

Committee Request for Board Action: None

37 attendees participated remotely, from 18 member agencies and the Regional Water Board.

Modifications to NPDES Permits in Region 2 to Remove Receiving Water Limitations

Robert Schlipf and Bill Johnson from the Regional Water Board's Wastewater Control and Enforcement Division joined the meeting to describe their efforts to update NPDES permits in Region 2 to reflect the March 2025 [Supreme Court ruling](#) in *City and County of San Francisco v. USEPA*. The first Tentative Order to be released for public comment with the new language is the [San Jose/Santa Clara NPDES Tentative Order](#), which is scheduled for the August 13th Regional Water Board meeting. Section 4.3.3.9 of the Tentative Order Fact Sheet contains a detailed reasonable potential analysis to justify removal of receiving water limitations, especially the limits that were based on narrative objectives in the [Basin Plan Chapter 3](#) (e.g., "suspended material in concentrations that cause nuisance"; "bottom deposits or aquatic growths"; "coloration that causes nuisance"). Going forward, similar language will need to be included in all Region 2 permits as they are reissued. Regional Water Board staff may request additional information about local ordinances (e.g., sewer use ordinance prohibitions on radiological material) to inform the Fact Sheet language specific to each permittee. The Tentative Order also contains edits so that provisions prohibiting nuisances caused by wastewater treatment (Attachment G, Section 1.9) or biosolids treatment and storage (Section 5.3.4.2) are narrowed to implement state law only.

[Nutrients Watershed Permit](#)

- **Interim Effluent Limits** are now in effect for the 2025 Dry Season. Agencies do not need to report the average dry season load in monthly SMRs; this will be included at the end of the year in the annual SMR (see [August 2024 Board Report](#)). Agencies should make a note of operational issues related to nutrient loads in the cover letter of monthly SMRs, as indicated by Footnote 1 of Table E-4 of the Permit.
- **Reporting Mass Loads (kg/day) to CIWQS.** Some dischargers use an averaging period for daily flow values (e.g., midnight to midnight) that differs from the averaging period for 24-hour composites (e.g., noon to noon, or 8 am to 8 am). To calculate mass loads for nutrients (kg/day), dischargers should use the same averaging period for both flow and concentration (e.g., noon to noon), as indicated in Section 8.1.2 of Attachment G. This could mean that the daily flow value reported to CIWQS would be different from the flow value used to calculate mass loads. Dischargers who modify their convention for calculating mass loads should include a note in the cover letter of their monthly SMR.
- **Basin Plan Amendment.** Regional Water Board staff are planning to work on a Basin Plan Amendment that would provide more than 10 years for compliance schedules for specific types of nutrient removal projects. In response to [May 13th](#) and [May 30th](#) letters from Regional Water Board staff, BACWA plans to compile additional information about "early actors" that may need more time in next year's Group Annual Report.

Effluent Characterization Study and Report

This provision in NPDES Permits (typically Provision 6.3.2) requires that agencies identify and respond if concentrations of pollutants "significantly increase over past performance." Attendees shared tips on how to fulfill this requirement, such as keeping all priority pollutant data from recent years in a spreadsheet that also contains the applicable water quality objectives. With this approach, any new results that are abnormally high (e.g., a detection of a constituent that is normally ND) or that exceed the water quality objective can be immediately flagged for quality review and other follow-up actions.

Next Meeting: Tuesday, August 19th, Virtual