CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 89-151

NPDES PERMIT NO. CA 0038491

REISSUING WASTE DISCHARGE REQUIREMENTS FOR:

CITY OF ALBANY
BYPASS OR OVERFLOW FROM SANITARY SEWERS
ALBANY
ALAMEDA COUNTY

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

1. The City of Albany, hereinafter called the discharger, submitted a report of waste discharge dated August 3,1989, for reissuance of NPDES Permit No. CA 0038491.

2. The discharger is presently regulated by Board Order No. 84-65 and discharges untreated domestic and industrial wastewater from its sanitary sewer collection system as a result of bypasses or overflows. These overflows and bypasses occur when sewer capacity is exceeded as a result of inflow or infiltration of rainfall or rainfall runoff. The discharges contain pollutants, and occur at several locations within the sanitary sewer system tributary to the East Bay Municipal Utility District Special District No. 1 (EBMUD) interceptor sewers. Some overflows are conveyed underground into the storm drainage system by means of existing relief sewers, or flow directly through soil between deteriorated sanitary sewers and storm sewers. Most of the overflows, however, pass through manhole covers into streets or other public places and eventually reach Central San Francisco Bay and its tributaries, all waters of the United States.

3. Inflow and infiltration (I/I) of stormwater also contributes to the overflows from the East Bay Municipal Utility District, Special District No. 1, interceptor system and bypassing of its treatment facility. These bypasses and overflows all contain pollutants and discharge into San Leandro Creek and Elmhurst Creek which are tributary to San Leandro Bay; Temescal Creek and Cerrito Creek, which are tributary to Central San Francisco Bay. All of the above are also waters of the United States.

4. The discharger is one of seven communities that participated in the East Bay Infiltration/Inflow study of overflow and bypass discharges. The study proposed an East Bay I/I Correction Program, a 20 year program to eliminate wet weather overflows from the wastewater collection systems in Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and the Stege Sanitary District. The program consists of rehabilitating existing sewers, constructing new, larger relief sewer system. Total program cost is estimated at $400 million (1985 dollars).

5. On March 19, 1986, the Board adopted Order No. 86-17 requiring the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and the Stege Sanitary District to cease and desist discharging waste from their sewerage systems contrary to requirements prescribed in Order Nos. 84-64, 84-65, 84-66, 84-67, 84-68, and 84-62, all NPDES permits, and contrary to the requirements of the San Francisco Bay Basin Plan and the Porter-Cologne Water Quality Control Act. The cease and desist order incorporates the proposals in the communities' I/I Correction Program, including the 20 years sewer improvement and correction schedule.

6. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives and beneficial uses for San Francisco Bay and contiguous waters as well as the Board's recommended approach to control the seasonal degradation of water quality which results from set weather overflows of wastewater from collection, conveyance (e.g. interceptors), and treatment facilities. The Basin Plan allows for exceptions for wet weather discharges such as the discharger's where an inordinate financial burden would be placed upon the discharger relative to beneficial uses protected and an equivalent level of environmental protection can achieved by alternate means.

7. The beneficial uses of Central San Francisco Bay and contiguous water bodies are:

   - Industrial Service Supply
   - Industrial Process Supply
   - Navigation
   - Water contact recreation
   - Non-contact recreation
   - Ocean Commercial and Sport Fishing
   - Wildlife habitat
   - Preservation of Rare and Endangered Species
   - Estuarine Habitate
   - Fish migration and spawning
   - Shellfish Harvesting

8. EBMUD, Special District No. 1, has an approved EPA Local Pretreatment Program for source control and application of pretreatment standards that regulates the industrial and commercial dischargers in the discharger's community to the collection system and EBMUD Water Pollution Control Plant. The local pretreatment program is regulated under NPDES Permit No. CA037702.

9. This Order serves as an NPDES Permit, reissuance of which is exempt form the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resource Code (CEQA) pursuant to Section 13389 of the California Water Code.

10. The discharger and interested agencies and persons have been notified of the Board's intent to reissue requirements for the existing discharge and have been provided with the opportunity for a public hearing and the opportunity to submit their written views and recommendations.

11. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that the discharger in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder shall comply with the following:

A. Discharge Prohibitions

1. Discharge of dry weather waste from wet weather overflow or bypass structures is prohibited.

2. Discharge of untreated waste to waters of the State, regardless of dilution provided is prohibited. This includes bypasses or overflows of untreated sanitary sewage into storm sewers.

B. Provisions

1. The discharge of pollutants shall not create a nuisance as defined on the California Water Code.

2. Order No. 84-65 remains in effect for purpose of enforcement of Cease and Desist Order No. 86-17. For all other purposes, this Order supercedes requirements prescribed by Order No. 84-65.

3. The discharger shall comply with all sections of this Order immediately upon adoption.

4. The discharger shall comply with all items of the attached "Standard Provisions and Reporting" dated December 1986 with the exception of Reporting Requirements B.2 and B.3. items A.18, B.2, C8, C10(b), C.11, and D.5.

5. This Order expires September 19, 1994. The discharger must file a report of waste discharge in accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.

6. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

I, Steven R. Ritchie, 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 September 20, 1989.

STEVEN R. RITCHIE
Executive Officer

Attachments:
Standard Provisions & Reporting
Requirements, December 1986