

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

STAFF SUMMARY REPORT (Robert Schlipf)
MEETING DATE: November 12, 2014

ITEM: 10

SUBJECT: **East Bay Municipal Utility District, Special District No. 1; Point Isabel, San Antonio Creek, and Oakport Wet Weather Facilities and Interceptor System; Richmond and Oakland; Contra Costa and Alameda Counties** - Reissuance of NPDES Permit and Rescission of Cease and Desist Order

CHRONOLOGY: January 2009 – Adopted NPDES permit and Cease and Desist Order
January 2009 – Filed lawsuit with U.S. EPA to enforce NPDES Permit and for unauthorized discharges
September 22, 2014 - Consent Decree by and among U.S. EPA, Board, State Board, EBMUD and East Bay Communities entered by Court

DISCUSSION: The attached Tentative Order (Appendix A) would reissue the NPDES permit for the East Bay Municipal Utility District (EBMUD) Wet Weather Facilities (WWFs) and rescind a 2009 cease and desist order (CDO). There are three WWFs and they each provide primary level treatment through physical removal of solids and chemical disinfection prior to discharge. The WWFs were built to only capture and treat excess untreated wastewater during peak wet-weather flows. During dry weather and non-peak flows, EBMUD fully treats wastewater to federal secondary standards at its main wastewater treatment plant. Discharges from the main plant are subject to a separate permit. The WWFs discharge, on average, less than ten times per year.

With the permit reissuance in 2009, the Board prohibited discharges from the WWFs consistent with a 2007 State Board order that the WWFs must either meet secondary treatment standards or cease discharge. As EBMUD could not immediately comply, the Board also adopted the CDO to require EBMUD to develop a plan to cease WWF discharges.

Items 11 through 17 on this same agenda are the permit reissuances for each of the seven satellite collection systems that discharge wastewater to EBMUD. They are collectively known as the East Bay Communities. High flows from wet weather inflow and infiltration from the East Bay Communities result in excess wastewater discharged through the WWFs. The tentative orders in items 11

through 17 would reissue the NPDES permits for each of the East Bay Communities prohibiting them from causing or contributing to discharges from the WWFs.

The U.S. District Court entered a Consent Decree on September 22, 2014, settling a 2009 lawsuit brought by the Board with U.S. EPA and State Board against EBMUD and the East Bay Communities for discharges from the WWFs. The Consent Decree requires cessation of WWF discharges starting in 2027 at the San Antonio WWF and then at the last WWF by 2035.

For its part under the Consent Decree, EBMUD must comply with the following:

- Implement a regional private sewer lateral rehabilitation program.
- Develop a regional technical support program that pinpoints sources of high inflow and infiltration into the East Bay Communities' collection systems.
- Conduct monitoring and modeling to demonstrate reduction and ultimate elimination of WWF discharges.
- Treat 0.5 million gallons per day of dry weather urban runoff from Alameda County's Ettie Street pump station located adjacent to EBMUD's main wastewater treatment plant.

With the Consent Decree in place, the CDO is no longer necessary and should be rescinded.

We did not receive comments specific to this item. The attached Tentative Order reflects minor editorial changes made to the public review version.

RECOMMEN- DATION:	Adoption of the Tentative Order
CIWQS Place ID:	222130 (RS)
Appendix A:	Tentative Order