You Can’t Make This Stuff Up!
A Pretreatment Case for the History Books

NACWA Pretreatment & Pollution Prevention Workshop

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Agenda

• Background
• Naughty Behavior Overview
• Enforcement Tools
• Current Status & What’s Next
East Bay Municipal Utility District

- Located in Oakland, CA
- Owns and operates 30 miles of large diameter interceptor pipe, a main wastewater treatment plant, and three wet weather treatment facilities for 7 satellite collection system agencies
- Serves approximately 650,000 people in an 88-square-mile area along the east shore of San Francisco Bay
- Full secondary facility up to 168 MGD; current average daily flow is 67 MGD
- Celebrated 60 years of service in 2012
EBMUD Industrial Discharge & Pollution Prevention Program

• In 2011:
  – ~20,000 accounts classified as commercial, industrial, and institutional users
  – 9 SIUs categorical, 15 SIUs non-categorical, 11 non-SIUs, and 20 non-SIU zero discharge–categorical permits
  – Other permits managed include groundwater, special discharge, and estimation permits.

• Pollution Prevention Program Includes:
  – 1167 pollution prevention permits for businesses such as vehicle washing facilities, photo processing, and hospitals
  – Regional FOG Program
  – Regional Pharmaceutical Take Back Program
  – Mercury Management
  – Green Chemistry Initiatives
  – General Outreach/Education
Discharger Background

- Electroplating company in Oakland, CA
- Highly industrial region
- In operation since 1930s
- Currently employs approximately 8-10 staff; at peak employed ~25
- Wastewater discharge is subject to federal categorical regulations (40 CFR 413.14) and local limits
Naughty Behavior Overview

Violation History

• Cease and Desist Order issued in 1993 for repeated violations

• Between 1993 and 2000 there were 97 violations

• Federal EPA investigation, felony conviction, civil penalties 2000-2002 (RAID #1)
  – Bypass of pretreatment system (FOUND A SMOKING GUN!)

• Discharge Violations continued after federal investigation
  – EBMUD enforcement included increased monitoring with associated monitoring and testing fees

• Monitoring 2004-Nov. 2008
  – Few violations detected from permitted discharge location
Investigation 2008-2009

• District initiated monitoring in manholes in surrounding sewers in December 2008 due to:
  – Discharge violation
  – Water/sewer bill nonpayment and intermittent shutoffs

• December 2008 – March 2009 detected numerous zinc violations at unauthorized discharge locations

• April 2009 Multi-agency inspection (RAID #2)
  – Bypassing pretreatment system
  – Discharge to unauthorized discharge point
Administrative Order 2009

- September 2009 Order to the Discharger required
  - Engineer-prepared work plan and field investigation to identify
    - All connections to community sewer
    - Sewer connections within facility
  - EBMUD approval for plan to seal unauthorized connections
  - Seal all connections to sewer other than pretreatment system and sanitary
  - $7,500 fine

- EBMUD increased monitoring from monthly to weekly

- Multiple Appeals → Settlement Agreement
Settlement Agreement March 2010

- Settlement Agreement required:
  - Work plan be submitted to EBMUD to identify all connections to sewer
  - District approval of plan prior to corrective actions
  - Seal all unauthorized connections to sewer and all pipes/sumps that do not discharge to pretreatment system
  - Work to be performed by or under direction of licensed contractor

- After work is complete, discharger may institute third party monitoring to replace some District monitoring, to decrease costs
- Work to be completed within 6 months (by Sept. 8, 2010)
- No work completed; Settlement Agreement is void
- EBMUD Administrative Order is now in effect
Naughty Behavior Continues…

- No work to address Sep 09 Administrative Order
- Numerous violations throughout 2011
- Operations continue uninterrupted
- Discharges from the authorized discharge location cease
- Evidence of continued illicit discharges
Discharger claims they are a ZERO DISCHARGE facility! (provides no evidence)

There have been no upgrades/modifications to the process equipment.

Violations in surrounding sewers continue.

Their water meters get shut off for non-payment.

NO LEGAL SOURCE OF WATER YET THEY CONTINUE TO OPERATE!
You Got That?!?

- No water
- No discharge
- Continued operation
- Claims to be a ZD
- No upgrades to the ancient run down equipment
- Multiple continuous hits in the surrounding sewers
- Non-responsive to violation notices

Can you guess what happened next?
EBMUD works with local District Attorney’s office to support another multi-agency investigation

Search warrant issued on March 1, 2012 (RAID #3)

Participants included EBMUD, DA, EPA, DTSC, CDFG, OSHA, and multiple law enforcement agencies

Several samples collected to validate the ZD claim

Identified illicit connection to water system

Data still under review

DA still evaluating the case for legal action
Current Status

- Disconnected illicit water connection – yet they still operate
- Monitoring continues
- Violations continue
- Evaluation of options is underway
- Coordination with outside agencies will be needed
Thanks for the free therapy session!

Questions?