Sent by email
Confirmation of receipt requested

February 20, 2020
CW-258594

Stege Sanitary District
ATTN: Rex Delizo, District Manager, rexd@stegesan.org
7500 Schmidt Lane
El Cerrito, CA 94530

Subject: Transmittal of Order No. R2-2020-0010, NPDES Permit No. CA0038482 for the Stege Sanitary District Sewer Collection System, Contra Costa County

Dear Mr. Delizo:

Attached is a copy of Order No. R2-2020-0010, adopted by the Regional Water Board on February 12, 2020. The requirements of this Order are effective starting April 1, 2020.

If you have any questions, you may contact Sam Plummer at (510) 622-2485 or by email at sam.plummer@waterboards.ca.gov.

Sincerely,

Michael Montgomery
Executive Officer

Attachment: Order No. R2-2020-0010

Copy (sent by email):

Julie Song, U.S. EPA, Region 9, song.julie@epa.gov
SWCRB DWQ, NPDES_Wastewater@waterboards.ca.gov
James Ashby and Sarah Torres, PG Environmental, icis-npdes@pgenv.com

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

ORDER No. R2-2020-0010
NPDES No. CA0038482

The following discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

Table 1. Discharger Information

Discharger	Stege Sanitary District
Facility Name	Sewer Collection System
Facility Address	7500 Schmidt Lane, El Cerrito, CA 94530
CIWQS Place Number	258594

Table 2. Administrative Information

This Order was adopted on:	February 12, 2020
This Order shall become effective on:	April 1, 2020
This Order shall expire on:	March 31, 2025
CIWQS Regulatory Measure Number	436796
The Discharger shall file a Report of Waste Discharge for updated WDRs in accordance with California Code of Regulations, title 23, and as an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	October 1, 2024
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, San Francisco Bay Region, have classified this discharge as follows:	Minor

I hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on the date indicated above.

_____
Michael Montgomery, Executive Officer

Contents

I. Facility Information 3
II. Findings 3
III. Discharge Prohibitions 3
IV. Provision 4

Tables

Table 1. Discharger Information 1
Table 2. Administrative Information 1

Attachments

Attachment A – Not Used A-1
Attachment B – Collection System Service Area B-1
Attachment C – Not Used C-1
Attachment D – Federal Standard Provisions D-1
Attachment E – Not Used E-1
Attachment F – Fact Sheet F-1

I. FACILITY INFORMATION

Information describing the Stege Sanitary District's sewer collection system (Facility) is summarized in Table 1 and Fact Sheet (Attachment F) sections I and II.

II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), finds:

A. Legal Authorities. This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act section 402 and implementing regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370).

B. Background and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on information the Discharger submitted as part of its application, information obtained through monitoring and reporting programs, and other available information. The Fact Sheet contains background information and rationale for the requirements in this Order and is hereby incorporated into and constitutes findings for this Order. Attachments B and D are also incorporated into this Order.

C. Notification of Interested Parties. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe these WDRs and provided an opportunity to submit written comments and recommendations. The Fact Sheet provides details regarding the notification.

D. Consideration of Public Comment. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. The Fact Sheet provides details regarding the public hearing.

THEREFORE, IT IS HEREBY ORDERED that Order No. R2-2014-0051 (previous order) is rescinded upon the effective date of this Order, except for enforcement purposes, and, in order to meet the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for past violations of the previous order.

III. DISCHARGE PROHIBITIONS

A. Discharge of untreated or partially treated wastewater to water of the United States is prohibited.

B. The discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code section 13050(m) is prohibited.

C. The discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills, to any surface water body is prohibited.

D. The Discharger 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.

IV. PROVISION

The Discharger shall comply with all "Standard Provisions" in Attachment D. The Discharger shall properly operate and maintain its collection system, including controlling inflow and infiltration (see Attachment D section I.D); reporting any noncompliance (see Attachment D section V.E.1), with the exception noted below; and mitigating any discharge from the collection system in violation of this Order (see Attachment D section I.C).

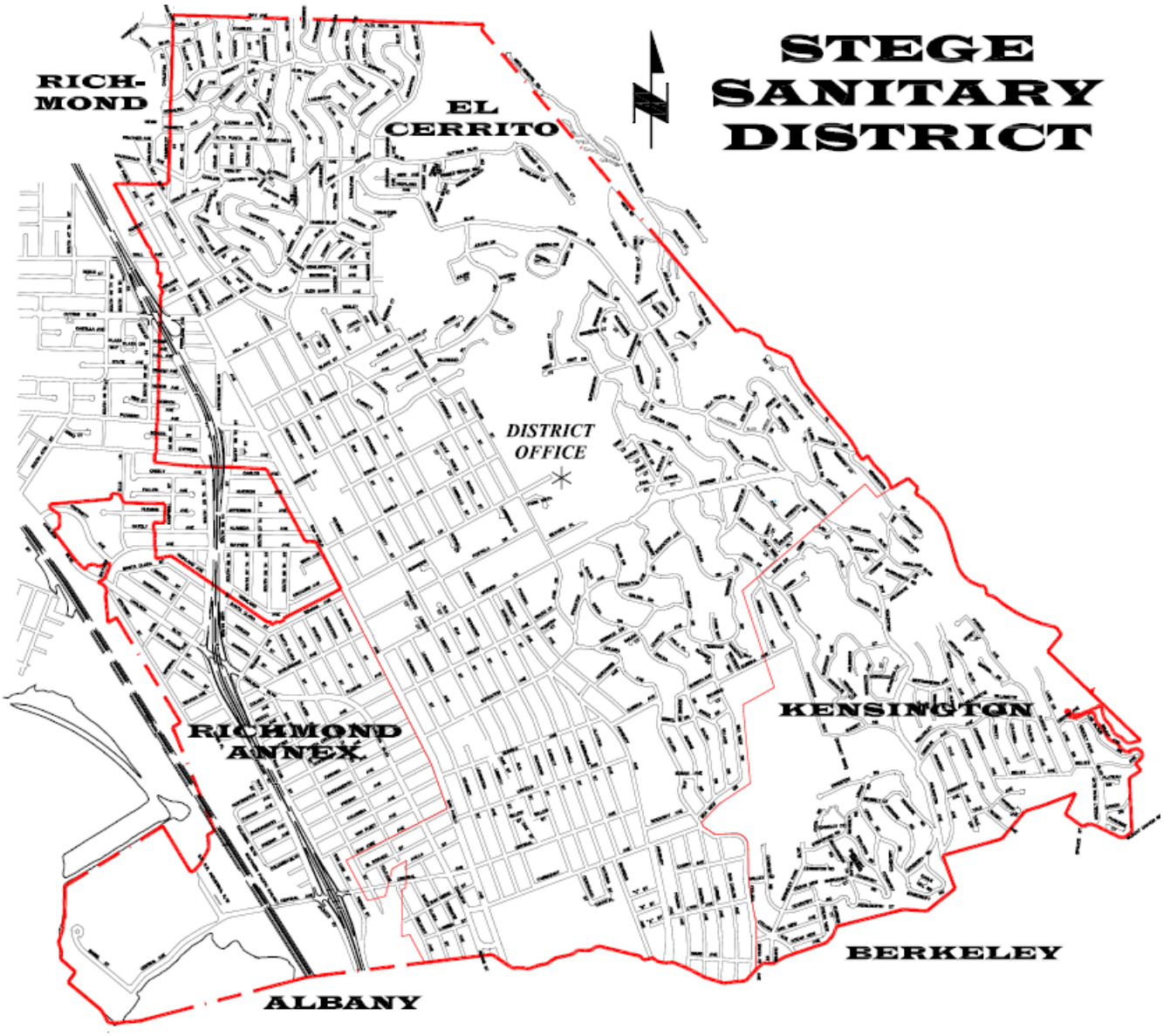
State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2013-0058-EXEC (statewide WDRs), contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. The statewide WDRs clearly and specifically stipulate requirements for reporting sanitary sewer overflows. Following the notification and reporting requirements set forth in the statewide WDRs (and any subsequent order updating these requirements) shall satisfy the NPDES reporting requirements for sanitary sewer overflows specified in Attachment D.

The Discharger is not required to report noncompliance with Prohibition III.D.

ATTACHMENT A – NOT USED

ATTACHMENT B – Collection System Service Area

Figure B-1. Sewer Map



ATTACHMENT C – NOT USED

ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS—PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

2. The Discharger shall comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i); Wat. Code, §§ 13267, 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(i); 40 C.F.R. § 122.41(i)(1); Wat. Code, §§ 13267, 13383);

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(2)); Wat. Code, §§ 13267, 13383);

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

G. Bypass

1. Definitions

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and

c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

4. Approval. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions—Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

5. Notice

a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)

b. Unanticipated bypass. The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

2. Conditions necessary for a demonstration of upset. A discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

c. The Discharger submitted notice of the upset as required in Standard Provisions—Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

d. The Discharger complied with any remedial measures required under Standard Provisions—Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS—PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. §§ 122.41(l)(3), 122.61.)

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

B. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either (a) the method ML is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter, or (b) the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in a facility's discharge is

high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS—RECORDS

A. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include the following:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));

2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));

3. The date(s) the analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));

4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));

5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and

6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and

2. Permit applications and attachments, permits, and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS—REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger

shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions—Reporting V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. § 122.41(k).)

2. For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 C.F.R. § 122.22(a)(1).)

For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively. (40 C.F.R. § 122.22(a)(2).)

For a municipality, state, federal, or other public agency, all permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.22(a)(3).)

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Standard Provisions—Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions—Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions—Reporting V.B.2 or V.B.3 above shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 C.F.R. § 122.22(d).)

6. Any person providing the electronic signature for documents described in Standard Provisions – V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order. (40 C.F.R. § 122.22(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Regional Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J. The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):

a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (Alternatively, for an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in 40 C.F.R. section 122.42(a), this notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 C.F.R. section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1).) (40 C.F.R. § 122.41(l)(1)(ii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions—Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision—Reporting V.E above. For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting V.E and the applicable required data in appendix A to 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

J. Initial Recipient for Electronic Reporting Data

The owner, operator, or duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. § 127.2(c)]. U.S. EPA will update and maintain this list. (40 C.F.R. § 122.41(l)(9).)

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS—NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(1)):

a. 100 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(1)(i));

b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));

c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or

d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(2)):

a. 500 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(2)(i));

b. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));

c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or

d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following (40 C.F.R. § 122.42(b)):

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA sections 301 or 306 if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)); and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of this Order. (40 C.F.R. § 122.42(b)(2).)

3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

ATTACHMENT E – NOT USED

ATTACHMENT F - FACT SHEET

Contents

I. Permit Information F-2
II. Facility Description F-3
  A. Description of Sewer Collection System F-3
  B. Discharge Point and Receiving Waters F-3
  C. Compliance Summary F-3
  D. Background and Regulatory History F-4
III. Applicable Plans, Policies, and Regulations F-8
IV. Rationale For Discharge Prohibitions F-11
V. Rationale for Receiving Water Limitations F-12
VI. Rationale for Monitoring and Reporting Requirements F-12
VII. Rationale for Provision F-12
VIII. Public Participation F-13

Tables

Table F-1. Facility Information F-2
Table F-2. Category 1 SSOs and Primary Causes F-4
Table F-3. Basin Plan Beneficial Uses F-9

ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. As described in section II.B of the Order, the Regional Water Board incorporates this Fact Sheet as findings supporting the issuance of the Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	2 071046001
CIWQS Place ID	258594
Discharger	Stege Sanitary District
Facility Name	Sewer Collection System
Facility Address	El Cerrito, the unincorporated area of Kensington, and a portion of the Richmond Annex section of the City of Richmond, Contra Costa County
Facility Contact, Title, Phone	Rex Delizo, District Manager, (510) 542-4667
Authorized Person to Sign and Submit Reports	Same as above
Mailing Address	7500 Schmidt Lane, El Cerrito, CA 94530
Billing Address	Same as above
Facility Type	Sewer Collection System
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	No
Reclamation Requirements	Not Applicable
Facility Permitted Flow	0 gallons per day
Facility Design Flow	Not Applicable
Watershed	San Francisco Bay
Receiving Water	Various
Receiving Water Type	Enclosed Bay

A. Stege Sanitary District (Discharger) owns and maintains a wastewater collection system that serves a population of about 35,500 people in the City of El Cerrito, the unincorporated area of Kensington, and a portion of the Richmond Annex section of the City of Richmond.

The Discharger is one of seven East Bay Communities or "Satellite Agencies" that operate wastewater collection systems in the East Bay and route sewage to the East Bay Municipal Utility District's (EBMUD's) wastewater treatment facilities. The other six East Bay Communities are the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont. Wastewater collected from the East Bay Communities' collection systems flows to interceptors owned and operated by EBMUD. EBMUD treats the wastewater at its treatment facilities and discharges the treated wastewater to San Francisco Bay under a separate National Pollutant Discharge Elimination System (NPDES) permit (Permit No. CA0037702).

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, and policies are held to be equivalent to references to the Discharger herein.

B. The Discharger is regulated pursuant to NPDES Permit No. CA0038482. The Discharger was subject to Order No. R2-2014-0051 (previous order), which expired November 30, 2019. Pursuant to California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all requirements for continuation of expired permits. (See 40 C.F.R § 122.6[d].) The Discharger filed a Report of Waste Discharge and submitted an application for reissuance of its Waste Discharge Requirements (WDRs) and NPDES permit on May 22, 2019. The Discharger is also regulated under the State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003-DWQ), as amended by State Water Board Order No. WQ 2013-0058-EXEC (statewide WDRs).

Regulations in 40 C.F.R. section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. Table 2 of this Order contains the effective period for this Order.

II. FACILITY DESCRIPTION

A. Description of Sewer Collection System

The Discharger owns and operates about 148 miles of gravity sanitary sewer mains, less than one mile of force mains, and two pump stations in Contra Costa County. The wastewater collection system transports wastewater from industrial, commercial, and residential sources to EBMUD's main wastewater treatment plant, where EBMUD treats the wastewater and discharges it to San Francisco Bay. During wet weather, because of increased flows caused by excessive inflow and infiltration (I/I) from the Discharger's and others' collection systems tributary to EBMUD facilities, the wastewater also flows to EBMUD's Wet Weather Facilities (WWFs), where EBMUD stores the wastewater or partially treats it prior to discharge to San Francisco Bay in violation of NPDES Permit CA0038440, which prohibits discharges from EBMUD's WWFs.

B. Discharge Point and Receiving Waters

This Order prohibits discharges from the Discharger's sewer collection system, so there are no authorized discharge points.

C. Compliance Summary

The previous order included the following discharge prohibitions:

1. The discharge of untreated or partially treated wastewater to waters of the United States is prohibited.

2. The discharge of untreated or partially treated wastewater that creates a nuisance as defined in the California Water Code section 13050(m) is prohibited.

3. The discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills, to any surface water body is prohibited.

4. The Discharger shall not cause or contribute to discharges from EBMUD's WWFs that occur during wet weather or that are associated with wet weather.

The Discharger violated the first of these prohibitions four times over the past four years. Table F-2 summarizes the Discharger's sanitary sewer overflows (SSOs) resulting in discharges to waters of the United States (Category 1 SSOs) from 2015 through 2018 and the primary causes of these discharges.

Table F-2. Category 1 SSOs and Primary Causes
(Values based on CIWQS data analysis completed in July 2019)

Year	No. of SSOs	Cause: Pipe Failure (%)	Cause: Grease (%)	Cause: Debris (%)	Cause: Roots (%)
2015	1	100	0	0	0
2016	2	50	50	0	0
2017	1	100	0	0	0
2018	0	-	-	-	-

U.S. EPA and the Regional Water Board issued a demand letter, dated April 18, 2018, for $26,800 in stipulated penalties for SSOs between September 22, 2014, and June 30, 2017.

The Discharger also violated the fourth prohibition by causing or contributing to discharges from the EBMUD WWFs. WWF discharges occurred and will continue to occur during wet weather due to excessive I/I into the Discharger's wastewater collection system, which increase peak wastewater flows to EBMUD's system that the WWFs cannot fully store and thus must discharge.

To eliminate these discharges from the WWFs, the Regional Water Board, the State Water Resources Control Board (State Water Board), and U.S. EPA sued the Discharger, the other East Bay Communities, and EBMUD in 2009 for their permit violations, and a Consent Decree was lodged and entered by the court on September 22, 2014 (*United States of America, People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region (Plaintiffs), San Francisco Baykeeper and Our Children's Earth (Intervenor-Plaintiffs) v. East Bay Municipal Utility District,* and *United States of America, People of the State of California ex rel. State Water Resources Control Board and Regional Water Quality Control Board, San Francisco Bay Region, San Francisco Baykeeper and Our Children's Earth v. Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont and Stege Sanitary District*, U.S. District Court, Northern District of California [Consolidated Case Nos. C 09-00186-RS and C 09-05684-RS]). The Consent Decree requires the Discharger to achieve specified sewer cleaning rates, to rehabilitate its sewer mains and manholes, to eliminate sources of I/I, and to assist in implementing a regional private sewer lateral rehabilitation program, among other requirements. It also requires the elimination of WWF discharges by 2035 and describes treatment levels to be met during the period of the Consent Decree.

D. Background and Regulatory History

1. **History.** The wastewater collection systems for the East Bay Communities were originally constructed in the early twentieth century. These systems included cross-connections to storm drain systems, and, while not uncommon at the time of construction, some of the

sewers were later characterized as having inferior materials, poor joints, and inadequate beddings for sewer pipes. The poor construction coupled with landscaping, particularly trees, damaged sewers and caused leaks. Poor construction techniques and aging sewer pipes resulted in excessive I/I during wet weather. By the early 1980s, the collection systems could sometimes receive up to 20 times more flow during storms than during dry weather. As a result, the East Bay Communities' collection systems risked overflows to streets, local watercourses, and San Francisco Bay, creating public health risks and impairing water quality.

2. **I/I Effect on EBMUD's Interceptor System.** The East Bay Communities' collection systems are connected to EBMUD's interceptors. By the early 1980s, excessive I/I from the East Bay Communities' collection systems could sometimes force EBMUD's interceptors to overflow untreated wastewater at seven designed overflow structures along the San Francisco Bay shoreline.

3. **EBMUD Wet Weather Permits.** The Regional Water Board first issued an NPDES permit to EBMUD in 1976 for the wet weather discharges from EBMUD's interceptors. The permit required EBMUD to eliminate the discharge of untreated overflows from its interceptors and to protect water quality in San Francisco Bay. The Regional Water Board reissued the permit in 1984, 1987, 1992, 1998, 2005, 2009, and 2014. The Regional Water Board incorporated additional requirements following construction of the WWFs.

4. **Collection System Permits for East Bay Communities.** Following the issuance of the wet weather permit to EBMUD in 1976, the Regional Water Board issued similar permits to all the East Bay Communities, except the City of Emeryville. The Regional Water Board reissued those permits in 1984, 1989, 1994, 2004, 2009, and 2014. Originally, the Regional Water Board did not issue the City of Emeryville a permit because it believed no wet weather overflows occurred in the City of Emeryville's service area. However, the Regional Water Board subsequently identified wet weather overflows in the City of Emeryville and issued a permit in 2004 (reissued in 2009 and 2014).

5. **East Bay I/I Study and I/I Correction Program.** In response to the requirements in the NPDES permits regarding the control of untreated overflows from EBMUD's interceptors and the East Bay Communities' collection systems, EBMUD and the East Bay Communities coordinated efforts to develop a program to achieve compliance. In 1980, EBMUD and the East Bay Communities, including the Discharger, initiated a six-year $16.5 million East Bay I/I Study, primarily funded by the Clean Water Grant Program. The study outlined recommendations for a long-range sewer improvement program called the East Bay I/I Correction Program. The East Bay I/I Study also set forth compliance plans for each of the East Bay Communities to complete specific sewer rehabilitation projects identified by the I/I Correction Program. The compliance plans proposed to implement the I/I Correction Program over 20 years to eliminate wet weather overflows from the East Bay Communities' collection systems up to the five-year storm event. The total program cost was estimated to be about $300 million in 1985 dollars. These compliance plans were later incorporated into Cease and Desist Order (CDO) No. 86-17 (discussed below).

6. **Joint Powers Agreement (JPA).** To address I/I problems in the East Bay Communities' wastewater collection systems, on February 13, 1979, the East Bay Communities and EBMUD entered into a JPA under which EBMUD served as administrative lead agency to

conduct the East Bay I/I Study. The JPA was amended on January 17, 1986, to designate EBMUD as the lead agency during the initial five-year implementation phase of the East Bay I/I Study recommendations. The amended JPA also delegated authority to EBMUD to apply for and administer grant funds, to award contracts for mutually agreed upon wet weather programs, and to perform other related tasks. Programs developed under the JPA were directed by a Technical Advisory Board composed of one voting representative from each of the East Bay Communities and EBMUD. In addition, one non-voting staff member of the Regional Water Board, the State Water Board, and U.S. EPA were invited to participate.

7. **Cease and Desist Order.** In 1986, the Regional Water Board issued CDO No. 86-17 to the East Bay Communities, including the City of Emeryville (reissued as CDO No. 93-134). The CDO required the East Bay Communities to cease and desist discharging from their wastewater collection systems. It directed the I/I Correction Program to focus on conducting activities that reduce impacts to public health. In 2009, the Regional Water Board amended the CDO for Oakland (CDO No. R2-2009-0087) to require rehabilitation of sewer mains instead of construction of relief sewers because relief sewers would not reduce I/I, and because a long-term solution that significantly reduced excessive I/I was needed since EBMUD was no longer allowed to discharge from its WWFs. In 2011, the Regional Water Board rescinded the CDO for the Stege Sanitary District, and the cities of Alameda, Albany, Berkeley, Emeryville, and Piedmont because these East Bay Communities had completed all the work the CDO required.

8. **EBMUD's Wet Weather Program.** From 1975 to 1987, EBMUD underwent its own wet weather program planning and developed a comprehensive Wet Weather Program. The objective of the program was that EBMUD's WWFs would have the capacity to accommodate peak flows from the East Bay Communities' trunk sewers at the end of the I/I Correction Program implementation period. In 1987, EBMUD started implementing the program, which involved constructing three WWFs, two wet weather interceptors, and new storage basins and pumping facilities; expanding the main wastewater treatment plant; and eliminating two out of the seven then existing wet weather overflow structures.

9. **Updates to the Original I/I Correction Program.** In 1993, after the Regional Water Board notified the East Bay Communities that it was considering a new CDO, the East Bay Communities requested the opportunity to revise their Compliance Plans due to increased costs. New technological developments and the inadequacy of methods previously thought viable for sewer rehabilitation and relief line installation had significantly increased the cost of the original I/I Correction Program. The revised Compliance Plans incorporated the experience gained from the implementation of the I/I Correction Program to better address the remaining I/I Correction Program projects.

10. **Extensions to Original Compliance Plans.** The increase in project costs necessitated extensions of the schedules in the original Compliance Plans to minimize impacts on ratepayers. As a result, all the East Bay Communities except the Stege Sanitary District and the City of Emeryville submitted revised Compliance Plans and schedules in October 1993. The Regional Water Board granted the cities of Albany, Alameda, Berkeley, Oakland, and Piedmont five- to ten-year extensions to the original compliance schedules in CDO No. 93-134.

11. **2009 Permit and Lawsuits.** In November 2009, the Regional Water Board reissued the Discharger's permit, which included a new prohibition against the Discharger operating its collection system in a manner that caused or contributed to discharges from EBMUD's WWFs. The change reflected State Water Board Order WQ 2007-0004, which held that EBMUD's WWFs are subject to secondary treatment requirements. Thereafter, after confirming with EBMUD that secondary treatment is impossible at the WWFs, the Regional Water Board prohibited discharges from the WWFs through Order No. R2-2009-0004. Shortly afterward, in January 2009, U.S. EPA and the Regional and State Water Boards sued EBMUD for discharges in violation of this prohibition based on EBMUD's inability to comply. U.S. EPA also filed a separate lawsuit in December 2009 against the East Bay Communities for violations of their permits for sewer overflows and failure to properly operate and maintain their sewer systems in a manner that does not cause or contribute to discharges from the WWFs. The Regional and State Water Boards joined that lawsuit as plaintiffs. San Francisco Baykeeper and Our Children's Earth intervened. The result was partial remedies in the form of Stipulated Orders for Preliminary Relief.

    The EBMUD Stipulated Order required EBMUD to, among other things, conduct flow monitoring on the East Bay Communities collection systems, adopt a regional private sewer lateral ordinance, implement an incentive program to encourage replacement of leaky private sewer laterals, and develop an asset management template for managing wastewater collection systems. EBMUD conducted several studies to provide the basis for developing many of the technical provisions of the EBMUD Stipulated Order. One conclusion of these studies was that, while the East Bay Communities had made significant progress in reducing I/I through the I/I Correction Program and subsequent sewer pipe rehabilitation, it was unlikely that these projects would be sufficient to reduce flows from the East Bay Communities to the extent that discharges from the WWFs would be eliminated or significantly reduced. The cooperation of each community in the development and implementation of the programs specified above, along with repairing and rehabilitating their own wastewater collection systems, would be critical to achieving the wet weather flow reductions within each system necessary to eliminate discharges from the WWFs.

    The East Bay Communities Stipulated Order required the communities to take interim steps to address excessive I/I from their collection systems that contribute to discharges from the WWFs.

12. **2014 Consent Decree.** The EBMUD and East Bay Communities lawsuits were consolidated, and on September 22, 2014, the court entered a Consent Decree, which included the final remedy to eliminate discharges at the WWFs.

13. **Rehabilitation Progress.** The Consent Decree requires the Discharger to complete specified work, including, but not limited to, the following:

    - Rehabilitate sewer mains at an increasing rate per fiscal year, as defined in Appendix E of the Consent Decree based on a cumulative total (i.e., 34,040 feet by June 30, 2017; 44,707 feet by June 30, 2018; etc.), where the fiscal year is defined as July 1 through June 30;

- Perform condition assessments at a rate of 10 percent per year of total feet of sewer mains that are more than ten years old or have not been inspected within ten years (77,616 feet per fiscal year);
- Cooperate with the implementation of EBMUD's approved regional ordinance for the inspection and repair or rehabilitation of private (upper) sewer laterals;
- Eliminate or require elimination of high priority sources identified by EBMUD's Regional Technical Support Program within 24 months of identification;
- Monitor the water level in maintenance holes at nine locations identified in the Consent Decree and implement improvements as required to prevent an SSO due to capacity limitations at these locations;
- Repair acute defects in sewer pipes as soon as possible, but no later than within 12 months of identification, to prevent sanitary sewer overflows;
- Clean the Discharger's collection system at a rate of 211,200 feet of sewer mains per fiscal year, and;
- Treat sewer mains to control excessive roots in the collection system at a minimum rate of 40,000 feet per fiscal year on a three-fiscal year rolling average.

From the Consent Decree's entry on September 2014 through June 30, 2018, the Discharger met the required sewer rehabilitation and condition assessment requirements of the Consent Decree. On average, the Discharger performed condition assessments 28 percent per year of total feet of sewer mains that are more than ten years old or have not been inspected within the last ten years.

EBMUD's Regional Technical Support Program has not identified any high priority sources of inflow within the Discharger's service area to date.

The Discharger repaired nine identified acute defects within the requisite 12-month timeframe.

The Discharger has reported no capacity related SSOs at any of the nine maintenance holes identified by the Consent Decree. The Discharger has completed projects at two of the nine locations to proactively alleviate capacity issues.

The Discharger met all required minimum root control requirements. As rehabilitation has continued, the Discharger requested that the minimum requirement for root control be reduced to 23,952 feet. U.S. EPA and the Regional Water Quality Control Board approved this request per Section XVIII of the Consent Decree.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

A. Legal Authorities

This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260) for discharges to waters of the State. This Order is also issued pursuant to Clean Water Act section 402 and implementing regulations adopted by U.S. EPA, and Water Code chapter 5.5, division 7 (commencing with § 13370).

B. California Environmental Quality Act

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code division 13, chapter 3 (commencing with § 21100).

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plan.** The Regional Water Board adopted the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. In addition, this Order implements State Water Board Resolution No. 88-63, which established State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Because of the marine influence on San Francisco Bay, total dissolved solids levels exceed 3,000 mg/L; therefore, San Francisco Bay meets an exception to State Water Board Resolution No. 88-63. Beneficial uses applicable to Lower San Francisco Bay are as follows:

Table F-3. Basin Plan Beneficial Uses

Receiving Water Name	Beneficial Uses	
Central and Lower San Francisco Bay and its Tributaries	• Ocean, Commercial, and Sport Fishing (COMM) • Estuarine Habitat (EST) • Industrial Service Supply (IND) • Marine Habitat (MAR), Fish Migration (MIGR) • Navigation (NAV)	• Preservation of Rare and Endangered Species (RARE) • Water Contact Recreation (REC1) • Noncontact Water Recreation (REC2) • Shellfish Harvesting (SHELL) • Fish Spawning (SPWN) • Wildlife Habitat (WILD)

2. **Bacteria.** The State Water Board adopted the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Part 3, Bacteria Provisions and a Water Quality Standards Variance Policy* on August 7, 2018, and it became effective on March 22, 2019. This plan establishes new enterococcus bacteria water quality objectives and related implementation provisions for discharges to marine and estuarine receiving waters that support the water contact recreation beneficial use. Requirements of this Order are consistent with the bacteria provisions and associated water quality objectives because discharges from the sewer collection system are prohibited.

3. **Sediment Quality.** The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. The State Water Board adopted amendments to the plan on June 5, 2018, that became effective on March 11, 2019. This plan supersedes other narrative sediment quality objectives and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. Requirements of this Order are consistent with the sediment quality objectives because discharges from the sewer collection system are prohibited.

4. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995, and November 9, 1999. About

40 criteria in the NTR apply in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and incorporated the previously adopted NTR criteria that applied in the State. U.S. EPA amended the CTR on February 13, 2001. These rules contain water quality criteria for priority pollutants. Requirements of this Order are consistent with the NTR and CTR because discharges from the sewer collection system are prohibited.

5. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria U.S. EPA promulgated for California through the NTR and the priority pollutant objectives the Regional Water Board established in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria U.S. EPA promulgated through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives, and provisions for chronic toxicity control. Requirements of this Order are consistent with the SIP because discharges from the sewer collection system are prohibited.

6. **Antidegradation Policy.** Federal regulations at 40 C.F.R. section 131.12 require that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy through State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California,* which is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Permitted discharges must be consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Requirements of this Order are consistent with the anti-degradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16 because discharges from the sewer collection system are prohibited.

7. **Anti-Backsliding Requirements.** Clean Water Act sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Requirements of this Order are consistent with the anti-backsliding provisions of Clean Water Act sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) because discharges from the sewer collection system are prohibited.

8. **Endangered Species Act Requirements**. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the State, including protecting rare, threatened, or endangered species. The Discharger is responsible for meeting all applicable Endangered Species Act requirements.

D. Impaired Waters on Clean Water Act 303(d) List

On April 6, 2018, U.S. EPA approved a revised list of impaired waters pursuant to Clean Water Act section 303(d), which requires identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. Where it has not done so already, the Regional Water Board plans to adopt total maximum daily loads (TMDLs) for pollutants on the 303(d) list. TMDLs establish wasteload allocations for point sources and load allocations for nonpoint sources and are established to achieve water quality standards. Central and Lower San Francisco Bay are listed as impaired by a number of pollutants; however, this Order does not contribute to those impairments because it prohibits discharge.

IV. RATIONALE FOR DISCHARGE PROHIBITIONS

A. Discharge Prohibition III.A (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.

B. Discharge Prohibition III.B (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.

C. Discharge Prohibition III.C (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.

D. Discharge Prohibition III.D (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 discharges from the WWFs and violations of the Clean Water Act.

This prohibition is based on 40 C.F.R. section 122.41(e), which requires permittees to properly operate and maintain all facilities. The need for this prohibition results from a 2009 change to the permit requirements for EBMUD's WWFs that prohibited WWF discharges because the discharge of partially treated wastewater violates the Clean Water Act. Attachment D section I.D sets forth a general requirement for proper operation and maintenance; however, this prohibition is necessary to specifically address the Discharger's excessive I/I into its collection system leading to discharges that violate the Clean Water Act. During wet weather, excessive I/I causes peak wastewater flows to EBMUD's system that EBMUD cannot fully store or treat. This in turn results in the Discharger's and other East Bay Communities' partially treated wastewater being discharged from the WWFs in violation of the Clean Water Act. Therefore, this prohibition is necessary to ensure that the Discharger properly operates and maintains its facilities to reduce I/I and, by doing so, not cause or contribute to violations of the Clean Water Act. The Consent

Decree sets forth a time schedule and work obligations for the Discharger so that it may come into compliance with this prohibition. The Consent Decree also contains stipulated penalties for failure to conduct the required work.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Because this Order prohibits discharge, it does not allow for any impact on receiving waters. As such, the Order does not include receiving water limitations.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Federal regulations at 40 C.F.R. section 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results relating to compliance with effluent limitations. Because this Order prohibits discharges from the wastewater collection system, there are no effluent limitations. However, consistent with *General Waste Discharge Requirements for Sanitary Sewer Systems* (Order No. 2006-0003-DWQ), as amended by Monitoring and Reporting Program Order No. WQ 2013-0058-EXEC, the Discharger must still notify the Regional Water Board and submit a written report if discharges occur in violation of Prohibition III.A, III.B, or III.C.

The Discharger need not report discharges from the WWFs because EBMUD is responsible for such reporting.

VII. RATIONALE FOR PROVISION

Attachment D contains standard provisions that apply to all NPDES permits in accordance with 40 C.F.R. section 122.41 and additional conditions applicable to specific categories of permits in accordance with 40 C.F.R. section 122.42. The Discharger must comply with these provisions. The conditions set forth in 40 C.F.R. sections 122.41(a)(1) and (b) through (n) apply to all state-issued NPDES permits and must be incorporated into permits either expressly or by reference.

In accordance with 40 C.F.R. section 123.25(a)(12), states may omit or modify conditions to impose more stringent requirements. This Order omits the federal conditions that address enforcement authority specified in 40 C.F.R. sections 122.41(j)(5) and (k)(2) because the State's enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates Water Code section 13387(e) by reference.

Attachment D requires proper sewer system management and reporting. These requirements may be satisfied by separately complying with State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2013-0058-EXEC and any subsequent order updating these requirements. These statewide WDRs require public agencies that own or operate sanitary sewer systems with one or more miles of sewer lines to enroll for coverage and comply with requirements to develop sanitary sewer management plans and report sanitary sewer overflows, among other provisions and prohibitions. The statewide WDRs contain requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. The Discharger must comply with the statewide WDRs and this Order. Compliance with the statewide WDRs will satisfy the corresponding reporting requirements for sanitary sewer overflows in Attachment D.

VIII. PUBLIC PARTICIPATION

The Regional Water Board considered the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, Regional Water Board staff developed tentative WDRs and encouraged public participation in the WDR adoption process.

A. Notification of Interested Parties. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. The public had access to the agenda and any changes in dates and locations through the Regional Water Board's website at waterboards.ca.gov/sanfranciscobay.

B. Written Comments. Interested persons were invited to submit written comments concerning the tentative WDRs as explained through the notification process. Comments were to be submitted either in person or by mail to the Executive Office at the Regional Water Board at 1515 Clay Street, Suite 1400, Oakland, California 94612, to the attention of Samuel Plummer.

For full staff response and Regional Water Board consideration, the written comments were due at the Regional Water Board office by 5:00 p.m. on December 9, 2019.

C. Public Hearing. The Regional Water Board held a public hearing on the tentative WDRs during its regular meeting at the following date and time, and at the following location:

Date: February 12, 2020
Time: 9:00 a.m.
Location: Elihu Harris State Office Building
1515 Clay Street, 1st Floor Auditorium
Oakland, CA 94612

Contact: Samuel Plummer, (510) 622-2485, sam.plummer@waterboards.ca.gov

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested to be in writing.

Dates and venues change. The Regional Water Board web address is waterboards.ca.gov/sanfranciscobay, where one could access the current agenda for changes in dates and locations.

D. Reconsideration of Waste Discharge Requirements. Any aggrieved person may petition the State Water Board to review the Regional Water Board decision regarding the final WDRs. The State Water Board must receive the petition at the following address within 30 calendar days of the Regional Water Board action:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

E. Information and Copying. The Report of Waste Discharge, related supporting documents, and comments received are on file and may be inspected at the address above at any time between 8:00 a.m. and 5:00 p.m. (except noon to 1:00 p.m.), Monday through Friday. Copying of documents may be arranged by calling (510) 622-2300.

F. Register of Interested Persons. Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference the Facility, and provide a name, address, and phone number.

G. Additional Information. Requests for additional information or questions regarding this Order should be directed to Sam Plummer, (510) 622-2485, sam.plummer@waterboards.ca.gov