

ATTACHMENT F – FACT SHEET

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ATTACHMENT F- FACT SHEET

As described in section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this discharger.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	2 019014002
Discharger	East Bay Municipal Utility District, Special District No. 1
Name of Facility #1	Point Isabel WWF
Facility Address	2755 Point Isabel Street
	Richmond, CA 94804
	Contra Costa County
Facility Contact, Title, and Phone	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
Authorized Person to Sign and Submit Reports	Same
Mailing Address	P.O. Box 24055, Oakland, CA 94623
Billing Address	Same
Type of Facility	Publicly-Owned Wet Weather Facility
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	A
Pretreatment Program	Y
Reclamation Requirements	Not Applicable
Facility Permitted Flow	0 gallons per day
Facility Design Flow	100 million gallons per day
Watershed	San Francisco Bay
Receiving Water	Richmond Inner Harbor, part of central San Francisco Bay
Receiving Water Type	enclosed bay

WDID	2 019014002
Discharger	East Bay Municipal Utility District, Special District No. 1
Name of Facility #2	San Antonio Creek WWF
Facility Address	225 5th Avenue
	Oakland, CA 94606
	Alameda County
Facility Contact, Title, and Phone	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
Authorized Person to Sign and Submit Reports	Same
Mailing Address	P.O. Box 24055, Oakland, CA 94623
Billing Address	Same
Type of Facility	Publicly-Owned Wet Weather Facility
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	A
Pretreatment Program	Y
Reclamation Requirements	Not Applicable
Facility Permitted Flow	0 gallons per day
Facility Design Flow	51 million gallons per day
Watershed	San Francisco Bay
Receiving Water	Oakland Inner Harbor, part of lower San Francisco Bay
Receiving Water Type	enclosed bay

WDID	2 019014002
Discharger	East Bay Municipal Utility District, Special District No. 1
Name of Facility #3	Oakport WWF
Facility Address	5597 Oakport Street
	Oakland, CA 94621
	Alameda County
Facility Contact, Title, and Phone	Donald Hickman, Wastewater Treatment Superintendent (510) 287-1456
	Kurt Haunschild, Manager of Wastewater Treatment (510) 287-1407
Authorized Person to Sign and Submit Reports	Same
Mailing Address	P.O. Box 24055, Oakland, CA 94623
Billing Address	Same
Type of Facility	Publicly-Owned Wet Weather Facility
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	A
Pretreatment Program	Y
Reclamation Requirements	Not Applicable
Facility Permitted Flow	0 gallons per day
Facility Design Flow	158 million gallons per day
Watershed	San Francisco Bay
Receiving Water	East Creek Slough, about 700 feet upstream of lower San Francisco Bay
Receiving Water Type	estuary/enclosed bay

- A. East Bay Municipal Utility District, Special District No. 1 (hereinafter Discharger) is the owner and operator of three wet weather facilities (WWFs), known as the Point Isabel WWF, the San Antonio Creek WWF and the Oakport WWF (collectively, the Facility).

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

- B. The Facility discharges wastewater to San Francisco Bay, a water of the United States, and is currently regulated by Order No. R2-2005-0047, which was adopted on September 21, 2005, and expires on March 31, 2010.
- C. On May 1, 2007, after own-motion review, the California State Water Resources Control Board (State Water Board) adopted Order No. WQ 2007-0004 (the "Remand Order"), requiring the Regional Water Board to revise Order No. R2-2005-0047 so that it complies with Section 301(b) of the Clean Water Act. This effectively requires that the Discharger comply with secondary treatment or cease discharge.

II. FACILITY DESCRIPTION

A. Description of Wastewater and Biosolids Treatment or Controls

The Discharger owns and operates WWFs at (1) Point Isabel WWF: 2755 Point Isabel Street, Richmond, CA 94804, (2) San Antonio Creek WWF: 225 5th Avenue, Oakland, CA 94606 and (3) Oakport WWF: 5597 Oakport Street, Oakland, CA 94621.

The WWFs are part of an interceptor system (see attached Figure 1) owned and operated by the Discharger. This system includes the North and South Interceptors (with a combined length of 29 miles), Adeline Interceptor, South Foothill Interceptor, and Alameda Interceptor. The interceptor system has a hydraulic capacity of 760 mgd. The interceptor system also includes 15 pump stations, five overflow structures and a million-gallon wet weather storage basin along the Alameda Interceptor.

The Point Isabel WWF provides storage for peak wet weather flows diverted from the North Interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens, bar screens, grit chambers, and sedimentation/disinfection basins. Screenings are disposed of at a landfill; grit and sludge are returned to the interceptor.

The San Antonio Creek WWF provides treatment of peak wet weather flows diverted from the South Interceptor. Treatment consists of grit removal, fine screening, and disinfection. Both screenings and grit are returned to the interceptor.

The Oakport WWF provides storage for peak wet weather flows diverted from the South Interceptor. If influent flows persist and take up the storage capacity of the units, the WWF provides treatment consisting of coarse screens and sedimentation/disinfection basins. Both screenings and sludge are returned to the interceptor.

B. Discharge Points and Receiving Waters

This Order prohibits discharges from the WWFs. Historically, (1) the Point Isabel WWF has discharged from Discharge Point 001 (latitude 37°53'43"N and longitude 122°19'24"W) through a submerged diffuser about 300 feet offshore at a depth of 8 feet below mean low tide line to Richmond Inner Harbor, part of central San Francisco Bay, (2) the San Antonio Creek WWF has discharged from Discharge Point 002 (latitude 37°47'30"N and longitude 122°15'44"W) to Oakland Inner Harbor, part of lower San Francisco Bay, and (3) the Oakport WWF has discharged from Discharge Point 003 (latitude 37°45'39"N and longitude 122°12'52"W) to East Creek Slough, which flows to Oakland Inner Harbor, part of lower San Francisco Bay.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Previous requirements authorized discharges from the WWFs and imposed limitations on total coliform organisms, chlorine residual, pH, copper, lead, mercury, nickel, silver and zinc in the discharges. In this case, a summary of effluent limitations is unnecessary since this Order prohibits discharge from the three WWFs. Because the

Discharger will not be able to immediately cease discharge from the three WWFs, a Cease and Desist Order accompanies this Order. To illustrate the historic frequency of WWF discharges, the following summary is provided:

Discharge Frequency from October 15, 2003 to April 15, 2008
(Number of discharges per year per facility)

Facility	Targeted Discharge Frequency	Actual Discharge Frequency
Point Isabel	10	9.2
San Antonio	10	2.6
Oakport	10	9.2

Total Discharge Volume from October 15, 2003 to April 15, 2008
(Total volume discharged from all three WWFs)

Season	TARGETED DISCHARGE VOLUME, MG	Actual Discharge Volume, MG
2003-2004	100	243.5
2004-2005	100	288
2005-2006	100	558.5
2006-2007	100	58.6
2007-2008	100	206.4

Annual Discharge Volume from Each Facility from October 15, 2003 to April 15, 2008
(Volume discharged per facility per year)

Facility	Season	Season total, MG	Volume of discharge events, MG		
			Minimum	Maximum	Average
Point Isabel	2003-2004	120.5	1.2	38.3	17.2
	2004-2005	158	1.1	36	12.2
	2005-2006	232.7	0.4	51	12.9
	2006-2007	11.6	3.9	7.7	5.8
	2007-2008	72.4	1.2	28.1	12.1
San Antonio	2003-2004	13	2.6	3.7	3.3
	2004-2005	0	N/A	N/A	N/A
	2005-2006	30.5	3	14.8	10.2
	2006-2007	0	N/A	N/A	N/A
	2007-2008	1	1	1	1
Oakport	2003-2004	110	1	36	22
	2004-2005	130	1	23	10
	2005-2006	295.3	1	63	16.4
	2006-2007	47	1	25	15.7
	2007-2008	133	5	44	19

D. Compliance Summary

Because this Order prohibits discharges, it contains no limitations, and, therefore, a discussion of compliance with existing requirements is unnecessary.

E. Planned Changes

The Discharger has not reported any planned changes of its operations to the Regional Water Board.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

- 1. Water Quality Control Plans.** The Regional Water Quality Control Board (Regional Water Board) adopted a Water Quality Control Plan for the San Francisco Bay (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

Discharges from the Point Isabel and San Antonio Creek WWFs enter central and lower San Francisco Bay. Discharge from the Oakport WWF enters East Creek Slough at its confluence with lower San Francisco Bay. The Basin Plan at section 2.2.1 states that the beneficial uses of any specifically identified water body

generally apply to its tributary streams. The Basin Plan does not specifically identify beneficial uses for East Creek Slough, but does identify present and potential uses for lower San Francisco Bay, to which East Creek Slough is tributary. It is therefore appropriate to apply the Basin Plan's tributary rule in determining the beneficial uses of East Creek Slough, by applying designated uses for lower San Francisco Bay. Common beneficial uses for central and lower San Francisco Bay, as identified in the Basin Plan, are:

- a. Commercial and sport fishing
- b. Estuarine habitat
- c. Industrial service supply
- d. Fish migration
- e. Navigation
- f. Preservation of rare and endangered species
- g. Water contact and non-contact recreation
- h. Shellfish harvesting
- i. Fish spawning
- j. Wildlife habitat

In addition to the above beneficial uses, central San Francisco Bay has the additional beneficial use for water for industrial activities.

Requirements of this Order implement the Basin Plan.

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants. Requirements of this Order are consistent with the NTR and CTR because discharges from the WWFs are prohibited.
3. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The

SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order are consistent with the SIP because discharges from the WWFs are prohibited.

4. Alaska Rule. On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

5. Antidegradation Policy. Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16. Because this Order does not allow any discharges, it is consistent with the antidegradation provisions of section 131.12 and State Water Board Resolution No. 68-16.

6. Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations¹ section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Because this Order prohibits all discharges from the WWFs, there are no effluent limitations in this Order, and this Order is more stringent than the previous permit, which did allow discharges from the WWFs.

D. Impaired Water Bodies on CWA 303(d) List

On June 28, 2007, the USEPA approved a revised list of impaired water bodies prepared by the State [hereinafter referred to as the 303(d) list], pursuant to provisions of CWA section 303(d) requiring identification of specific water bodies where it is

¹ All further regulatory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Lower and Central San Francisco Bay are listed as impaired water bodies. The pollutants impairing these water bodies include chlordane, DDT, dieldrin, dioxin compounds, exotic species, furan compounds, mercury, PCBs, dioxin-like PCBs, and selenium. The SIP requires final effluent limitations for all 303(d)-listed pollutants to be based on total maximum daily loads (TMDLs) and associated waste load allocations (WLAs). Because this Order prohibits discharge, it contains no effluent limitations, and a detailed discussion of the Regional Water Board's process of developing TMDLs, WLAs and resulting effluent limitations is, therefore, unnecessary.

E. Other Plans, Policies and Regulations

This Order is not based on any other plans, policies or regulations.

IV. RATIONALE FOR DISCHARGE PROHIBITIONS

1. Discharge Prohibition III.A (no discharge from WWFs): As mentioned earlier, the Remand Order effectively requires that the Discharger comply with secondary treatment and CTR requirements or cease discharge.

The WWFs do not comply with secondary treatment requirements, as illustrated by the following data:

Effluent Conventional Pollutant Concentration Data for Point Isabel WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD ₅ , mg/L	33	82	16	33	41.21
TSS, mg/L	31	100	24	37	45.48
Oil & Grease, mg/L	31	16	2.5	6	6.97
Total Coliform, MPN/100 ml	62	16000	<2	4	913.71
Fecal Coliform, MPN/100 ml	40	7	<2	<2	2.13

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.

Out of hold data was included in calculations.

Effluent Conventional Pollutant Concentration Data for San Antonio Creek WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD ₅ , mg/L	5	54	17	44	36.8
TSS, mg/L	5	160	62	110	107.8
Oil & Grease, mg/L	5	7	4	4.3	4.98
Total Coliform, MPN/100 ml	6	1300	13	80	332.7

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
Fecal Coliform, MPN/100 ml	5	14	4	4	8

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.

Out of hold data was included in calculations.

Effluent Conventional Pollutant Concentration Data for Oakport WWF (From January 1, 2003 through December 31, 2007)

Conventional Pollutants	Data Count	Max.	Min.	Median	Mean
CBOD ₅ , mg/L	27	140	23	89	58
TSS, mg/L	27	94	33	60	62
Oil & Grease, mg/L	26	4700	4	9.35	190.61
Total Coliform, MPN/100 ml	46	5000	<2	4	236.17
Fecal Coliform, MPN/100 ml	38	80	<2	<2	5.7

U = Analyte not detected.

Mean calculated using MDL value for non-detect results.

Out of hold data was included in calculations.

The WWFs also do not comply with CTR requirements, as illustrated by the following data:

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for Point Isabel WWF (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	53
Lead	8.5	18
Mercury	0.051	0.3
Nickel	8.3	26
Silver	2.2	20.3
Zinc	86	158
Cyanide	1	30
Dioxin TEQ	0.000000014	0.00000197
Dichlorobromomethane	46	52
4,4-DDT	0.00059	0.011
4,4-DDE	0.00059	0.00097
4,4-DDD	0.00084	0.0059
Dieldrin	0.00014	0.0029
Endrin	0.002	0.003
Heptachlor Expoxide	0.00011	0.0057

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for San Antonio Creek WWF (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	61
Lead	8.5	36.1
Mercury	0.051	0.46
Nickel	8.3	26
Silver	2.2	23
Zinc	86	194
Cyanide	1	28
Dioxin TEQ	0.000000014	0.00000276
Chrysene	0.049	0.066
4,4-DDT	0.00059	0.0037
4,4-DDE	0.00059	0.00097
Dieldrin	0.00014	0.00077

Maximum Effluent Concentrations (MECs) Exceeding CTR Requirements for Oakport WWF (From 2001 through 2007)

Toxic Pollutants	CTR (µg/L)	MEC (µg/L)
Copper	3.7	86.2
Lead	8.5	36.8
Mercury	0.051	0.17
Nickel	8.3	22
Silver	2.2	78
Zinc	86	216
Cyanide	1	11
Dioxin TEQ	0.000000014	0.00000542
Tetrachloroethylene	8.85	74
Bis(2-Ethylhexyl)Phthalate	5.9	18
Hexachlorobenzene	0.00077	0.023
4,4-DDT	0.00059	0.0087
4,4-DDE	0.00059	0.00097
4,4-DDD	0.00084	0.015
Dieldrin	0.00014	0.022

Because the WWFs do not comply with secondary treatment or CTR requirements, to comply with the Remand Order, this Order requires that the Discharger cease discharge.

2. Discharge Prohibition III.B (no sanitary sewer overflows to waters of the United States): Discharge Prohibition No. 15 from Table 4-1 of the Basin Plan, and the Clean Water Act prohibits the discharge of wastewater to surface waters except as authorized under an NPDES permit. As indicated above, discharges from the WWFs must achieve secondary treatment, at a minimum, and any more stringent limitations that are necessary

to achieve water quality standards (33 U.S.C Section 1311(b) (1)(B) and (C).) Thus, a sanitary sewer overflow that results in the discharge of raw sewage, or sewage not meeting secondary treatment, to surface waters is prohibited under the Clean Water Act and the Basin Plan.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Because this Order prohibits discharge, it does not allow any impact on receiving water, and a discussion of the rationale for allowing any such impacts is, therefore, unnecessary.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results relating to compliance with effluent limitations. Because this Order prohibits all discharges from the WWFs, however, there are no effluent limitations – and, therefore, no monitoring or reporting requirements – in this Order. Nevertheless, consistent with Standard Provisions (see below), the Discharger must still notify the Regional Water Board and submit a written report if either discharge prohibition is violated. Also, monitoring and reporting are required under the accompanying Cease & Desist Order.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions – and additional conditions under section 122.42 – that are applicable, taking into account the discharge prohibitions in this Order.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

This Order does not contain any Special Provisions.

VIII. PUBLIC PARTICIPATION

The Regional Water Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the Discharger's Point Isabel, San Antonio Creek and Oakport Wet Weather Facilities (WWFs). As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following: (a) paper and electronic copies of this Order were relayed to the Discharger, and (b) the Alameda Times-Star published a notice that this item would appear before the Board on January 14, 2009.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Officer at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on **December 15, 2008**.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: January 14, 2009
Time: 9:00 a.m.
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral

testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is www.waterboards.ca.gov/sanfranciscobay/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (510) 622-2300.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Robert Schlipf at (510) 622-2478 or RSchlipf@waterboards.ca.gov.

ATTACHMENT G – STANDARD PROVISIONS (STATE)

The following document is part of this Order, but is not physically attached due to volume. It is available on the internet at:

http://www.swrcb.ca.gov/rwgcb2/board_info/agendas/2002/april/res74-10standprov.doc

- Standard Provisions and Reporting Requirements, August 1993

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CEASE AND DESIST ORDER NO. R2-2009-0005

**REQUIRING THE EAST BAY MUNICIPAL UTILITY DISTRICT, SPECIAL DISTRICT
NO. 1, TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED
WASTEWATER FROM ITS WET WEATHER FACILITIES (WWFs) TO WATERS OF
THE STATE**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter "Regional Water Board"), finds that:

1. The East Bay Municipal Utility District, Special District No. 1 (hereinafter "Discharger") owns and operates wet weather facilities (WWFs) at (1) Point Isabel WWF: 2755 Point Isabel Street, Richmond, CA 94804, (2) San Antonio Creek WWF: 225 5th Avenue, Oakland, CA 94606 and (3) Oakport WWF: 5597 Oakport Street, Oakland, CA 94621.
2. The wastewater discharge from the Discharger's WWFs was previously regulated by waste discharge requirements (WDRs) in Order No. R2-2005-0047, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038440.
3. Concurrent with the adoption of this Cease and Desist Order (CDO), the Regional Water Board adopted Order No. R2-2009-0004 (hereinafter "Permit"), reissuing WDRs for the Discharger. The Permit prohibits further discharge from the WWFs.
4. As stated in the Permit Findings and Fact Sheet, the WWFs discharge only during severe wet weather events, and this occurs, on average, 2.6, 9.2 and 9.2 times per year at the San Antonio Creek, Oakport and Point Isabel WWFs, respectively. Therefore, the Discharger will discharge waste in violation of the Permit.
5. Water Code §13301 authorizes the Regional Water Board to issue a CDO when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
6. Because the Discharger will violate or threatens to violate Discharge Prohibition III.A in the Permit, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations.
7. The time schedules in this Order are intended to be as short as possible. Because the WWFs never discharge during dry weather, the Regional Water Board finds the discharges occur as the result of inflow and infiltration (I/I) during severe wet

weather events. Inflow is water that enters a sewer system from sources such as roof leaders, yard drains, area drains, manhole covers, and cross-connections between storm sewers and sanitary sewers. 40 C.F.R. § 35.2005(21). Infiltration is water that enters the system from the ground through such means as defective pipes, pipe joints, connections, private sewer laterals or manholes. Id. § 35.2005(20). I/I of stormwater into the upstream collection systems during severe wet weather events can lead to a 10-fold increase in the volume of wastewater that reaches the Discharger's interceptor system. The time schedules in this Order account for the considerable uncertainty in determining effective measures necessary to achieve compliance. The time schedules are based on reasonably expected times needed to identify sources of I/I, evaluate I/I reduction measures, and implement them. The Regional Water Board may wish to revisit these schedules as more information becomes available.

8. As part of the time schedules to achieve compliance, this Order requires the Discharger to comply with interim effluent limits. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedules. The interim limits for total coliform, chlorine residual, and pH are retained from Order No. R2-2005-0047.
9. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.
10. Discharges in violation of Discharge Prohibition III.A in the Permit are not subject to California Water Code §13385(h) and (i) because Discharge Prohibition III.A is not an effluent limitation.
11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this CDO, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code §13301, that the Discharger shall cease and desist from discharging and threatening to discharge wastes in violation of its Permit by complying with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the required actions in Table 1 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 1 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 1 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.
2. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from

meeting one or more of the time schedules in Table 1 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose time schedules for resolving the delay.

3. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331 and 13350 or other applicable provisions of law.
4. Effective Date. This Order shall be effective on the effective date of the Permit.

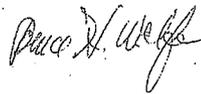
Table 1: Time Schedules and Prescribed Actions

Action	Deadline
<p>a. Comply with the following interim effluent limits in the WWF discharges:</p> <p><u>Total Coliform Organisms:</u> 240 MPN/100 ml (moving median of 5-consecutive samples); 10,000 MPN/100 ml (any single sample)</p> <p><u>Chlorine Residual:</u> 0.0 mg/L (The chlorine residual requirement is defined as below the limit of detection defined in Standard Methods for the Examination of Water and Wastewater. The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine and sodium bisulfate dosage, and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, the Regional Water Board may conclude that these false positive chlorine residual exceedances are not violations of this permit limit.)</p> <p><u>pH:</u> Discharge must be within 6.5 to 8.5 (If the Discharger continuously monitors pH, the Discharger shall be in compliance with the pH limitation provided that both of the following conditions are satisfied: (1) The total time during which the pH values are outside the required range of 6.5 to 8.5 pH values shall not exceed 1% of the total duration of discharge during any calendar month; and (2) No individual excursion from the range of pH values shall exceed 60 minutes.)</p>	<p>Upon the effective date of this Order</p>
<p>b. Submit reports pursuant to the Self-Monitoring Program attached hereto as Exhibit A.</p>	<p>See Exhibit A</p>
<p>c. Submit a plan for eliminating discharges from the three WWFs at the earliest possible date.</p>	<p>January 14, 2010</p>
<p>d. Begin implementing the plan according to the schedule contained in the plan.</p>	<p>Within 30 days of the Regional Water Board's approval of the plan</p>
<p>e. Continue to implement the program described in action "d" and submit annual status reports that evaluate its effectiveness and summarize planned changes until such time as Discharge</p>	<p>Annually each October 1</p>

East Bay Municipal Utility District, Special District No. 1, Wet Weather Facilities
Cease and Desist Order No. R2-2009-0005

Action	Deadline
Prohibition III.A has been complied with.	
f. Submit a plan, consistent with State Water Board Resolution No. 2008-0070, to evaluate the impact of wet weather discharges on sediment quality.	Within 365 days of U.S. EPA's approval of State Water Board Resolution No. 2008-0070
g. Achieve full compliance with Discharge Prohibition III.A of the Permit. In the event that the Discharger does not achieve full compliance with this discharge prohibition by the deadline, it shall submit a report that addresses why compliance was not achieved and provide a plan and time schedule for achieving compliance as soon as possible.	January 13, 2019

I, Bruce H. Wolfe, Executive Officer, do hereby certify 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 January 14, 2009.



Digitally signed
by Bruce Wolfe
Date: 2009.01.20
13:14:31 -08'00'

BRUCE H. WOLFE
Executive Officer

Exhibit A: Self-Monitoring Program

**Exhibit A to EBMUD Wet Weather Facilities Cease and Desist Order
SELF-MONITORING PROGRAM**

I. Description of Sampling and Observation Stations

A. EFFLUENT STATIONS

<u>Stations</u>	<u>Description</u>
E-001	At any point in the Pt. Isabel WWF outfall where all waste tributaries to that outfall are present (may be the same as E-001-D)
E-002	At any point in the San Antonio WWF outfall where all waste tributaries to that outfall are present (may be the same as E-002-D)
E-003	At any point in the Oakport WWF outfall where all waste tributaries to that outfall are present (may be the same as E-003-D)
E-001-D	At any point in the Pt. Isabel WWF outfall at which adequate disinfection has taken place
E-002-D	At any point in the San Antonio WWF outfall at which adequate disinfection has taken place
E-003-D	At any point in the Oakport WWF outfall at which adequate disinfection has taken place

B. UNTREATED SEWAGE OVERFLOWS AND SPILLS

<u>Stations</u>	<u>Description</u>
OV-1	Oakland Inner harbor overflow structure at Alice Street
OV-2	Oakland Inner harbor overflow structure at Webster Street
OV-3	Overflow structure at Elmhurst Creek
OV-4	Overflow structure at San Leandro Creek
OV-5	Overflow structure at Temescal Creek
OV-X	Any sewerage overflow locations, such as manholes, pump stations, etc.

II. Schedule of Sampling, Analysis and Observations

Effluent sampling is required only during discharge events lasting more than one hour. For monitoring purposes, a discharge ceases if there is no effluent flow from the facility for a period of at least 4 hours. Effluent flow after a 4-hour cessation constitutes a new discharge.

The schedule of sampling, analysis and observation shall be that given in Tables 1 and 2 below.

**Table 1
SCHEDULE of SAMPLING, ANALYSES and OBSERVATIONS**

Sampling Station		E-001 to E-003	E-001 to E-003	E-001-D to E-003-D
Type of Sample		GRAB	C-X	GRAB
Parameter	Units			
Flow Rate	mgd	Cont.		
pH	pH units	E		
Total Coliform	MPN / 100 ml	M		
Chlorine Residual	mg/L			Cont.
Oil and Grease	mg/L	M		
Ammonia	mg/L	M		
BOD ₅	mg/L		M	
TSS	mg/L		M	

Table 2
SCHEDULE of SAMPLING, ANALYSES and OBSERVATIONS

Sampling Stations						
Parameter	OV-1	OV-2	OV-3	OV-4	OV-5	OV-n
Flow (MG)	E	E	E	E	E	E

NOTE: A map and description of each known or observed overflow or by-pass location shall accompany each monthly report. A summary of these occurrences and their location shall be included with the Annual Report for each calendar year.

LEGEND FOR TABLES 1 and 2

	<u>Sampling Stations:</u>		<u>Types of Samples</u>
E-00n	= Effluent	(includes continuous sampling, such as for flows)	
E-00n-D	= Chlorinated effluent	GRAB	= Grab sample
		C-X	= Composite sample (1/hour) over X hours (the duration of the discharge, not to exceed 24 hours).
	<u>Frequency of Sampling</u>		<u>Parameter and Unit Abbreviations</u>
E	= each occurrence of a discharge	mgd	= million gallons per day
Cont.	= Continuous	mg/L	= milligrams per liter
M	= Once each calendar month	µg/L	= micrograms per liter
		MPN/100 ml	= Most Probable Number per 100 milliliters

III. Specifications for Sampling, Analysis and Observations

Sampling, analyses and observations, and recording and reporting of results shall be conducted in accordance with the schedule given in Table 1 of this SMP, and in accordance with the following specifications, as well as all other applicable requirements given in this SMP. All analyses shall be conducted using analytical methods that are commercially and reasonably available, and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits.

A. Flow Monitoring.

Flow monitoring shall be conducted by continuous measurement of flow and reporting of the following measurements:

1. Each Occurrence:
 - a. Total Discharge (MG)
 - b. Hourly Discharge Flow (mgd)
2. Monthly: Total Discharge volume for the calendar month.

- B. Total Coliform Monitoring.** Because of the difficulty of analyzing coliform samples from an intermittent discharge within the maximum holding period, sampling for total coliform may be taken at any time during the discharge.

C. Chlorine Residual Monitoring.

During all times when chlorination is used for disinfection of the effluent, effluent chlorine residual concentrations shall be monitored continuously, or by grab samples taken hourly. Chlorine residual concentrations shall be monitored and reported for sampling points both prior to and following dechlorination.

IV. REPORTING REQUIREMENTS

A. Written reports, electronic records, strip charts, equipment calibration and maintenance records, and other records pertinent to self-monitoring program requirements, shall be maintained by the Discharger in a manner and at a location (e.g., wet weather facilities or Discharger offices) such that the records are accessible to Board staff. These records shall be retained by the Discharger for a minimum of three years. The minimum period of retention shall be extended during the course of any unresolved litigation regarding the subject discharges, or when requested by the Board or by the Regional Administrator of the U.S. EPA, Region IX.

B. Records to be maintained shall include the following:

1. Parameter Sampling and Analyses, and Observations

For each sample, analysis or observation conducted, records shall include the following:

- (a) Parameter
- (b) Identity of sampling or observation station, consistent with the station descriptions given in this SMP.
- (c) Date and time of sampling or observation.
- (d) Method of sampling (grab, composite, other method)
- (e) Date and time analysis started and completed, and name of personnel or contract laboratory performing the analysis.
- (f) Reference or description of procedure(s) used for sample preservation and handling, and analytical method(s) used.
- (g) Calculations of results.
- (h) Analytical method detection limits and related quantitation parameters.
- (i) Results of analyses or observations.

2. Flow monitoring data

For all required flow monitoring, records shall include the following:

- (a) Total flow or volume, for each day.
- (b) Hourly flow (mgd)
- (c) Duration of each discharge

3. For bacteriological analyses:

- (a) Date and time of each sample collected
- (b) Wastewater flow rate at the time of sample collection
- (c) Results of sample analyses (coliform count)

4. For chlorination process, at least daily average values for the following:

- (a) Chlorine residual in contact basin (mg/L)

C. For each calendar month, a self-monitoring report (SMR) shall be submitted to the Board in accordance with the following:

1. The report shall be submitted to the Board no later than the first day of the second month following the reporting month.
2. Letter of Transmittal: Each report shall be submitted with a letter of transmittal. This letter shall include the following:
 - a. Identification of all violations found during the monitoring period;
 - b. Details of the violations: parameters, magnitude, test results, frequency, and dates;
 - c. The cause of the violations;
 - d. Discussion of corrective actions taken or planned to resolve violations and prevent recurrence, and dates or time schedule of action implementation. If previous reports have been submitted that address corrective actions, reference to such reports is satisfactory; and
 - e. Signature: The letter of transmittal shall be signed by the Discharger's principal executive officer or ranking elected official, or duly authorized representative, and shall include the following certification statement:

"I certify under penalty of law that this document and all attachments have been prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. The report shall contain results of analyses and observations, including tabulations of all required analyses and observations, including parameter, sample date and time, sample station, and test result.
4. The Discharger shall make all reasonable efforts to obtain analytical data for required parameter sampling in timely manner. The Board recognizes that certain analyses require additional time in order to complete analytical processes and result reporting. For cases where required monitoring parameters require additional time to complete analytical processes and reporting, and results are not available in time to be included in the SMR for the subject monitoring period, such cases shall be described in the SMR. Data for these parameters, and relevant discussions of any observed violations, shall be included in the next SMR due after results are available.
5. The Discharger shall submit SMRs to:

Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attn: NPDES Division