

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

CITY OF LIVERMORE

ORDER NO. 78-15

ORDER GRANTING ADDITIONAL DISCHARGES TO THE CITY'S
SEWER SYSTEM PURSUANT TO CEASE AND DESIST ORDER
NO. 76-132 AS AMENDED BY ORDER NO. 77-23

I. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- A. On November 1, 1974, this Board adopted Order No. 74-133, an NPDES Permit, prescribing waste discharge requirements for the discharge of the City of Livermore.
- B. On December 21, 1976, this Board adopted Order No. 76-132, a cease and desist order, which prohibited additional discharges to the City's sewer system. On March 15, 1977, the Board adopted Order No. 77-23 which amended the City's compliance time schedule only.
- C. Order No. 76-132 provided for partial removal of the prohibition and allowance of additional discharges to the sewer system upon forthwith achievement and completion of certain specified tasks or additional tasks not specified in the orders and which represent a measure of substantial progress towards the elimination of actual and threatened violations of requirements.
- D. On May 31, 1977, the City, as a member of the Livermore-Amador Valley Water Management Agency (LAVWMA), adopted a resolution of intention to issue revenue bonds as a primary means of financing the facilities necessary to comply with Order No. 74-133 (NPDES Permit) and Cease and Desist Order, Order Nos. 76-132 and 77-23. The referendum period for legal challenge to this action expired July 31, 1977. In addition, the City has stated its intent to implement a pay-as-you-go financing method.
- E. The City, as a member of LAVWMA, has participated in completion of the design of the initial portion of facilities necessary to comply with Order Nos. 74-133, 76-132, and 77-23. The construction grant for this project (eligible cost of \$23,805,000) has been approved.
- F. The City, as a member of LAVWMA, has completed significant tasks for construction of the LAVWMA export system: acceptable bids for construction and a favorable bid for the projects bonds were received. The bonds were sold and construction contracts were awarded before March 21, 1978.

- G. The actions described in Paragraph F. represent substantial progress towards the elimination of actual and threatened violations of the City's NPDES Permit.
- H. Compliance with other limitations and time schedules of Order Nos. 74-133, 76-132, and 77-23 has not deteriorated.
- I. On March 21, 1978, the California Regional Water Quality Control Board, San Francisco Bay Region, after due notice, held a public hearing under provisions of Water Code Section 13301 regarding the discharge of waste and pollutants by the City of Livermore.
- II. IT IS HEREBY ORDERED THAT the prohibition of additional discharges to the sewer system as prescribed in Paragraph E. on page 6 of Order No. 76-132 is partially removed and the City of Livermore is allowed additional discharges to the sewer system sufficient to serve those proposed projects for which the City has received and processed all documents required by the City for issuance of a building permit or sewer permit prior to March 21, 1978.
- I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 21, 1978.

FRED H. DIERKER
Executive Officer