

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

**STAFF SUMMARY REPORT: Samuel Plummer
MEETING DATE: February 11, 2026**

ITEM: 6B

East Bay Municipal Utility District, Special District No. 1, Main Wastewater Treatment Plant and Interceptor Conveyance System, Oakland, Alameda County – Reissuance of NPDES Permit

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DISCUSSION:

This Revised Tentative Order (Appendix A) would reissue the NPDES permit for the East Bay Municipal Utility District's (District's) Main Wastewater Treatment Plant. The plant provides secondary treatment of domestic, commercial, and industrial wastewater from the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, and Stege Sanitary District (Satellites). The service area has a population of about 740,000. The District treats about 44 million gallons of wastewater per day for discharge during dry weather to San Francisco Bay via a deepwater diffuser that is about 5,700 feet offshore, near the Bay Bridge.

The District has a long-standing issue that, during wet weather, influent flows can increase by tenfold. To reduce wet weather inflow and infiltration into the collection systems operated by the Satellites, the Board joined a federal consent decree in 2014 requiring the Satellites to rehabilitate their respective collection systems. The actions in that consent decree will continue to reduce peak inflows to the plant over the next 10 years. Currently, the facility maintains storage for wet weather flows up to 11 million gallons. When this capacity is reached, the District can bypass its biological treatment under conditions specified in the current permit. In addition, there are wet weather nearshore outfalls which divert flows during severe wet weather. These discharges are addressed under Order R2-2025-0006.

The Revised Tentative Order would remove the receiving water limitations contained in the previous order that served as backstops for unanticipated circumstances or changes to effluent quality that could affect water quality. This is consistent with the U.S. Supreme Court's ruling in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704, which held that, under the Clean Water Act, NPDES permits issued by the U.S. EPA may not include end-result requirements. The Revised Tentative Order does not include additional requirements in lieu of receiving water limits because the proposed effluent limitations are sufficient to protect water quality. The Revised Tentative Order would retain provisions that prohibit the treatment of pollutants and the storage and treatment of sludge and biosolids from creating a nuisance. The nuisance provisions would implement state law only and would not be enforceable under the Clean Water Act.

We did not receive formal comments on a tentative order circulated for public review. We made staff-initiated changes (Appendix B) to fill in placeholder text specifying the due date for the District's outfall inspection plan and added a reopener provision related to chronic toxicity. We expect this item to be uncontested.

APPENDICIES:

- A. Revised Tentative Order
- B. Staff-Initiated Changes

Appendix A

Revised Tentative Order

Appendix B

Staff-Initiated Changes