the Alpine Springs County Water District for any seven (7) consecutive days shall not exceed an arithmetic average of 0.16 mgd (7.0 l/s).

5. The flow of wastewater from the Squaw Valley County Water District for any seven (7) consecutive days shall not exceed an arithmetic average of 0.32 mgd (14.0 l/s).

6. The flow of wastewater from the Truckee Sanitary District and the Martis Valley for any seven (7) consecutive days shall not exceed an arithmetic average of 1.16 mgd (50.8 l/s)."

Water Code Section 13321(a) provides that upon notice and a hearing the Board may stay in whole or in part the effect of a Regional Board order. State Board regulations, appearing in Title 23 of the California Administrative Code, provide in part that in order for the Board to grant any stay of a Regional Board order, it must be demonstrated that (1) there will be substantial harm to the party requesting the stay or to the public interest if a stay is not granted; (2) there will be no substantial harm to other interested persons or to the public interest if a stay pending resolution of the proceedings is granted; and (3) substantial questions of law or fact exist with respect to the disputed action. (See Section 2053, Title 23, California Administrative Code.) It is appropriate to note here that the general purpose of granting a stay is to provide that the "status quo", or existing situation, will be maintained pending resolution of the matters under review. We intend to consider the merits of the consolidated matters, related to the stay requests discussed herein, no later than our March, 1978, regular Board Meeting.

In accordance with the Notice of Hearing dated January 3, 1978, as amended January 6, 1978, a public hearing was held with Mr. Adams presiding, commencing on January 11, 1978, and continuing and closing on January 18, 1978, to receive evidence relative to all and each of three requests for stay. The following discussion and findings are based upon our review of the hearing record in this matter.

II. DISCUSSION AND FINDINGS

A. ALPINE SPRINGS COUNTY WATER DISTRICT REQUEST FOR STAY.

ASCWD has requested a stay of Regional Board Order No. 6-76-7 based upon allegations that it would suffer substantial harm if no stay were granted due to the following facts: the T-TSA plant is not presently available to treat waste flows from the ASCWD although the discharge of waste from the ASCWD facilities was prohibited after January 1, 1978, predicated upon the availability of the T-TSA plant; ASCWD threatens to violate its allocated capacity in the T-TSA plant[2/] when it discharges thereto, both because its waste flows are typically higher in the winter than in the summer and the allocation was based upon summer flows and population projections, and because it has existing service commitments which exceed its allocation of 160,000 gallons per day (gpd) in the T-TSA plant.

Notwithstanding the allegations contained in the ASCWD request for stay, evidence received at the hearing

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indicates that it is unlikely that actual waste flows from ASCWD will exceed the capacity allocation in the T-TSA plant pending resolution of the ASCWD Petition for Review of Regional Board Order No. 6-76-7. Although using various population projections it is possible to show that flows from ASCWD could approach the capacity allocation of 160,000 gpd for seven consecutive days, Mr. Fred McLaren, testifying on behalf of ASCWD, stated that actual flows from ASCWD during the 1977 Christmas week were about 120,000 gpd[3/] (Reporter's Transcript of Public Hearing held January 11, 1978, and January 18, 1978, [R.T.], Volume 1, p. 53). Mr. Leigh Rovzar, testifying on behalf of ASCWD as its General Manager, stated that during January the maximum daily flow from ASCWD had reached a high of 165,400 gpd on Saturday, January 14, 1978. (R.T. Volume 2, p. 2). This data was drawn from the January, 1978, Sewage Flow Report of ASCWD, which was submitted as an exhibit at the hearing along with similar reports for November and December, 1977. According to these reports, the highest peak seven-day average flow from ASCWD in the recent past was 131,000 gpd, which is substantially below the 160,000 gpd allocation.

Some testimony was also received concerning probable increases in flows from ASCWD due to infiltration and inflow in

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the ASCWD collection and conveyance system. Insofar as it is impossible to estimate such flows accurately, impossible to segregate such flows when they occur from ordinary waste flows in order to determine their magnitude, and unlikely that inflow would continue unchecked so as to substantially increase flows on a seven-day average basis, such information does not indicate the likelihood of harm to the ASCWD of a substantial nature such as would warrant the issuance of a stay.

ASCWD also attempted to demonstrate that substantial harm would occur in the absence of a stay of Regional Board Order No. 6-76-7, by indicating the existence of numerous commitments to provide sewage service to properties and persons located within its jurisdiction, commitments which, if they were all required to be met pending resolution of the ASCWD Petition, would result in waste flows in excess of the ASCWD capacity allocation in the T-TSA treatment plant. Since ASCWD failed to relate these commitments to the level of service currently provided, (i.e., persons and properties served), existing flows from ASCWD, and probable increases in services and flows which will occur pending resolution of the ASCWD Petition, we find it irrelevant to our consideration of the ASCWD request for stay that at some unknown date in the future ASCWD may be required to fulfill a contractual or other commitment to provide sewage treatment service to persons not presently identifiable.

Reserving for the moment our discussion of the availability of the T-TSA regional treatment plant to provide service to

ASCWD, we find that ASCWD has not demonstrated that there will be substantial harm to it or to the public interest if a stay of Order No. 6-76-7 is not granted.

B. SQUAW VALLEY COUNTY WATER DISTRICT REQUEST FOR STAY.

As noted above, the Squaw Valley County Water District Request for Stay of Regional Board Order No. 6-76-9, was accepted for consideration only to the extent it was related to the SVCWD request for increased capacity in order to serve Blyth Arena, which was initially submitted to the Board in July, 1977. In its request for additional capacity SVCWD suggests various possible methods by which such capacity could be provided, including continued use of the Olympic Treatment Plant currently operated by SVCWD and increasing the SVCWD allocated capacity in the T-TSA plant. In its request for stay of Order No. No. 6-76-9, SVCWD has alleged that it will suffer harm if a stay is not granted, since the T-TSA regional treatment plant is not presently available to provide service for SVCWD waste flows, and that the public interest would be harmed by limitation of the use of Blyth Arena if a stay is not granted. SVCWD alleges that it would have to discontinue most service to Blyth Arena, thereby limiting its uses, since the SVCWD capacity allocation in the T-TSA plant is not large enough to permit continued service to Blyth Arena sufficient to accomodate frequent special events or an expanded athletic training program.

Pursuant to a contractual agreement, SVCWD must currently provide service to Blyth Arena in an amount approximately equal to two residential units (674 gpd) and this will continue until such time as additional capacity is made available for further service, according to Mr. Rovzar, who testified as General Manager of SVCWD. (R.T. Volume 2, p. 21.) Additional service is provided as needed for specific events by an interim use permit, and can be provided only until other SVCWD customers require service. Daily flows received by SVCWD from Blyth Arena range from about 5,000 gpd up to 30,000 gpd during special events. (R.T. Volume 2, p. 14.). According to the testimony, it is expected that SVCWD flows, excluding Blyth Arena, will soon increase, leaving insufficient surplus capacity in the SVCWD allocation for service to Blyth Arena. The testimony also indicated that daily maximum flows in December, 1977, reached as high as 200,000 gpd for the Olympic Plant, 34,500 gpd for the Squaw Valley View Plant, and 12,300 gpd for the Papoose Plant. (R.T. Volume 2, p. 9.) The highest recent peak seven-day average for the three SVCWD plants together was described as 220,000 gpd, compared to the SVCWD allocated capacity in the T-TSA plant of 320,000 gpd seven-day average. (R.T. Volume 2, pp. 29, 55.)

The above data indicates a present ability to continue service to Blyth Arena. However, SVCWD testified that when existing septic tank discharges in Squaw Valley Assessment District No. 2 and Squaw Valley View Assessment District No. 1 are connected to the community sewer system, in accordance with direction from the Regional Board, flows from SVCWD are expected to equal or to exceed the SVCWD allocated capacity in the T-TSA plant. According to the testimony of Fred McLaren and Leigh Rovzar, there are approximately 337 existing

septic tanks to be connected, about 220 located in Squaw Valley Assessment District No. 2 and about 100 located in Squaw Valley View Assessment District No. 1. Although it is difficult to estimate expected flows from these septic tanks with any degree of accuracy, there appears to be a substantial likelihood that, soon after these existing septic tanks are connected to the community system and if occupancy rates are high, total flows from SVCWD could exceed the SVCWD capacity allocation in the T-TSA plant. (R.T. Volume 2, pp. 11, 13, 90.) This statement assumes that other flows from SVCWD would continue at high levels, i.e., similar to those recorded in the recent past. SVCWD typically has winter flows higher than summer flows due to winter recreation facilities in the area. Some high flows may also occur due to high infiltration and inflow when snow melting occurs.

Although some evidence was received of flow increases due to the connection of existing septic tanks in Squaw Valley Assessment District No. 2 and existing septic tanks under cease and desist order from the Regional Board in Squaw Valley View Assessment District No. 1, the testimony of Mr. Rovzar also indicated that it would take approximately one month to connect these septic tanks to the community system. Further, the necessary construction is unlikely to occur before April due to existing snow levels, unless a change in weather permits earlier connection. (R.T. Volume 2, pp. 12, 30.) Reserving again our discussion of the availability of the T-TSA regional treatment plant, we cannot find that SVCWD has demonstrated the substantial harm pending resolution of its request which is necessary to support the issuance of a stay of Regional Board Order No. 6-76-9, pursuant to State Board regulations cited above.

The evidence indicates that for the present and during the next few months SVCWD will be capable of continuing service to existing customers and will be able to permit additional discharges without exceeding its capacity allocation in the T-TSA plant. We will discuss hereinafter the possibility of immediate relief from the SVCWD capacity allocation in the T-TSA plant, should there be a change in circumstances such that high flows, due to several factors occurring simultaneously, make violation of the SVCWD allocation in the T-TSA plant imminent.

C. TAHOE-TRUCKEE SANITATION AGENCY REQUEST FOR STAY.

The T-TSA request for stay of Regional Board Order No. 6-77-27 is based generally upon allegations that the waste flows from member entities of T-TSA, which will be treated by the T-TSA plant, have in the past exceeded the flow limitations contained in Order No. 6-77-27 and may do so in 1978; that the T-TSA plant was not available to provide service on January 1, 1978; and that the consolidation of the T-TSA petition for review with other matters related to T-TSA member entities will delay the resolution of the T-TSA petition, subjecting T-TSA to the possibility of civil penalties during the period pending resolution of the petition. T-TSA also alleged that even if some flows from its member entities exceeded their individual capacity allocations, at no time would there be total flows from the plant in excess of 4.83 million gallons per day (mgd), the total rated capacity of the T-TSA regional treatment plant.

Evidence submitted by T-TSA (T-TSA Exhibit 1) indicates that on at least one occasion in the past each T-TSA member has had seven-day average flows which exceeded or were close to that member's flow allocation in the T-TSA plant. The evidence indicates that this occurred for North Tahoe Public Utility District and Tahoe City Public Utility District in January of 1974, for ASCWD in February of 1968, for SVCWD in February of 1975, and for Truckee Sanitary District in January of 1974. There was no testimony to indicate that the current circumstances for each of the member entities (including rates of occupancy of permanent residences during the winter, day use of recreation facilities, infiltration and inflow, per capita water use and other factors which affect sewage flows) were substantially similar to circumstances at the time these high flows were recorded. There was testimony that with regard to some of the T-TSA members there had been significant changes in one or more of these factors. For example, ASCWD has made substantial efforts to correct infiltration and inflow and to reduce water use. (R.T. Volume 1, pp. 26-29.) North Tahoe Public Utility District, Tahoe City Public Utility District, and Truckee Sanitary District have also made efforts to correct infiltration and inflow since the time of their historic high flows. (Regional Board Exhibit A, p. 7.)

A determination that flows from any of the T-TSA members will exceed their allocated flows in the T-TSA plant in the near future based upon the historic high flow data submitted by T-TSA would be speculative at best. The evidence submitted by T-TSA is not evidence of the weight which is necessary to support a conclusion that there will be substantial harm to the parties hereto pending resolution of these consolidated proceedings.

T-TSA appears primarily concerned that SVCWD and ASCWD will violate their capacity allocations in the T-TSA plant. T-TSA's evidence did not support such a conclusion and, as discussed above, based upon testimony presented by representatives of ASCWD and SVCWD, we are not persuaded that due to expected flows from ASCWD and SVCWD there will be substantial harm to ASCWD and SVCWD pending resolution of these matters if a stay is not granted. Neither can we find that due to these same expected flows there will be substantial harm to T-TSA if a stay is not granted.

When Regional Board Order No. 6-77-27 was adopted, the T-TSA plant was expected to be completed and operating by January 1, 1978. The plant was not available to provide service on January 1, 1978. It is now operating and will soon be available to provide service to all of T-TSA's members. (R.T. Volume 1, p. 63.) The Regional Board staff recognized that a delay would occur in providing treatment service at the new T-TSA plant and in a letter, dated November 28, 1977, indicated to T-TSA that enforcement action concerning entities to be served by the T-TSA plant after January 1, 1978, would be held in abeyance for a reasonable period, contingent upon continued progress toward completion of the T-TSA plant and connection thereto by the member entities within a reasonable time after completion. (Regional Board Exhibit A, attachment.)

It is proper for this Board to acknowledge the Regional Board staff letter of November 28, 1977, of which the Regional Board itself was advised at its regular meeting on December 8, 1977, and to which no objection was raised by the Board members. We, therefore, find that T-TSA has failed to demonstrate that substantial harm will occur in the absence of a stay. We make this finding with the provision that this Board shall review immediately, upon our own motion or upon the petition of an aggrieved person, any enforcement action commenced by the Regional Board which is inconsistent with the referenced November 28, 1977, letter.

D. ISSUANCE OF STAY OF SQUAW VALLEY COUNTY WATER DISTRICT CAPACITY ALLOCATION IN T-TSA PLANT UPON OCCURRENCE OF SPECIFIED EVENTS.

As previously discussed herein, SVCWD is presently able to serve both its existing customers and Blyth Arena without exceeding its allocated capacity in the T-TSA plant. However, based upon our review of the hearing record in this matter, we are convinced that the occurrence of certain events may necessitate the immediate issuance of a limited stay of the effect of Discharge Specification B. 5, Regional Board order No. 6-77-27 (the SVCWD capacity allocation appearing in the waste discharge requirements of the T-TSA plant) in order to permit SVCWD to continue service to Blyth Arena.

According to testimony received from Mr. Butterfield, the General Manager of T-TSA, the highest peak seven-day average flow from all the T-TSA members (computed by adding the monthly peak seven-day averages of the members without regard to when they occurred during the month) was approximately 3.96 mgd and occurred in December, 1977. (See T-TSA Exhibit 1, Table 2, submitted at the

hearing of January 11, 1978, and R.T. Volume 1, p. 168.) It is unlikely that total T-TSA flows when full operation of the plant commences would exceed the total rated capacity of the plant (4.83 mgd) if a limited stay were granted. Therefore, if a limited stay were granted to permit processing of flows from Blyth Arena at the T-TSA plant, no substantial harm to the public interest would result. We have no evidence to indicate that substantial harm to any other interested persons would result from the issuance of such a stay. We also find that substantial issues have been raised for our consideration by both the T-TSA Petition for Review of Regional Board Order No. 6-77-27 and the Squaw Valley County Water District Request for Capacity for Blyth Arena.

Based upon the foregoing discussion, we find that upon the occurrence of the specified events set forth below, there will be substantial harm to SVCWD and to the public interest if a stay is not granted. Therefore, we will authorize Board member Mr. Adams to determine whether such facts or events have occurred, and to grant immediately a limited stay, as provided hereinafter, of Discharge Specification B. 5, Regional Board order No. 6-77-27, if action by the full Board will not be possible within ten days of the date that notice is received from SVCWD that the specified events have occurred and that immediate issuance of a stay is requested. Any stay granted by Mr. Adams shall be effective only from the date granted until the date of the next Board workshop session or of the next regular Board meeting or fifteen days from the date stay is granted, whichever occurs first. In addition, any stay granted by Mr. Adams must be ratified by the Board at it's next workshop session or next regular meeting and may then be extended by the Board, if appropriate.

The effect of Discharge Specification B. 5, Regional Board Order No. 6-77-27, may be stayed pending resolution of these consolidated matters only to the extent of permitting acceptance at the T-TSA plant of not more than 46,500 gpd, seven-day average, from the Blyth Arena if SVCWD presents evidence satisfactory to Mr. Adams of each of the following:

1. All existing septic tanks (numbering approximately 337) located in Squaw Valley Assessment District No. 2 and Squaw Valley View Sewer Assessment District No. 1, are connected to the Squaw Valley County Water District community sewer system;

2. SVCWD receives an application to provide sewage service for a special event or special events to take place at or in Blyth Arena from which events wastewater flows of more than 5,000 gpd, daily average, are expected to occur on four days during any seven-day period;

3. After the connection of existing septic tanks in accordance with Item 1., above, and at any time during the six weeks immediately preceding an event scheduled at Blyth Arena in accordance with Item 2., above, a peak seven-day average flow from SVCWD of 280,000 mgd occurs; and

4. The State Board has not yet acted to resolve the merits of the T-TSA Petition for Review, the ASCWD Petitions for Review, and the SVCWD Request for Capacity (our Files Nos. A-172, A-171, A-132, and A-191, respectively).

5. Notice of the SVCWD request for immediate stay has been provided to all of the parties to these proceedings and to interested persons as indicated in the list of interested persons contained in the State Board files in these matters.

6. The existence of all of the above facts is supported by sworn affidavits or declarations of persons with knowledge thereof.

III. CONCLUSIONS AND ORDER

Having considered the contentions of the parties herein and the record of hearing in this matter, we conclude that no stay of any provisions of Regional Board Orders Nos. 6-76-7, 6-76-9, or 6-77-27 should issue at this time. We also conclude, based upon our review of the record in this matter, that Regional Board Order No. 6-77-27, Discharge Specification B. 5, should be stayed, only if Mr. Adams makes findings in accordance with our discussion in Section II.D. of this order and then only to the extent specified in Section II.D.

For the reasons heretofore expressed, IT IS HEREBY ORDERED THAT:

1. The Alpine Springs County Water District Request for Stay of Lahontan Regional Board Order No. 6-76-7 is denied;

2. Squaw Valley County Water District Request for Stay of Lahontan Regional Board Order No. 6-76-9 is denied;

3. The Tahoe-Truckee Sanitation Agency Request for Stay of Lahontan Regional Board Order No. 6-77-27 is denied;

4. Board Member Mr. Admas is authorized to grant a limited stay in accordance with the provisions of Section II.D. of this Order provided that:

(1) the Squaw Valley County Water District has submitted a request for an immediate stay and action by the full Board will not be possible within ten days of the date that such request is received; and

(2) Mr. Adams finds that each of the conditions set forth in Section II.D. of this Order has been adequately demonstrated.

5. No discharge of waste pursuant to Provision 4, immediately above, of this Order shall create a vested right to continue such discharge.

6. No discharge of waste pursuant to Provision 4, immediately above, of this Order shall affect any State Water Resources Control Board contractual rights and remedies.

Dated: FEB 2 1978

We Concur:

W. W. Adams, Member

John E. Bryson, Chairman

W. Don Maughan, Vice-Chairman

STATE OF CALIFORNIA
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3/ This figure does not represent a peak seven-day average and therefore is not comparable with the flow limitation which is 160,000 gpd as an arithmetic average for any seven consecutive days.

the ASCWD collection and conveyance system. Insofar as it is impossible to estimate such flows accurately, impossible to segregate such flows when they occur from ordinary waste flows in order to determine their magnitude, and unlikely that inflow would continue unchecked so as to substantially increase flows on a seven-day average basis, such information does not indicate the likelihood of harm to the ASCWD of a substantial nature such as would warrant the issuance of a stay.

ASCWD also attempted to demonstrate that substantial harm would occur in the absence of a stay of Regional Board Order No. 6-76-7, by indicating the existence of numerous commitments to provide sewage service to properties and persons located within its jurisdiction, commitments which, if they were all required to be met pending resolution of the ASCWD Petition, would result in waste flows in excess of the ASCWD capacity allocation in the T-TSA treatment plant. Since ASCWD failed to relate these commitments to the level of service currently provided, (i.e., persons and properties served), existing flows from ASCWD, and probable increases in services and flows which will occur pending resolution of the ASCWD Petition, we find it irrelevant to our consideration of the ASCWD request for stay that at some unknown date in the future ASCWD may be required to fulfill a contractual or other commitment to provide sewage treatment service to persons not presently identifiable.

Reserving for the moment our discussion of the availability of the T-TSA regional treatment plant to provide service to

ASCWD, we find that ASCWD has not demonstrated that there will be substantial harm to it or to the public interest if a stay of Order No. 6-76-7 is not granted.

B. SQUAW VALLEY COUNTY WATER DISTRICT REQUEST FOR STAY.

As noted above, the Squaw Valley County Water District Request for Stay of Regional Board Order No. 6-76-9, was accepted for consideration only to the extent it was related to the SVCWD request for increased capacity in order to serve Blyth Arena, which was initially submitted to the Board in July, 1977. In its request for additional capacity SVCWD suggests various possible methods by which such capacity could be provided, including continued use of the Olympic Treatment Plant currently operated by SVCWD and increasing the SVCWD allocated capacity in the T-TSA plant. In its request for stay of Order No. No. 6-76-9, SVCWD has alleged that it will suffer harm if a stay is not granted, since the T-TSA regional treatment plant is not presently available to provide service for SVCWD waste flows, and that the public interest would be harmed by limitation of the use of Blyth Arena if a stay is not granted. SVCWD alleges that it would have to discontinue most service to Blyth Arena, thereby limiting its uses, since the SVCWD capacity allocation in the T-TSA plant is not large enough to permit continued service to Blyth Arena sufficient to accomodate frequent special events or an expanded athletic training program.

Pursuant to a contractual agreement, SVCWD must currently provide service to Blyth Arena in an amount approximately equal to two residential units (674 gpd) and this will continue until such time as additional capacity is made available for further service, according to Mr. Rovzar, who testified as General Manager of SVCWD. (R.T. Volume 2, p. 21.) Additional service is provided as needed for specific events by an interim use permit, and can be provided only until other SVCWD customers require service. Daily flows received by SVCWD from Blyth Arena range from about 5,000 gpd up to 30,000 gpd during special events. (R.T. Volume 2, p. 14.). According to the testimony, it is expected that SVCWD flows, excluding Blyth Arena, will soon increase, leaving insufficient surplus capacity in the SVCWD allocation for service to Blyth Arena. The testimony also indicated that daily maximum flows in December, 1977, reached as high as 200,000 gpd for the Olympic Plant, 34,500 gpd for the Squaw Valley View Plant, and 12,300 gpd for the Papoose Plant. (R.T. Volume 2, p. 9.) The highest recent peak seven-day average for the three SVCWD plants together was described as 220,000 gpd, compared to the SVCWD allocated capacity in the T-TSA plant of 320,000 gpd seven-day average. (R.T. Volume 2, pp. 29, 55.)

The above data indicates a present ability to continue service to Blyth Arena. However, SVCWD testified that when existing septic tank discharges in Squaw Valley Assessment District No. 2 and Squaw Valley View Assessment District No. 1 are connected to the community sewer system, in accordance with direction from the Regional Board, flows from SVCWD are expected to equal or to exceed the SVCWD allocated capacity in the T-TSA plant. According to the testimony of Fred McLaren and Leigh Rovzar, there are approximately 337 existing

septic tanks to be connected, about 220 located in Squaw Valley Assessment District No. 2 and about 100 located in Squaw Valley View Assessment District No. 1. Although it is difficult to estimate expected flows from these septic tanks with any degree of accuracy, there appears to be a substantial likelihood that, soon after these existing septic tanks are connected to the community system and if occupancy rates are high, total flows from SVCWD could exceed the SVCWD capacity allocation in the T-TSA plant. (R.T. Volume 2, pp. 11, 13, 90.) This statement assumes that other flows from SVCWD would continue at high levels, i.e., similar to those recorded in the recent past. SVCWD typically has winter flows higher than summer flows due to winter recreation facilities in the area. Some high flows may also occur due to high infiltration and inflow when snow melting occurs.

Although some evidence was received of flow increases due to the connection of existing septic tanks in Squaw Valley Assessment District No. 2 and existing septic tanks under cease and desist order from the Regional Board in Squaw Valley View Assessment District No. 1, the testimony of Mr. Rovzar also indicated that it would take approximately one month to connect these septic tanks to the community system. Further, the necessary construction is unlikely to occur before April due to existing snow levels, unless a change in weather permits earlier connection. (R.T. Volume 2, pp. 12, 30.) Reserving again our discussion of the availability of the T-TSA regional treatment plant, we cannot find that SVCWD has demonstrated the substantial harm pending resolution of its request which is necessary to support the issuance of a stay of Regional Board Order No. 6-76-9, pursuant to State Board regulations cited above.

The evidence indicates that for the present and during the next few months SVCWD will be capable of continuing service to existing customers and will be able to permit additional discharges without exceeding its capacity allocation in the T-TSA plant. We will discuss hereinafter the possibility of immediate relief from the SVCWD capacity allocation in the T-TSA plant, should there be a change in circumstances such that high flows, due to several factors occurring simultaneously, make violation of the SVCWD allocation in the T-TSA plant imminent.

C. TAHOE-TRUCKEE SANITATION AGENCY REQUEST FOR STAY.

The T-TSA request for stay of Regional Board Order No. 6-77-27 is based generally upon allegations that the waste flows from member entities of T-TSA, which will be treated by the T-TSA plant, have in the past exceeded the flow limitations contained in Order No. 6-77-27 and may do so in 1978; that the T-TSA plant was not available to provide service on January 1, 1978; and that the consolidation of the T-TSA petition for review with other matters related to T-TSA member entities will delay the resolution of the T-TSA petition, subjecting T-TSA to the possibility of civil penalties during the period pending resolution of the petition. T-TSA also alleged that even if some flows from its member entities exceeded their individual capacity allocations, at no time would there be total flows from the plant in excess of 4.83 million gallons per day (mgd), the total rated capacity of the T-TSA regional treatment plant.

Evidence submitted by T-TSA (T-TSA Exhibit 1) indicates that on at least one occasion in the past each T-TSA member has had seven-day average flows which exceeded or were close to that member's flow allocation in the T-TSA plant. The evidence indicates that this occurred for North Tahoe Public Utility District and Tahoe City Public Utility District in January of 1974, for ASCWD in February of 1968, for SVCWD in February of 1975, and for Truckee Sanitary District in January of 1974. There was no testimony to indicate that the current circumstances for each of the member entities (including rates of occupancy of permanent residences during the winter, day use of recreation facilities, infiltration and inflow, per capita water use and other factors which affect sewage flows) were substantially similar to circumstances at the time these high flows were recorded. There was testimony that with regard to some of the T-TSA members there had been significant changes in one or more of these factors. For example, ASCWD has made substantial efforts to correct infiltration and inflow and to reduce water use. (R.T. Volume 1, pp. 26-29.) North Tahoe Public Utility District, Tahoe City Public Utility District, and Truckee Sanitary District have also made efforts to correct infiltration and inflow since the time of their historic high flows. (Regional Board Exhibit A, p. 7.)

A determination that flows from any of the T-TSA members will exceed their allocated flows in the T-TSA plant in the near future based upon the historic high flow data submitted by T-TSA would be speculative at best. The evidence submitted by T-TSA is not evidence of the weight which is necessary to support a conclusion that there will be substantial harm to the parties hereto pending resolution of these consolidated proceedings.

T-TSA appears primarily concerned that SVCWD and ASCWD will violate their capacity allocations in the T-TSA plant. T-TSA's evidence did not support such a conclusion and, as discussed above, based upon testimony presented by representatives of ASCWD and SVCWD, we are not persuaded that due to expected flows from ASCWD and SVCWD there will be substantial harm to ASCWD and SVCWD pending resolution of these matters if a stay is not granted. Neither can we find that due to these same expected flows there will be substantial harm to T-TSA if a stay is not granted.

When Regional Board Order No. 6-77-27 was adopted, the T-TSA plant was expected to be completed and operating by January 1, 1978. The plant was not available to provide service on January 1, 1978. It is now operating and will soon be available to provide service to all of T-TSA's members. (R.T. Volume 1, p. 63.) The Regional Board staff recognized that a delay would occur in providing treatment service at the new T-TSA plant and in a letter, dated November 28, 1977, indicated to T-TSA that enforcement action concerning entities to be served by the T-TSA plant after January 1, 1978, would be held in abeyance for a reasonable period, contingent upon continued progress toward completion of the T-TSA plant and connection thereto by the member entities within a reasonable time after completion. (Regional Board Exhibit A, attachment.)

It is proper for this Board to acknowledge the Regional Board staff letter of November 28, 1977, of which the Regional Board itself was advised at its regular meeting on December 8, 1977, and to which no objection was raised by the Board members. We, therefore, find that T-TSA has failed to demonstrate that substantial harm will occur in the absence of a stay. We make this finding with the provision that this Board shall review immediately, upon our own motion or upon the petition of an aggrieved person, any enforcement action commenced by the Regional Board which is inconsistent with the referenced November 28, 1977, letter.

D. ISSUANCE OF STAY OF SQUAW VALLEY COUNTY WATER DISTRICT CAPACITY ALLOCATION IN T-TSA PLANT UPON OCCURRENCE OF SPECIFIED EVENTS.

As previously discussed herein, SVCWD is presently able to serve both its existing customers and Blyth Arena without exceeding its allocated capacity in the T-TSA plant. However, based upon our review of the hearing record in this matter, we are convinced that the occurrence of certain events may necessitate the immediate issuance of a limited stay of the effect of Discharge Specification B. 5, Regional Board order No. 6-77-27 (the SVCWD capacity allocation appearing in the waste discharge requirements of the T-TSA plant) in order to permit SVCWD to continue service to Blyth Arena.

According to testimony received from Mr. Butterfield, the General Manager of T-TSA, the highest peak seven-day average flow from all the T-TSA members (computed by adding the monthly peak seven-day averages of the members without regard to when they occurred during the month) was approximately 3.96 mgd and occurred in December, 1977. (See T-TSA Exhibit 1, Table 2, submitted at the

hearing of January 11, 1978, and R.T. Volume 1, p. 168.) It is unlikely that total T-TSA flows when full operation of the plant commences would exceed the total rated capacity of the plant (4.83 mgd) if a limited stay were granted. Therefore, if a limited stay were granted to permit processing of flows from Blyth Arena at the T-TSA plant, no substantial harm to the public interest would result. We have no evidence to indicate that substantial harm to any other interested persons would result from the issuance of such a stay. We also find that substantial issues have been raised for our consideration by both the T-TSA Petition for Review of Regional Board Order No. 6-77-27 and the Squaw Valley County Water District Request for Capacity for Blyth Arena.

Based upon the foregoing discussion, we find that upon the occurrence of the specified events set forth below, there will be substantial harm to SVCWD and to the public interest if a stay is not granted. Therefore, we will authorize Board member Mr. Adams to determine whether such facts or events have occurred, and to grant immediately a limited stay, as provided hereinafter, of Discharge Specification B. 5, Regional Board order No. 6-77-27, if action by the full Board will not be possible within ten days of the date that notice is received from SVCWD that the specified events have occurred and that immediate issuance of a stay is requested. Any stay granted by Mr. Adams shall be effective only from the date granted until the date of the next Board workshop session or of the next regular Board meeting or fifteen days from the date stay is granted, whichever occurs first. In addition, any stay granted by Mr. Adams must be ratified by the Board at it's next workshop session or next regular meeting and may then be extended by the Board, if appropriate.

The effect of Discharge Specification B. 5, Regional Board Order No. 6-77-27, may be stayed pending resolution of these consolidated matters only to the extent of permitting acceptance at the T-TSA plant of not more than 46,500 gpd, seven-day average, from the Blyth Arena if SVCWD presents evidence satisfactory to Mr. Adams of each of the following:

1. All existing septic tanks (numbering approximately 337) located in Squaw Valley Assessment District No. 2 and Squaw Valley View Sewer Assessment District No. 1, are connected to the Squaw Valley County Water District community sewer system;

2. SVCWD receives an application to provide sewage service for a special event or special events to take place at or in Blyth Arena from which events wastewater flows of more than 5,000 gpd, daily average, are expected to occur on four days during any seven-day period;

3. After the connection of existing septic tanks in accordance with Item 1., above, and at any time during the six weeks immediately preceding an event scheduled at Blyth Arena in accordance with Item 2., above, a peak seven-day average flow from SVCWD of 280,000 mgd occurs; and

4. The State Board has not yet acted to resolve the merits of the T-TSA Petition for Review, the ASCWD Petitions for Review, and the SVCWD Request for Capacity (our Files Nos. A-172, A-171, A-132, and A-191, respectively).

5. Notice of the SVCWD request for immediate stay has been provided to all of the parties to these proceedings and to interested persons as indicated in the list of interested persons contained in the State Board files in these matters.

6. The existence of all of the above facts is supported by sworn affidavits or declarations of persons with knowledge thereof.

III. CONCLUSIONS AND ORDER

Having considered the contentions of the parties herein and the record of hearing in this matter, we conclude that no stay of any provisions of Regional Board Orders Nos. 6-76-7, 6-76-9, or 6-77-27 should issue at this time. We also conclude, based upon our review of the record in this matter, that Regional Board Order No. 6-77-27, Discharge Specification B. 5, should be stayed, only if Mr. Adams makes findings in accordance with our discussion in Section II.D. of this order and then only to the extent specified in Section II.D.

For the reasons heretofore expressed, IT IS HEREBY ORDERED THAT:

1. The Alpine Springs County Water District Request for Stay of Lahontan Regional Board Order No. 6-76-7 is denied;

2. Squaw Valley County Water District Request for Stay of Lahontan Regional Board Order No. 6-76-9 is denied;

3. The Tahoe-Truckee Sanitation Agency Request for Stay of Lahontan Regional Board Order No. 6-77-27 is denied;

4. Board Member Mr. Admas is authorized to grant a limited stay in accordance with the provisions of Section II.D. of this Order provided that:

(1) the Squaw Valley County Water District has submitted a request for an immediate stay and action by the full Board will not be possible within ten days of the date that such request is received; and

(2) Mr. Adams finds that each of the conditions set forth in Section II.D. of this Order has been adequately demonstrated.

5. No discharge of waste pursuant to Provision 4, immediately above, of this Order shall create a vested right to continue such discharge.

6. No discharge of waste pursuant to Provision 4, immediately above, of this Order shall affect any State Water Resources Control Board contractual rights and remedies.

Dated: FEB 2 1978

We Concur:

W. W. Adams, Member

John E. Bryson, Chairman

W. Don Maughan, Vice-Chairman

State of California
Resources Agency
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

ORDER NO. _____

NPDES NO. CA0056014

WASTE DISCHARGE REQUIREMENTS FOR LAS VIRGENES MUNICIPAL WATER DISTRICT (Tapia Water Reclamation Facility)

TENTATIVE

The California State Water Resources Control Board, (State Board) finds:

1. Las Virgenes Municipal Water District (LVMWD) intermittently discharges treated effluent from its Tapia Water Reclamation Facility to Malibu Creek and to Las Virgenes Creek, under certain conditions hereinafter described.

2. Current requirements (Order No. 76-27, adopted February 9, 1976, by the Los Angeles Regional Water Quality Control Board [Regional Board]) permit this discharge to surface waters only as follows:

   a. During inclement weather.

   b. Between mid-November and mid-March surplus effuent may be discharged after maximum reclamation and maximum use of all spray disposal fields consistent with good management practices.

3. Existing points of discharge to surface waters are:

   Discharge Serial No. 001 - Malibu Creek at Latitude 34°04'58", Longitude 118°42'28"; direct discharge to Malibu Creek at the Tapia Plant.

   Discharge Serial No. 002 - Las Virgenes Creek at Latitude 34°06'07", Longitude 118°42'30"; overflow from reclaimed water storage reservoir at LVMWD Headquarters to Las Virgenes Creek, a tributary to Malibu Creek about 1.5 miles upstream from the Tapia Plant

4. LVMWD filed a report of waste discharge with the Regional Board to discharge about 17,030 cubic meters (4.5 million gallons) per day of treated effluent to Malibu Creek or its tributary on a year-round basis.

5. On March 22, 1976, in a public hearing, the Regional Board considered testimony relative to the proposed year-round discharge to surface waters and reaffirmed the requirements contained in Order No. 76-27.

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6. On April 9, 1976, the District filed an appeal with the State Water Resources Control Board, requesting a review of the Regional Board's action.

7. At a public hearing August 19, 1976, the State Board considered the appeal and adopted Order No. 76-11. In that Order the State Board held that the present record did not justify a prohibition against the proposed year-round discharge to surface waters. Also, in that Order, the State Board directed the Regional Board to issue a notice for adoption of requirements for the proposed year-round discharge to surface waters.

8. On October 4, 1976, the Regional Board held a workshop relative to Malibu Creek and Lagoon, and present and possible future discharges to surface waters from the Tapia Plant. At the workshop, which was attended by interested agencies and the general public, the Board received input on the impacts that might result from year-round discharge to surface waters from the Tapia Plant.

9. At its regular meeting on February 28, 1977, the Regional Board held a public hearing and heard testimony relative to the year-round discharge. The Board voted to require the District to furnish a Negative Declaration, an EIR, or the functional equivalent thereof prior to acting on the proposal for year-round discharge.

10. On March 28, 1977, the District's Board of Directors adopted a Negative Declaration in accordance with the California Environmental Quality Act, relative to year-round discharge. This Negative Declaration, and accompanying initial study, which was subsequently transmitted to the Regional Board, incorporates by reference the following material:

    a. "Draft EIR/EIS Las Virgenes-Truinfo-Malibu-Topanga Area Wide Facilities Plan"
    b. District's letter to the Regional Board dated February 23, 1977, and attachments.
    c. The Regional Board's Water Quality Control Plan, Los Angeles River Basin, Chapter 6.

The Initial Study and other environmental information in the Regional Board Record indicate that there will be no substantial adverse changes in the environment as a result of the project.

11. The Tapia Plant has a design capacity of 30,280 cubic meters (8.0 million gallons) per day. During 1976 the current average daily dry weather flow was about 16,650 cubic meters (4.4 million gallons). The Tapia Plant provides secondary treatment utilizing the activated sludge process with single-stage nitrification.

12. During 1976, the effluent from the Tapia Plant had the following quality:

Parameter	mg/l*	lbs/day*
BOD_5 20°C	3.7	126
Suspended solids	5.0	138
Total coliform	< 2 **	--
Nitrate nitrogen	15.1	510
Ammonia nitrogen	0.5	11
Phosphate	28.7	969.
Total dissolved solids	803	27,123

13. Malibu Creek flows about 9.65 kilometers (six miles) from the treatment plant via Malibu Canyon to the ocean. Just across from and downstream from the treatment plant, the creek passes next to Tapia Park, owned and operated by Los Angeles County Department of Parks and Recreation. At its mouth, Malibu Creek traverses a small alluvial plain and forms a lagoon at the ocean shore. This lagoon is generally closed by a sand bar during low flow months although during winter months the bar may be breached by sustained flow in Malibu Creek.

14. Access to Malibu Creek is generally restricted to the areas adjacent to and immediately upstream and downstream of Tapia Park and to the area between Cross Creek Road and the lagoon. This relative inaccessibility is principally due both to the topography and to the private ownership of adjacent properties where access to the canyon is restricted. Picnicking, hiking, fishing, beachwalking, wading, and surfing are generally restricted to the above-mentioned locations.

* 1976 annual average; lbs/day based on 4.05mgd flow rate.

** 1976 twelve-month median most probable number (MPN) per 100 ml.

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9. Wastes discharged to watercourses shall at all times have a median number of coliform organisms which does not exceed, at some point in the treatment process 2.2 per 100 milliliters, with a 90 percentile not exceeding 20 per 100 ml. The median value shall be determined from samples taken on seven sampling days each week, at least one sample per sampling day, collected at a time when wastewater flow and characteristics are most demanding on the treatment facilities and disinfection procedures.

10. Wastes discharged to watercourses at Discharges Serials Nos. 001 and 002 shall have received treatment equivalent to that of a filtered wastewater. A filtered wastewater means an oxidized wastewater in which the finely divided suspended matter has been agglomerated by the addition of a suitable chemical or by an equally effective method and has passed through a filter media, such as sand or diatomaceous earth prior to disinfection, so that the final effluent is further clarified from pinpoint flocs.

For the purposes of this requirement, carbon filtration or microstrainers may be accepted if in the judgment of the Executive Officer it can be demonstrated to produce an equivalent quality wastewater.

Nothing herein shall be construed to prevent the use of any alternative treatment process(es) provided that they can be demonstrated to the satisfaction of the Executive Officer to achieve compliance with the effluent limitations and requirements.

Compliance with this requirement (No. 10) shall be according to the following time schedule:

Procedure	Latest completion date
Project report *	November 1, 1978
Complete design	6 months after approval of project report

* A report shall be submitted to the Regional Board not later than 15 days following the scheduled completion date of each of these items. If the procedure has not been completed as scheduled, the report shall discuss the reason(s) therefor, show a firm completion date, and indicate whether all subsequent portions of the schedule will be met.

In addition, a quarterly progress report shall be submitted to the Regional Board not later than the 15th day of the month following each calendar quarter. No quarterly report under this provision is due for any quarter in which any of the above reports is due.

Approval of project by District Board of Directors *#	1 month after State and EPA approval of plans and specifications
Advertise and receive bids *	1 month after approval of project by District Board of Directors
Award contract *	1 month after approval of bids by State and EPA
Construction progress report *	6 months after approval of bids
Construction completion *	12 months after award of contract
Startup *	2 months after completion of construction

11. The temperature of the wastes discharged shall not exceed 23.9°C (75°F) for wintertime discharge and 26.7°C (80°F) for summer discharges.

12. The waste discharge shall not cause dissolved oxygen concentrations in Malibu Creek to be depressed below 7 mg/l in the reach between Rindge Dam and Pacific Ocean or below 5 mg/l in the reach between the point of discharge and Rindge Dam. If the prevailing concentrations are below these values, the waste discharge shall not cause a further reduction.

13. The diversion or bypass of any discharge from facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where

* A report shall be submitted to the Regional Board not later than 15 days following the scheduled completion date of each of these items. If the procedure has not been completed as scheduled, the report shall discuss the reason(s) therefor, show a firm completion date, and indicate whether all subsequent portions of the schedule will be met.

In addition, a quarterly progress report shall be submitted to the Regional Board not later than the 15th day of the month following each calendar quarter. No quarterly report under this provision is due for any quarter in which any of the above reports is due.

\# In the event, the discharge has not completed the year-round test discharge and/or the Regional Board has not completed the evaluation of the test discharge and made any necessary modifications to waste discharge requirements, this time schedule is suspended at this point until the foregiong events have occurred.

excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall immediately notify the Board by telephone and in writing of each such diversion or bypass in accordance with the procedures established in this permit.

14. The toxicity of the effluent shall be such that at least 90 percent of test organisms in a standard bioassay shall survive in undiluted effluent.
15. Radioactivity in the effluent shall not exceed the limits specified in Title 17, Section 5., Subchapter 4, Group 3, Article 3, Section 30269 of the California Administrative Code.

General Requirements

1. Standby or emergency power facilities and/or storage capacity or other means shall be provided so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur. Sewage shall be deemed to be inadequately treated if it does not comply with these waste discharge requirements.

2. The discharge of wastes to watercourses shall not result in problems due to breeding of mosquitoes, gnats, midges or other pests.

3. Neither the discharge nor any treatment of waste shall cause pollution or nuisance.

4. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Water Pollution Control Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

5. The wastes discharged shall not contain phenols, mercaptans, or other substances in concentrations which would impart odors, color, foaming, or other objectionable characteristics to receiving waters.

6. The wastes discharged shall not cause receiving waters to contain any substance in concentrations toxic to human, animal, plant, or fish life.

7. The wastes discharged shall not cause the appearance of grease, oil, or oily slick, persistent foam, discoloration, sludge banks, or other visible matter of waste origin at or downstream of any points of discharge.

8. Odors of sewage origin shall not be perceivable beyond the limits of the treatment plant.

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9. Wastes discharged shall not damage flood control structures or facilities.

10. Wastes discharged shall not result in inordinate proliferation of algae, plankton, or other undesirable biotic growths in the receiving waters.

11. Supervisors and operators of publicly owned wastewater treatment plants shall possess a certification of appropriate grade in accordance with regulations adopted by this State Water Resources Control Board.

D. Provisions

1. The Las Virgenes Municipal Water District shall undertake all possible steps to encourage and promote the use of reclaimed water that would otherwise be discharged to Malibu Creek for irrigation and other beneficial purposes. The District shall file a quarterly report by the 15th day of each calendar quarter (January, April, etc.) relative to its progress in using reclaimed water and in obtaining new outlets for its use.

2. This Order includes the "Standard Provisions", "Reporting Requirements", 1, 2, 4, 5 and 6; and "General Monitoring and Reporting Provisions" proposed to the Regional Board on April 25, 1977 by the Executive Officer. The Executive Officer of the Regional Board may modify the foregoing in accordance with usual practices.

3. This Order includes the "Industrial Wastewater Pretreatment Requirements". Information furnished previously in regard to these pretreatment requirements need not be resubmitted.

4. This Order expires on March 31, 1981, and Las Virgenes Municipal Water District must file a Report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

5. A complete copy of this order shall be maintained at the discharge facility so as to be available at all times to operating personnel.

6. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Board.

7. Any discharge of wastes to navigable waterways or tributaries thereto at any point(s) other than specifically described in this permit is prohibited, and constitutes a violation of the permit.

8. Except as provided in Provision A(2) on page 8, Regional Board Order No. 76-27, adopted on February 9, 1976, is hereby rescinded.

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STANDARD PROVISIONS

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

2. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

3. The discharger shall require any industrial user of the treatment works to comply with applicable service charges and toxic and pretreatment standards promulgated in accordance with Sections 204(b), 307, and 308 of the Federal Water Pollution Control Act or amendments thereto. The discharger shall require each individual user to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the Federal Water Pollution Control Act or amendments thereto. The discharger shall forward a copy of such notice to the Board and the Regional Administrator.

4. The discharger shall permit the Regional Board:

   (a) Entry upon premises in which an effluent source is located or in which any required records are kept;

   (b) Access to copy any records required to be kept under terms and conditions of this Order;

   (c) Inspection of monitoring equipment or records, and

   (d) Sampling of any discharge.

5. All discharges authorized by this Order shall be consistent with the terms and conditions of this Order. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this Order shall constitute a violation of the terms and conditions of this Order.

6. The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.

7. Collected screening, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Division 7.5 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a regional water quality control board and which is in full compliance therewith.

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8. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

   (a) Violation of any term or condition contained in this Order;

   (b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;

   (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

9. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standards or prohibition) is established under Section 307(a) of the Federal Water Pollution Control Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.

10. There shall be no discharge of harmful quantities of oil or hazardous substances, as specified by regulation adopted pursuant to Section 311 of the Federal Water Pollution Control Act, or amendments thereto.

11. In the event the discharger is unable to comply with any of the conditions of this Order due to:

   (a) breakdown of waste treatment equipment;

   (b) accidents caused by human error or negligence; or

   (c) other causes such as acts of nature,

   the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

12. Supervisors and operators of publicly owned wastewater treatment plants shall possess a certificate of appropriate grade in accordance with regulations adopted by the State Water Resources Control Board.

REPORTING REQUIREMENTS

TENTATIVE

1. The discharger shall file with the Board technical reports on self-monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Programs as directed by the Executive Officer.

2. The discharger shall file a written report with the Board within 90 days after the average dry-weather waste flow for any month equals or exceeds 75 percent of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

   Average daily flow for the month, the date on which the instantantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.

   The discharger's best estimate of when the average daily dry-weather flow rate will equal or exceed the design capacity of his facilities.

   The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units. (Reference: Sections 13260, 13267(b), and 13268, California Water Code).

3. The discharger shall notify the Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge and appropriate filing fee.

4. The discharger shall notify the Board of (a) new introduction into such works of pollutants from a source which would be a new source as defined in Section 306 of the Federal Water Pollution Control Act, or amendments thereto, if such source were discharging pollutants to the waters of the United States, (b) new introductions of pollutantsinto such works from a source which would be subject to Section 301 of the Federal Water Pollution Control Act, or amendments thereto, if substantial change in the volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time the waste discharge requirements were adopted. Notice shall include a description of the quantity and quality of pollutants and the impact of such change on the substantial change in volume is considered an increase of ten percent in the mean dry-weather flow rate. The discharger shall forward a copy of such notice directly to the Regional Administrator.

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5. The discharger shall file with the Board a report on waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.

6. This Board requires the discharger to file with the Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:

   Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.

   Evalulate the effectiveness of present facilities and procedures and state when they became operational.

   Describe facilities and procedures needed for effective preventive and contingency plans.

   Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational. (Reference: Sections 13267(b) and 13268, California Water Code.

   This Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions may be incorporated as part of this Order, upon notice to the discharger.

7. The discharger shall submit to the Board, by January 30 of each year, an annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used for cooling and/or boiler water treatment and which are discharged.

8. The discharger shall submit to the Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.

GENERAL MONITORING AND REPORTING PROVISIONS

TENTATIVE

GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.

All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health. In the event a certified laboratory is not available, analyses performed by a noncertified laboratory will be accepted until May 15, 1977, provided that the laboratory has applied for certification.

Effluent samples shall be taken downstream of any addition to the treatment works and prior to mixing with the receiving waters.

The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted.

A grab sample is defined as an individual sample collected in fewer than 15 minutes.

A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period. The volume of each individual sample is proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

GENERAL PROVISIONS FOR REPORTING

For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

By January 30 of each year, the discharger shall submit an annual report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.

The discharger shall maintain all sampling and analytical results, including strip charts; date, exact place, and time of sampling; date analyses were performed; analyst's name, analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Board.

In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations.

Monitoring reports shall be signed by:

a. In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;

b. In the case of a partnership, by a general partner;

c. In the case of a sole proprietorship, by the proprietor;

d. In the case of municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Each report shall contain the following completed declaration:

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on the _____ day of _____ at _____.

_____(Signature)

_____(Title)"

The discharger shall mail a copy of each monitoring report to the following:

California Regional Water Quality
Control Board - Los Angeles Region
107 South Broadway, Room 4027
Los Angeles, CA 90012

ATTN: Executive Officer

- - - - - - - - - - -

Regional Administrator
Environmental Protection Agency
Region IX
100 California Street
San Francisco, CA 94111

ATTN: Permits Branch

1. Submittal of Information

The discharger shall submit to the Board:

(a) not later than one year from the effective date of this permit, the information described in Section IV of EPA Form 7550-22 for each major contributing industry;

(b) at least 120 days prior to its initiation, notification of any new introduction of pollutants from sources which, if they were to discharge to the waters of the United States, including the territorial seas, would be a new source as defined in Section 306 of the Federal Water Pollution Control Act, or a major contributing industry subject to Section 301 of the Act. Such notification shall include the information described in Section IV of EPA Form 7550-22;

(c) notification of any substantial change in volume or character of pollutants discharged by an existing source. Such notice shall include the information described in Section IV of EPA Form 7550-22 and the anticipated impact, if any, on the quality or quantity of effluent discharged from the discharger's facilities.

After receipt and review of such information, the Board may revise or modify the terms of this order, including any necessary effluent limitations for pollutants not identified and limited herein.

2. Control of Industrial Pollutants

(a) The discharger shall require all industrial users of its treatment works to comply with the requirements of Section 307 of the Federal Water Pollution Control Act and regulations adopted thereunder.

All existing nondomestic users shall be required to comply with pretreatment standards for prohibited wastes, and all existing major contributing industries shall be required to comply with pretreatment standards established for incompatible pollutants. Compliance with such standards shall be achieved within the shortest reasonable time, but not later than three years from the date of their promulgation.

All new industrial sources shall be required to comply with pretreatment standards established pursuant to Section 307(c) of the Federal Water Pollution Control Act upon initiation of a discharge into the treatment works.

(b) The discharger shall within 12 months of the effective date of this permit submit to the Board for each major contributing industry either evidence of compliance with pretreatment standards promulgated pursuant to Section 307(b) of the Act, or a report, on a form to be furnished by the Board which shall set forth the effluent limits to be achieved and an implementation schedule for the achievement of compliance by the required date. Such implementation schedules shall in every case provide for the initiation of any needed construction of pretreatment facilities within 18 months of the date of promulgation of applicable pretreatment standards.

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3. Compliance Monitoring

(a) The discharger shall monitor the compliance of all affected sources with the provisions of this order and shall submit quarterly reports on the status of such compliance to the Board. These quarterly compliance reports shall begin one year after the effective date of this permit.

(b) The discharger shall report quarterly to the Board each instance of compliance or noncompliance by an affected source with the provisions of implementation schedules submitted as required by paragraph 2(b) above.

(c) The wastewater flow of each affected source that is not covered by a current implementation sechedule shall be monitored by the discharger or at the direction of the discharger, by the source, or by both, in such a manner and frequency so as to produce information that will demonstrate to the satisfaction of the Board compliance or noncompliance with the pretreatment standards applicable to such source. Results of such monitoring shall be reported by the discharger on the Discharge Monitoring Report Form and shall be included in the quarterly compliance report described in (a) above.

4. Definitions

(a) An "industry" is any facility identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(1) Division A - Agriculture, Forestry, and Fishing;

(2) Division B - Mining;

(3) Division D - Manufacturing;

(4) Division E - Transportation, Communications, Electric, Gas and Sanitary Services;

(5) Division I - Services.

A facility in the Divisions listed may be excluded if it is determined by the Board that it introduces primarily domestic wastes or wastes from sanitary conveniences.

(b) A "major contributing industry" is one that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; or (4) is found by the Board to have significant impact, either singly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

(c) A "treatment works" is any facility, method or system for the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature, including waste in combined storm water and sanitary sewer systems.

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(d) "Prohibited wastes" are any of the following wastes, which shall not be introduced into the treatment works:

(1) Wastes which create a fire or explosion hazard in the treatment works;

(2) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0 unless the works is designed to accommodate such wastes;

(3) Solid or viscous wastes in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the treatment works; or

(4) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(e) An "incompatible pollutant" is any pollutant which is not a compatible pollutant.

(f) A "compatible pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified as compatible in this permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

TENTATIVE

MONITORING AND REPORTING PROGRAM NO. 4760
FOR
LAS VIRGENES MUNICIPAL WATER DISTRICT
(Tapia Water Reclamation Facility)
(CA0056014)

EFFLUENT MONITORING
(Discharge Serial Nos. 001; 002; 003)

A sampling station shall be established for each point of discharge to surface waters and shall be located where representative samples of the effluent can be obtained. Effluent samples may be obtained at a single station provided that station is representative of the effluent quality at all discharge points. The following shall constitute the effluent monitoring program:

Parameter	Units	Type of Sample	Minimum Frequency of Analysis
Flow	mgd	continuous	--
Turbidity	TU	continuous	--
Total chlorine residual	mg/l	continuous	--
Temperature	°F or °C	grab	weekly
pH	pH units	grab	weekly
Coliform group[1/]	MPN/100 ml	grab	daily
BOD_5 20°C	mg/l	24-hour composite	daily
Suspended solids	mg/l	24-hour composite	daily
Oil and grease	mg/l	grab	weekly
Settleable solids	ml/l	grab	weekly
Total nitrogen	mg/l	grab	weekly
Detergents (as methylene blue-active substances, MBAS)	mg/l	grab	monthly
Nitrate nitrogen	mg/l	24-hour composite	monthly
Nitrite nitrogen	mg/l	24-hour composite	monthly
Ammonia nitrogen	mg/l	24-hour composite	monthly
Organic nitrogen	mg/l	24-hour composite	monthly
Phosphate	mg/l	24-hour composite	monthly
Toxicity concentration	% survival	24-hour composite	bi-monthly
Phenols	mg/l	24-hour composite	monthly
Cyanide	mg/l	24-hour composite	monthly
Arsenic	mg/l	24-hour composite	semi- annually
Cadmium	mg/l	24-hour composite	semi- annually
Chromium	mg/l	24-hour composite	semi- annually
Copper	mg/l	24-hour composite	semi- annually
Lead	mg/l	24-hour composite	semi- annually
Mercury	mg/l	24-hour composite	semi- annually
Nickel	mg/l	24-hour composite	semi- annually
Silver	mg/l	24-hour composite	semi- annually
Zinc	mg/l	24-hour composite	semi- annually
Selenium	mg/l	24-hour composite	semi- annually

1/ Samples shall be obtained at some point in the treatment process at a time when wastewater flow and characteristics are most demanding on the treatment facilities and disinfection procedures.

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Las Virgenes Municipal Water District
(Tapia Water Reclamation Facility)

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Parameter	Units	Type of Sample	Minimum Frequency of Analysis
Total identifiable chlorinated hydrocarbons (TICH)	mg/l	24-hour composite	semi-annually
Radioactivity	PCi/l	grab	semi-annually
Polychlorinated biphenyls	mg/l	grab	semi-annually

Quarterly monitoring shall be performed during the months of January, April, July, and October.

Influent Monitoring

Constituent	Units	Type of Sample	Minimum Frequency of Analysis
BOD_5 20°C	mg/l	24-hour composite	daily
Suspended solids	mg/l	24-hour composite	daily

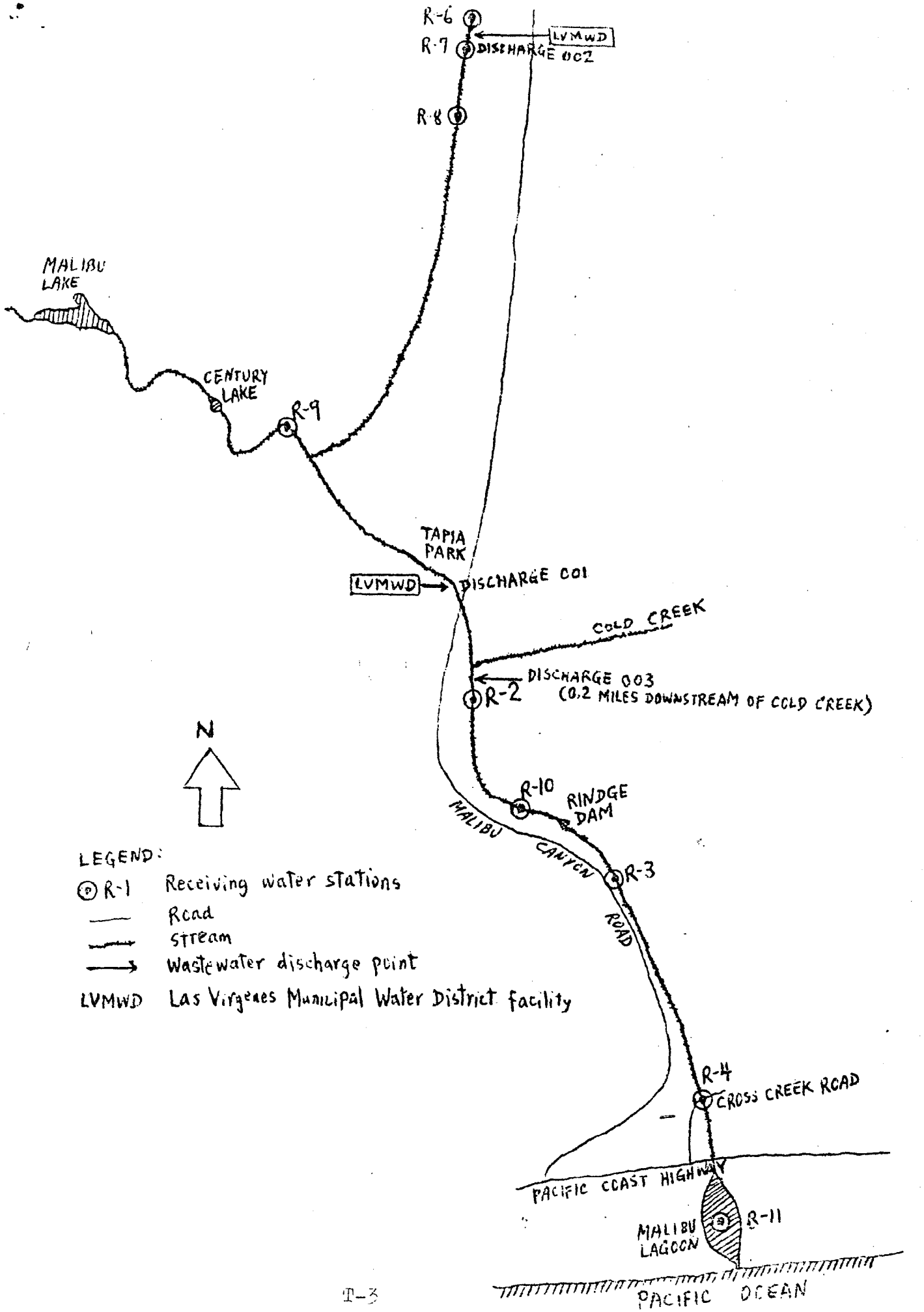
Receiving Water Sampling and Observations

Receiving water stations shall be established at the following locations:

R-2 Malibu Creek at a point 100 feet downstream of discharge 003.
R-3 Malibu Creek at a point below Rindge Dam, in the S.W. quarter of Section 29, T1S/R17W, S.B.B. & M.
R-4 Malibu Creek at Cross Creek Road.
R-9 Malibu Creek at a point 100 feet upstream of confluence of Malibu and Las Virgenes Creeks.
R-10 Malibu Creek at a point 100 feet upstream of percolation area above Rindge Dam.
R-11 At the center of Malibu Lagoon.

R-6 Las Virgenes Creek 100' upstream of discharge point 002.
R-7 Las Virgenes Creek 200' downstream from R-6.
R-8 Las Virgenes Creek 500' downstream from R-7.

Stations R6, R7 and R8 will be sampled only at such times that discharge 002 is discharging to Las Virgenes Creek.


R-6
R-7
LVMWD
DISCHARGE 002
R-8
MALIBU LAKE
CENTURY LAKE
R-9
TAPIA PARK
LVMWD
DISCHARGE 001
COLD CREEK
DISCHARGE 003
(0.2 MILES DOWNSTREAM OF COLD CREEK)
R-2
N
R-10
RINDGE DAM
MALIBU CANYON ROAD
R-3
R-4
CROSS CREEK ROAD
PACIFIC COAST HIGHWAY
MALIBU LAGOON
R-11
PACIFIC OCEAN
LEGEND:
R-1 Receiving water stations
Road
Stream
Wastewater discharge point
LVMWD Las Virgenes Municipal Water District facility

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Receiving water samples shall be obtained at the specified stations and frequencies, and the following determinations made on the samples:

Stations R2, R3, R4, R9, R10 and R11

Parameter	Units	Type of Sample	Minimum Frequency of Analysis
Flow	gpm	--	weekly
Temperature	^{o}F or ^{o}C	grab	weekly
pH	pH units	grab	weekly
Dissolved oxygen	mg/l	grab	weekly
Coliform group	MPN/100 ml	grab	weekly
Total chlorine residual	mg/l	grab	monthly
Nitrate nitrogen	mg/l	grab	monthly
Nitrite nitrogen	mg/l	grab	monthly
Ammonia nitrogen	mg/l	grab	monthly
Organic nitrogen	mg/l	grab	monthly
Phosphate	mg/l	grab	monthly
Color	color units	grab	monthly
Turbidity	TU	grab	monthly
Suspended solids	mg/l	grab	monthly
Settleable solids	ml/l/hr	grab	monthly
BOD_5 $20^{o}C$	mg/l	grab	monthly
Oil and grease	mg/l	grab	monthly
Detergents (as methylene blue-active substances, MBAS)	mg/l	grab	monthly
Boron	mg/l	grab	annually
Fluoride	mg/l	grab	annually
Phenols	mg/l	grab	quarterly
Cyanide	mg/l	grab	quarterly
Arsenic	mg/l	grab	semi-annually
Cadmium	mg/l	grab	semi-annually
Chromium	mg/l	grab	semi-annually
Copper	mg/l	grab	semi-annually
Lead	mg/l	grab	semi-annually
Manganese	mg/l	grab	semi-annually
Mercury	mg/l	grab	semi-annually
Nickel	mg/l	grab	semi-annually
Selenium	mg/l	grab	semi-annually
Silver	mg/l	grab	semi-annually
Zinc	mg/l	grab	semi-annually
Stations R2, R9, R10 and R11			
Total identifiable hydrocarbons	mg/l	grab	semi-annually
Polychlorinated biphenyls	mg/l	grab	semi-annually

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Stations R2, R9, R10 and R11
Sediment Quality Stations

Parameter	Units	Type of Sample	Minimum Frequency of Analysis
Cadmium in sediment	mg/kg	grab	semi-annually
Chromium in sediment	mg/kg	grab	semi-annually
Copper in sediment	mg/kg	grab	semi-annually
Lead in sediment	mg/kg	grab	semi-annually
Manganese in sediment	mg/kg	grab	semi-annually
Mercury in sediment	mg/kg	grab	semi-annually
Nickel in sediment	mg/kg	grab	semi-annually
Selenium in sediment	mg/kg	grab	semi-annually
Silver in sediment	mg/kg	grab	semi-annually
Zinc in sediment	mg/kg	grab	semi-annually
Total identifiable chlorinated hydrocarbons (TICH) in sediment	mg/kg	grab	annually
Polychlorinated biphenyls in sediment	mg/kg	grab	annually
Total organics in dry sediment	percent	grab	semi-annually

Biological Monitoring
Stations R2, R9, R10 and R11

Fish and macroinvertebrates	Species Abundance Size distribution Condition Reproductive State Parasites and/or Disease	Seine and gill nets Surber sampler	Quarterly

At least 3 specimens each of the three most prominent species of fish (in terms of abundance and biomass) shall be retained and analyzed for trace metals* and chlorinated hydrocarbons. Analyses shall be performed on the whole fish, as well as on liver tissue and muscle tissue when this is feasible. — semi-annually

Algae Study - A study plan for the conduct of a comprehensive one-year algal monitoring program (receiving water) shall be submitted to the Executive Officer for approval.

Viral Study - A study plan for the conduct of a comprehensive one-year virus monitoring program (effluent and receiving water) shall be submitted to the Executive Officer for approval. This program shall include monitoring of influent, effluent, and receiving waters.

* Pb, Cr, Cd, Cu, Zn, Hg, and As.

Receiving Water Observation

At least once per week during all periods of discharge (including rainy-weather), and at approximately the same time as receiving water sampling is performed, the following shall be noted and reported for each receiving water station:

1. Time of observation.
2. Date and time discharge began.
3. Weather condition.
4. Color of the receiving water and extent of any visual turbidity or color patches due to the discharge.
5. Appearance and location of floating solids, oil, grease, scum or foam.
6. Deposits on creek banks or bottoms.
7. Algae or other biotic growths.
8. Description of the odor of the receiving water.
9. Presence or absence of mosquitoes, gnats, midges or other insects, including mosquito larvae and pupae.

Receiving water observation reports shall be submitted with effluent monitoring reports.

Fish Bioassay

At least once per month during all periods of discharge (including rainy-weather) at discharge point 003, an in-situ fish bioassay shall be conducted by the discharger directly in the receiving water at the time receiving water monitoring is conducted. Test fish (specified below) shall be placed in a perforated, non-metallic container (live car) no smaller than one cubic foot. Perforations shall be of sufficient size and number so as to retain test fish 20 to 50 millimeters long (total length) and to permit nearly unrestricted flow through the live car. One live car shall be placed near station R-2 upstream of the discharge. A second live car shall be placed at station R-2. The live car at station R-2 shall be located specifically where the diluted waste effluent continously flows through the test container. The bioassay test shall be conducted for a 96-hour duration. Survival counts shall be made and the number of surviving fish reported for the 24, 48, 72, and 96-hour exposure periods. The results of these in-situ bioassays shall be reported to the Board in each quarterly report.

Rainbow trout (Salmo gairdnerii) fingerlings shall be used as the test fish during mid-November through mid-March.

The golden shiner (Notemigonus crysoleucas) shall be used as the test fish during the period mid-March through mid-November.

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Additional Specifications

1. During all periods of discharge (including rainy weather) at least two color photographs of algal growth and substrate shall be taken at each of the stations R-1, R-2, R-3, R-4, and R-11 at the time weekly observations are made. Photographs shall be described and interpreted in detail and submitted to this Board with each monthly report.

2. The monthly reports shall also contain the following information:
   a. Dates and time of direct discharges to Malibu and/or Las Virgenes Creeks.
   b. Average and maximum daily volume of wastes discharged, in gallons per day.
   c. Average and maximum daily volume of wastes discharged to Malibu Creek.
   d. Average and maximum daily volume of wastes discharged to Las Virgenes Creek.
   e. Description of the weather conditions at the time of direct discharges to Malibu and/or Las Virgenes Creeks.
   f. Date(s) of receiving water sampling.
   g. Readings of tensiometers recorded 24, 48 and 72 hours after heavy rainfall periods or records of other suitable means of determining soil moisture approved by the Executive Officer. These readings need to be furnished only in the event of effluent discharge to the creek more than 24 hours following th the cessation of rain.
   h. A statement shall be included in each monthly monitoring report indicating the amount(s) of solid and/or liquid waste(s) hauled and the final point(s) of disposal.

Reporting

If no water was discharged to surface waters during the month, the monitoring report shall so state.

Monitoring reports shall be submitted to the Board for each month by the first day of the second following month, beginning not later than June 1, 1977.

Results of quarterly monitoring shall be included in the reports due by March 1, June 1, September 1, and December 1.

Results of semiannual monitoring shall be included in the reports due by June 1 and December 1.

Results of annual monitoring shall be furnished to the Board within 60 days of the sampling date but not later than December 1 each year.

Ordered by _____
Executive Officer

_____
Date