

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

STAFF SUMMARY REPORT (Robert Schlipf)
MEETING DATE: November 18, 2009

- ITEM: 7
- SUBJECT: City of Alameda, Sanitary Sewer Collection System, Alameda County
- Reissuance of NPDES Permit
- CHRONOLOGY: March 2004 – Board reissues NPDES permit
- DISCUSSION: This item and items 6 through 12 address similar permitting for the wastewater (or “sanitary sewer”) collection systems for the six cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and the Stege Sanitary District. These are known collectively as the East Bay Communities. The East Bay Communities’ wastewater collection systems all discharge to the East Bay Municipal Utility District’s (EBMUD) wastewater treatment facilities. The requirements proposed in the tentative orders for all of the seven East Bay Communities are identical, with facility descriptions being the only difference.
- The Revised Tentative Order (Appendix A) would reissue Alameda’s permit and continues the permit’s prohibition on the discharge of untreated wastewater. The requirements in the Revised Tentative Order are very similar to those in the previous permit with one exception, a requirement that would prohibit Alameda from causing or contributing to discharges from EBMUD’s Wet Weather Facilities during wet weather. This prohibition is necessary due to a change in the regulatory landscape since the Board last reissued Alameda’s permit in 2004.
- This change is a result of the State Board adopting a “Remand Order” in 2007 for EBMUD’s Wet Weather Facilities permit. Consistent with the Remand Order, the Board reissued EBMUD’s permit in January 2009 with a prohibition against discharge from EBMUD’s Wet Weather Facilities in violation of the federal Clean Water Act.
- Because all the wastewater discharged from EBMUD’s facilities comes from the East Bay Communities, it is necessary that each community be held to the same prohibition that EBMUD is now held to. Therefore, the Revised Tentative Order would prohibit Alameda from causing or contributing to discharges from EBMUD’s Wet Weather Facilities during wet weather.

San Francisco Baykeeper, Our Children's Earth, the City of Alameda, EBMUD, and the East Bay Collection System Agencies commented (Appendix B) on the tentative orders that were distributed for public review. We have responded to all comments (Appendix C) and made appropriate changes, all of which are reflected in the Revised Tentative Order. We resolved many issues; however, some remain.

The most significant issue concerns the new prohibition described above. EBMUD, Baykeeper, and Our Children's Earth support the prohibition because it is consistent with the Remand Order and EBMUD's reissued permit. However, Alameda and the East Bay Communities object. They cite as bases various legal arguments in addition to the fact that they do not control EBMUD's operations. We disagree with their legal arguments because the prohibition is necessary to ensure compliance with the federal Clean Water Act. We also disagree with their assertion that they have no control over the facilities. Wastewaters from their collection systems are the sole source to EBMUD's facilities. Actions to properly operate and maintain these systems will reduce peak wet weather flows to EBMUD's facilities and allow all parties to comply with their respective permits. Our response to the comments provides a more detailed response to each of the points raised by Alameda and the East Bay Communities.

We anticipate that some commenters may reiterate their concerns at the Board meeting.

RECOMMEN-
DATION:

Adoption of the Revised Tentative Order

CIWQS Place ID:

204859 (RS)

Appendices:

- A. Revised Tentative Order
- B. Correspondence
- C. Response to Comments