

# SUPPLEMENTAL

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

**STAFF SUMMARY REPORT: Samuel Plummer  
MEETING DATE: March 12, 2025**

**ITEM: 5E – Supplemental**

**City of Berkeley, Wastewater Collection System, Alameda County – Reissuance of NPDES  
Permit**

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### DISCUSSION:

We proposed the following changes to the Revised Tentative Order because Discharge Prohibition 3.2 is unnecessary. This state-law based prohibition is addressed in the state general sanitary sewer permit (State Water Resources Control Board Order WQ 2022-0103-DWQ) where it belongs, and the permittee is subject to it.

The Discharge Prohibitions of the Order are revised as follows (additions are shown by underlined text, and deletions are shown by ~~striketrough~~ text):

- 3.1. Discharge of untreated or partially-treated wastewater to a water of the United States is prohibited.
- ~~3.2. Discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code section 13050(m) is prohibited.~~
- 3.23. Discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills to any surface water body is prohibited.
- 3.34. Discharge shall not cause or contribute to discharges from the East Bay Municipal Utility District's Wet Weather Facilities that occur during wet weather or that are associated with wet weather.

Fact Sheet section 4.1 is revised as follows:

- 4.1.1. **Discharge Prohibition 3.1 (No untreated or partially treated wastewater discharges to Waters of the United States):** This prohibition is based on the Clean Water Act, which prohibits discharges of wastewater that does not meet secondary treatment standards as specified in 40 C.F.R. Part 133. Additionally, the Basin Plan Table 4-1, Discharge Prohibition 15, prohibits discharge of raw sewage or any waste failing to meet WDRs to any waters of the basin.

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- ~~4.1.2. Discharge Prohibition 3.2 (No untreated or partially treated wastewater that creates a nuisance):~~ This prohibition is based on California Water Code section 13263, which requires the Regional Water Board to prescribe WDRs that prevent nuisance conditions.
- 4.1.23. **Discharge Prohibition 3.23 (No discharge of chlorine, or any other toxic substance used for disinfection and cleanup of sewage spills):** Basin Plan section 3.3.18 states, “All waters shall be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses to aquatic organisms.” Thus, discharge of chlorine or other substances that can be toxic to aquatic life is prohibited.
- 4.1.34. **Discharge Prohibition 3.34 (No causing or contributing to discharges from EBMUD’s WWFs):** Because excessive I/I has contributed to discharges of partially treated wastewater at EBMUD’s WWFs, in violation of NPDES permit CA0038440 and the Clean Water Act, this prohibition is necessary to ensure that the Discharger properly operates and maintains its wastewater collection system so as to not cause or contribute to WWF discharges and violations of the Clean Water Act. . . .