

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Vincent Christian)
MEETING DATE: January 30, 2008

ITEM: 11A and 11B

SUBJECT: **West County Agency (WCA), West County Wastewater District (WCWD), City of Richmond, Richmond Municipal Sewer District No. 1 (RMSD), WCA Common Outfall, WCWD Wastewater Treatment Plant and Its Collection System, and RMSD Water Pollution Control Plant and Its Collection System, Richmond, Contra Costa County - Reissuance of NPDES Permit (11A) and Adoption of Cease and Desist Order (11B)**

CHRONOLOGY: November 2001 - NPDES Permit Reissued

DISCUSSION: This item would reissue the NPDES permit that covers the wastewater discharge for Richmond and its surrounding communities. WCA is a Joint Powers Agency whose members are WCWD, the City of Richmond, and RMSD. The WCWD operates a wastewater treatment plant that serves the northern Richmond area. The City of Richmond and RMSD operate a separate wastewater treatment plant in central Richmond. The two plants combine their treated wastewater into a single outfall prior to discharge into Central San Francisco Bay. The average daily dry weather flow of the combined discharge is about 18 million gallons per day.

The reissued permit would establish more stringent effluent limits for a number of toxic pollutants with which WCA cannot immediately comply. To address these threatened violations, we have developed a Cease and Desist Order for consideration in conjunction with the permit. The Cease and Desist Order would establish tasks and time schedules for WCA to address the threatened violations.

The Bay Area Clean Water Agencies (BACWA) and WCA commented on the Tentative Permit and the Tentative Cease and Desist Order (Appendix C). We responded to these comments (Appendix D), and we made appropriate changes which are reflected in the attached Revised Tentative Permit and the Revised Tentative Cease and Desist Order (Appendices A and B). We resolved many issues; however, some remain.

The most significant concern shared by WCA and BACWA is the inclusion of final limits for dioxin. Additionally, BACWA has concerns about the inclusion of (1) an enforceable schedule for plant improvements to reduce bypasses during peak wet weather (or "blending"), (2) final limits for selenium and mercury, and (3) capitol improvement requirements in the Cease and Desist Order.

In our view, it is consistent with federal law to require the Dischargers to develop a program to reduce or eliminate blending events. As reported to the Board at previous Board meetings, final limits for dioxin, selenium, and mercury must be included to comply with existing regulations. Finally, specific to the Tentative Cease and Desist Order, the tasks required are necessary and reasonable to ensure compliance with the effluent limits that we are legally mandated to enforce. These tasks are sequential, and the requirements of each task depend on the outcome of the previous task. The time frames are reasonable because they provide time to investigate alternatives to capital improvements before they are required. Capital improvements are only required if, by April 2012, other efforts to comply with effluent limits have been unsuccessful.

We anticipate that both WCA and BACWA will reiterate their concerns at the Board meeting.

RECOMMEN-
DATION:

Adoption of the Revised Tentative Permit and the Revised Tentative Cease and Desist Order

File Number: 2119.1107 (vc)

Appendices:

- A. Revised Tentative Permit
- B. Revised Tentative Cease and Desist Order
- C. Correspondence
- D. Response to Comments