

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

STAFF SUMMARY REPORT (Ann M. Powell)  
MEETING DATE: September 21, 2005

**ITEM**                    **7**

**SUBJECT:**            **East Municipal Utility District, Special District No. 1 (EBMUD)  
Wet Weather Facilities, Oakland, Richmond, Alameda and  
Contra Costa Counties – Reissuance of NPDES Permit**

**CHRONOLOGY:** January 1998 – Permit reissued

**DISCUSSION:**      This permit reissuance is for EBMUD’s three Wet Weather Facilities (WWFs). The WWFs are unusual in that they only provide primary level treatment, meaning they remove gross solids from the wastewater, which is then disinfected and dechlorinated prior to discharge. They were built this way in the 1980’s because they only capture/treat peak wet-weather flows. Such flows are a combination of wastewater and flow from stormwater and groundwater that infiltrates the East Bay’s wastewater collection system during severe winter storm events. Because they only operate for a few hours during severe storm events, they also discharge very infrequently. Over a 5-year period, the largest of the three WWFs discharged, on average, 8.6 times per year.

In August 2004 when we released a draft permit and Time Schedule Order (TSO) for public review, we received significant comments. The most substantive comment was from U.S. EPA stating that a letter they wrote in 1986, upon which the design of these WWFs was based, no longer reflects their position. In essence, U.S. EPA stated that these WWFs are now subject to secondary treatment requirements that are more stringent than the “primary” requirements for which they were designed.

After nearly a year of negotiations with U.S. EPA and other stakeholders, we have finally reached consensus on the appropriate direction to proceed. Because of the intermittent nature of these discharges, it would be extremely expensive, if not cost-prohibitive, to upgrade these WWFs to meet secondary treatment standards. In consideration of this fact, as well as the fact that such upgrades cannot happen overnight, secondary limits are not imposed during this permit cycle. Instead, requirements of the companion TSO (for your consideration as Item #8) have been significantly expanded to accelerate EBMUD’s progress towards reducing pollutant loads and ensuring long-term compliance with all applicable standards. The

SSR for that item provides a brief summary of our proposed requirements for the TSO.

This permit reissuance is also the focus of a lawsuit brought against the Regional and State Water Boards by Our Children's Earth Foundation. While the Foundation has agreed to dismiss this lawsuit, they may still state their objections to the lack of secondary limits so as to preserve their position in the future.

All comments received on this item, as well as the companion TSO (Item 8), are included as Appendix B. Board Staff responses to these comments are in Appendix C.

**RECOMMENDATION:** Adoption of the attached Tentative Order

**File Number:** 2199.9014

**APPENDICES:**

- A. Tentative Order
- B. Comments Received
- C. Response to Comments