

You Can't Make This Stuff Up!
A Pretreatment Case for the History Books
NACWA Pretreatment & Pollution Prevention Workshop

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Agenda

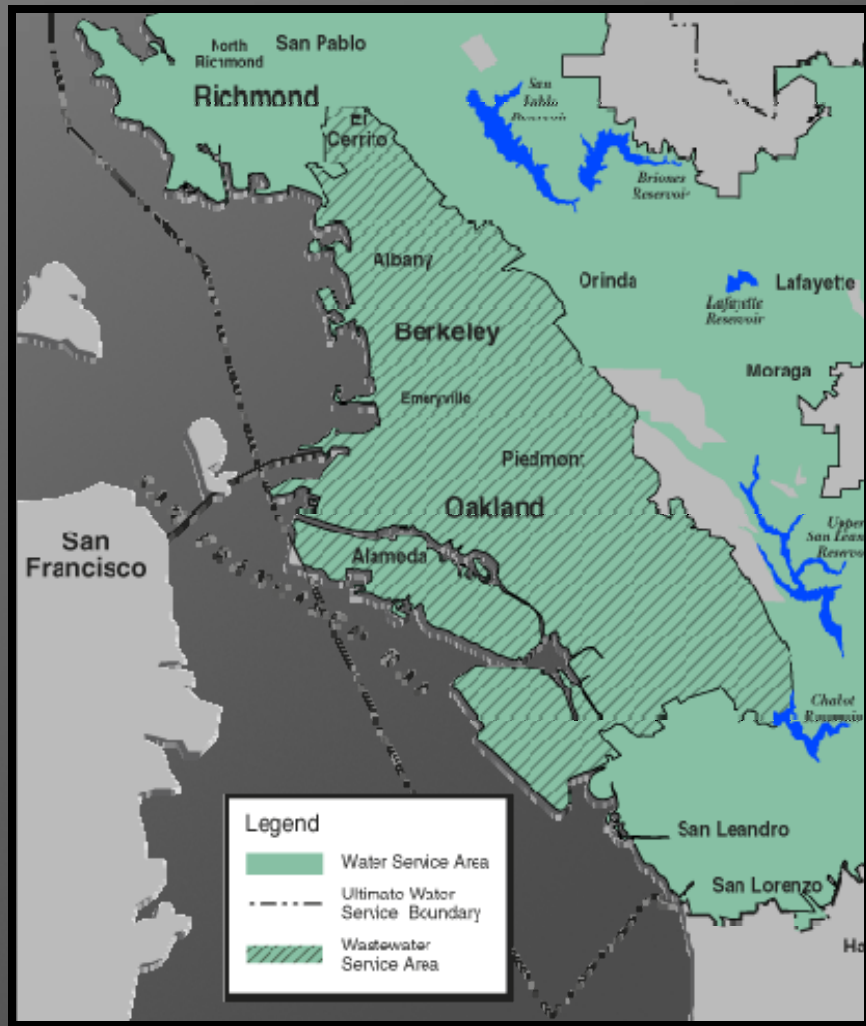


- Background
- Naughty Behavior Overview
- Enforcement Tools
- Current Status & What's Next

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





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MVI_715-4th_old_barrel_line









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



Naughty Behavior (cont.)



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

...Then It Gets Downright CRAZY!!



- 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?

HOT off the Presses



- 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?