

October 19, 2009

Via Facsimile (510-622-2460) and Email (rschlipf@waterboards.ca.gov)

Robert Schlipf, P.E.
Water Resource Control Engineer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Phone: 510-622-2478
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Re: East Bay Municipal Utility District (EBMUD) Comments on Tentative East Bay Collection System Permits and Tentative Cease & Desist Order;

- City of Alameda - TO No. R2-2009-00xx; NPDES No. CA0038474
- City of Albany - TO No. R2-2009-00xx; NPDES No. CA0038471
- City of Berkeley - TO No. R2-2009-00xx; NPDES No. CA0038466
- City of Emeryville - TO No. R2-2009-00xx; NPDES No. CA0038792
- City of Oakland - TO No. R2-2009-00xx; [CDO No. R2-2009-XXXX; NPDES No. CA0038512
- City of Piedmont - TO No. R2-2009-00xx; NPDES No. CA0038504
- Stege Sanitary District - TO No. R2-2009-00xx; NPDES No. CA0038482

Dear Mr. Schlipf:

The impetus for the above-referenced tentative permits and Cease and Desist Order (the Tentative Orders) originated with the State Water Board's **May 1, 2007 Remand Order**. As a result of that Order, the Regional Water Board has already (on January 14, 2009) issued a permit prohibiting any further discharges from EBMUD's wet weather facilities (WWFs).

The **Tentative Orders** are consistent with that prohibition and **represent** the logical next step by **requiring the** East Bay collection system agencies (Satellites) not to cause or contribute to such discharges. By doing so, the **Tentative Orders** formalize the long-standing relationship between EBMUD and the Satellites in protecting San Francisco Bay against negative wet-weather impacts.

That relationship results from EBMUD and the Satellites owning separate parts of a single interconnected system **designed** to collect and treat the East Bay's wastewater. As noted in the **Tentative Orders**, EBMUD and the Satellites have devoted considerable resources to **reducing wet** weather impacts since 1980. But the July 22, 2009 Stipulated

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Order (issued by the Federal District Court in a case brought by the Regional and State Water Boards and USEPA against EBMUD) indicates more is required. In particular, the Stipulated Order states:

EBMUD receives wastewater from seven East Bay wastewater collection agencies ("Satellites") with a total population of approximately 650,000. Each Satellite owns and operates its own wastewater collection system, which delivers wastewater to EBMUD's interceptor system. The interceptor system transports wastewater to EBMUD's year-round main wastewater treatment plant near the eastern anchorage of the Bay Bridge During wet weather, EBMUD at times discharges wastewater from three ... WWFs The Satellites' and EBMUD's connected systems shall be referred to collectively as the "East Bay Sanitary Sewer System."

Inflow and infiltration (I/I) of stormwater into the collection systems and private sewer laterals during severe wet weather events – via mis-connections, cracks and other imperfections in system pipes, joints and manholes – can lead to a 10-fold increase in the volume of wastewater that reaches EBMUD's interceptor system.

The wet weather flows in the Satellites' collection systems are thus properly seen as internal waste streams within the overall East Bay Sanitary Sewer System. And the requirements imposed by the Tentative Orders (not to cause or contribute to wet-weather discharges from the WWFs) are authorized under both Federal and State law. 40 CFR §§122.41(e) and 122.45(h); Cal. Water Code §13263.

EBMUD supports the issuance of the Tentative Orders as complements to the "no discharge" WWF permit the Regional Water Board issued to EBMUD in January and the work EBMUD is compelled to perform under the Stipulated Order. EBMUD is committed to continuing to work with the Regional and State Water Boards, USEPA and the Satellites to resolve the East Bay's wet weather issues.

Sincerely,



David R. Williams
Director of Wastewater

DRW:akg