



# California Regional Water Quality Control Board

## San Francisco Bay Region

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**Linda S. Adams**  
*Secretary for  
 Environmental Protection*

**Arnold Schwarzenegger**  
*Governor*

### CEASE AND DESIST ORDER NO. R2-2009-XXXX

#### REQUIRING THE EAST BAY MUNICIPAL UTILITY DISTRICT, ORINDA WATER TREATMENT PLANT TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER 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 (hereinafter Discharger) owns and operates a water treatment plant (Plant), located at 190 Camino Pablo, Orinda, Contra Costa County, CA 94563. The Plant is one of six water treatment facilities operated by the Discharger in the East Bay for treatment of water prior to distribution to residents of Alameda and Contra Costa Counties. It has a design capacity of 200 million gallons per day (MGD).
2. The wastewater discharge has been regulated by waste discharge requirements in Order No. R2-2003-0062 (NPDES General Permit No. CAG382001, the previous permit).
3. Immediately preceding the adoption of this Cease and Desist Order, the Regional Water Board adopted Order No. R2-2009-XXXX (hereinafter “Permit”), reissuing waste discharge requirements for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. Final effluent limitations for toxic pollutants established by the Permit include those listed in Table 1, below.

**Table 1. Water Quality-Based Effluent Limitations (WQBELs) for Dichlorobromomethane**

Parameter	Final Effluent Limits		Monitoring Stations
	Average Monthly (µg/L)	Maximum Daily (µg/L)	
Dichlorobromomethane	0.56	1.1	EFF-001, EFF-002, EFF-003, EFF-004

4. As stated in the Fact Sheet accompanying the Permit, the Regional Water Board concludes that the Discharger cannot immediately comply with the WQBELs for dichlorobromomethane, because the 95<sup>th</sup> percentile (3.0 µg/L) and 99<sup>th</sup> percentile (4.06 µg/L) of the effluent data set, from January 2003 through December 2007 exceed the average monthly and maximum daily effluent limitations.
5. Pursuant to State Water Board Order No. WQ-2007-0004, the Regional Water Board cannot establish a schedule for compliance with final limitations for dichlorobromomethane. Because the Discharger cannot immediately comply with final effluent limitations for dichlorobromomethane, discharges from the facility threaten to violate the final effluent limitations established by Order No. R2-2009-XXXX for this pollutant.

6. Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
7. Because the Discharger will violate or threatens to violate required effluent limitations, this Cease and Desist Order is necessary to ensure that the Discharger achieves compliance. This Order establishes a time schedule for the Discharger to complete necessary investigative, preventive, and remedial actions to address imminent and threatened violations of effluent limitations for dichlorobromomethane.
8. The time schedule in this Order is intended to be as short as possible. It accounts for the considerable uncertainty in determining effective measures (e.g., treatment modifications and treatment plant upgrades) necessary to achieve compliance. This Order allows some time to pursue a case-by-case SIP exception before requiring further actions, such as treatment plant upgrades, which are likely to be costly. The time schedule is based on reasonably expected times needed to pursue a case-by-case SIP exception; identify on-site treatment alternatives, if necessary; test and select from among alternatives; and construct plant upgrades. The Regional Water Board may revisit these assumptions as more information becomes available.
9. As part of the time schedule to achieve compliance, this Order requires the Discharger to comply with an interim effluent limit based on past treatment performance. The interim maximum daily effluent limitation for dichlorobromomethane shall be 4.9 µg/L. This limitation is a performance-based interim limitation based on the 99.87<sup>th</sup> percentile of the Discharger's dichlorobromomethane effluent data collected from January 2003 through December 2007. There was not a effluent limitation or interim effluent limit for dichlorobromomethane in the previous permit. The interim effluent limit is intended to ensure that the Discharger maintains at least its existing level of treatment performance while completing all tasks required by this Order.
10. This Order is an enforcement action and, as such, in accordance with 14 CCR § 15321, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.).
11. The Regional Water Board has notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order and has provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, has 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 2 in accordance with the time schedule provided therein to comply with the effluent limitations contained in the Permit. Deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.

**Table 2. Time Schedules and Prescribed Actions for Dichlorobromomethane**

Action	Deadline
a. Comply with the following interim effluent limit at Monitoring Stations EFF-001, EFF-002, EFF-003, and EFF-004  Interim daily maximum effluent limit = 4.9 µg/L	December 1, 2009
b. Provide documentation to the State Water Board that supports a case-by-case exception from SIP provisions for the dichlorobromomethane effluent limits in the Permit	December 31, 2009
c. If by December 31, 2012, discharge data continue to show the discharge is out of compliance (as defined in 2.4.5. of the State Implementation Policy) with the Permit effluent limits, and a case-by-case exception has not been issued or is in progress, submit a report, by the deadline for this action. The report should identify more aggressive actions to ensure compliance, including, but not limited to, modeling receiving water quality and reviewing options for disinfection alternatives or upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities: <ol style="list-style-type: none"> <li>(1) Bench scale testing or pilot scale testing or both</li> <li>(2) Development of preliminary design specifications</li> <li>(3) Development of final design specifications</li> <li>(4) Procurement of funding</li> <li>(5) Acquisition of necessary permits and approvals</li> <li>(6) Construction</li> </ol>	February 28, 2013
d. Begin implementation of the plan required in action "c" within 45 days following the deadline for action "c," and submit a status report.	April 15, 2013
e. Achieve compliance with effluent limits specified in IV.B. of the Permit, unless the State Water Board approves a case-by-case exception that makes the final limits for dichlorobromomethane unnecessary.	November 30, 2014

- 2. Reporting Delays.** If the Discharger is delayed, interrupted, or prevented from meeting one or more of the deadlines described in Table 2, 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 a time schedule 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 action against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.
4. **Effective Date.** This Order shall be effective on the effective date of the Permit, December 1, 2009.

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 October 14, 2009.

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BRUCE H. WOLFE  
Executive Officer