

Central Valley Regional Water Quality Control Board  
20 June 2025 Board Meeting

Response to Written Comments on Proposed Revisions to six Tentative NPDES  
Permits Scheduled for Consideration at the 20 June 2025 Board Meeting

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At a public hearing scheduled for 20 June 2025, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider the adoption of the following six National Pollutant Discharge Elimination System (NPDES) permits:

1. Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters (CAAP) General Order Renewal, NPDES No. CAG135001
2. City of Davis Wastewater Treatment Plant (WWTP) Permit Renewal, Yolo
3. City of Stockton Wastewater Recovery Center (WWRC) Permit Renewal, San Joaquin County, NPDES No. CA0079138
4. City of Vacaville Easterly WWTP Permit Renewal, Solano County, NPDES No. CA0077691
5. Shasta-Sustainable Resource Management, Inc. Permit Renewal, Shasta County, NPDES No. CA0081957
6. United States Department of the Interior (USDI) National Park Service, Yosemite National Park, El Portal Wastewater Treatment Facility (WWTF) Permit Renewal, Mariposa County, NPDES No. CA0081759

On 6 May 2025, staff from the Central Valley Water Board released proposed revisions to the six tentative permits listed above to remove receiving water limitations and revise associated sections in response to the 4 March 2025 U.S. Supreme Court decision (*City and County of San Francisco vs. U.S. Environmental Protection Agency* (2025) 145 U.S. 704). This document contains responses to written comments received from interested persons and parties on these proposed revisions. Written comments from interested persons and parties were required to be received by the Central Valley Water Board by 5 June 2025 in order to receive full consideration. Comments were received prior to the deadline from:

1. Amah Mutsun Tribal (received 7 May 2025)
2. California Department of Fish & Wildlife (CDFW) (received 4 June 2025)
3. City of Davis (received 5 June 2025)

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4. U.S. Environmental Protection Agency (received 5 June 2025)

Written comments from these entities are summarized below, followed by the responses of Central Valley Water Board staff. Minor corrections to the proposed revisions are also included at the end of this document.

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**THE AMAH MUSTUN TRIBAL BAND OF SAN JUAN BAUTISTA & A.M.T.B. INC.  
COMMENTS (AMTB)**

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**AMTB COMMENT #1**

The Commenter provided general provisions to address discovery of a tribal cultural resource during construction and recommends searching through available tribal portals (SLF and CHRIS) and contacting the Native American Heritage Commission (NAHC) to determine areas of cultural and/or historic sensitivity. If a project is within one mile of a cultural or historic sensitivity, the Commenter recommends:

- All crews, individuals and personnel who will be moving any earth be Cultural Sensitivity Trained.
- A qualified California trained archaeological monitor is present during any earth movement.
- A qualified Native American monitor is present during any earth movement.

**RESPONSE:** Thank you for the comment and recommendations. This comment is outside of the scope of the proposed revisions to remove surface water limitations from six NPDES permits. This comment concerns recommended measures for construction and/or other earth moving work to avoid or reduce impacts to tribal cultural resources; these measures are not applicable to these permit revisions.

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**CDFW COMMENTS**

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**CDFW COMMENT #1:**

- a. Best Management Practices (BMPs) followed by CDFW hatchery personnel, in combination with UV filtration and biosecurity protocols, prevent or reduce the likelihood of pathogenic contamination. For these reasons, and because the presence of *E. coli* is extremely unlikely at CDFW's CAAP facilities due to extremely low prevalence in the host and cold water, this additional monitoring requirement may be an unnecessary monitoring requirement placed on category 3 cold water hatchery discharges over the long term. We recognize the need to be conservative with the bacteria water quality objective and agree to conduct

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the monitoring this next permit term. However, we would like to see the language updated to say that no further *E. coli* monitoring will be required in the next permit term after it is determined through monitoring that CAAP discharges are not contributing to the levels of *E. coli* in the receiving waters.

- b. How will the Central Valley Regional Water Quality Control Board determine if CAAP discharges are protective of beneficial uses in the receiving water from *E. coli* monitoring data?
- c. If the Central Valley Regional Water Quality Control Board determines that a CAAP facility discharge is not protective of beneficial uses, what would be the outcome?"

**RESPONSE:**

- a. Staff concur that the frequency of *E. coli* monitoring may be reduced or discontinued in subsequent permit terms if it is determined through monitoring data and/or other information that CAAP discharges are protective of the associated beneficial uses. As part of the late revisions to this permit, Attachment C, Section IX.C, Other Characterization Monitoring, is revised as follows:

**C. Other Characterization Monitoring**

The Central Valley Water Board has determined that additional monitoring data for *Escherichia coli* (all facilities) and un-ionized ammonia (only facilities discharging into the Tulare Lake Basin) are needed to ensure CAAP discharges are protective of beneficial uses in the receiving water.

Accordingly, the Central Valley Water Board is requiring, as part of this MRP, that CAAP facilities collect one sample each in the upstream receiving water and effluent and analyze the samples for these constituents once during the term of this Order. The monitoring shall occur beginning on or after 1 January 2027, but no later than 1 January 2029. CAAP facilities with more than one discharge (EFF-001, EFF-002, etc.) may sample one effluent discharge if the Executive Officer determines the discharge is representative of the entire facility. The monitoring data shall be submitted to the Central Valley Water Board within 60 days of the final sampling event. Constituents shall be monitored using analytical methods with sufficiently sensitive reporting levels consistent with the SSM Rule specified in 40 C.F.R. §§ 122.21(e)(3) and 122.44(i)(1)(iv). The frequency of this monitoring may be reduced or discontinued in subsequent permit terms if monitoring data and/or other

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information demonstrate that discharges are protective of beneficial uses in the receiving water.

- b. Staff will use the Statewide Bacteria Provisions (Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California) to evaluate the *E.coli* monitoring data and determine if there are any potential impacts to the receiving water.
- c. If staff determine that a facility's discharge has the reasonable potential to cause an exceedance of the water quality objective(s), then the Notice of Applicability for that facility will include an effluent limitation consistent with 40 C.F.R. § 122.44(d)(1)(iii).

**CDFW COMMENT #2:**

Update Board Meeting month from April to June in Attachment D - FACT SHEET, IX. Public Participation, C. Public Hearing"

**RESPONSE:**

This minor edit has already been made to the agenda version of the tentative permit. No late revisions are needed.

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**CITY OF DAVIS COMMENTS**

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**CITY OF DAVIS COMMENT #1:**

**Proposed revision to Attachment E, Section X.B.7.e does not match the narrative in the revised tentative permit for turbidity.** The City requests that the narrative in the proposed provision "... applicable to the natural turbidity condition specified in section V.A.17.a-e of the Waste Discharge Requirements" be removed, since the limitations under section V.A of the Waste Discharge Requirements is listed as None.

**RESPONSE:**

Staff made this correction in the agenda's revised tentative version of the permit. See Staff Correction #2 below. No late revisions are needed.

**CITY OF DAVIS COMMENT #2:**

**Proposed revision to Attachment F – Fact Sheet Section III.C.7 Applicable Plans, Policies and Regulations, State and Federal Laws, Regulations, Policies and Plans, Endangered Species Act Requirements (section III.C.7).** The revised

tentative permit did not reflect the proposed revision and still state the original statement from the tentative order permit received in December 2024. The City requests the proposed revision statement to be incorporated to the revised tentative permit.

**RESPONSE:**

The agenda's revised tentative version of the permit correctly removes the receiving water limitation language as described below in Staff Correction #1. No late revisions are needed.

**CITY OF DAVIS COMMENT #3:**

Propose revision to Attachment F – Section VII.C.1.b Receiving Water Monitoring, Surface Water, stated “revise section VII.C.1.a”. The proposed statement for section VII.C.1.a matched the statement in the revised tentative permit. Please note that the revised permit no longer has Section VII.C.1.b.

**RESPONSE:**

The reference in the proposed revisions to Attachment F - Section VII.C.1.b was incorrect. As the commenter noted above, the reference should have been made to Attachment F - Section VII.C.1.a. See Staff Correction #3 below for the correction to the proposed revisions document. In addition, the specific sentence that needed to be revised was not specified in the proposed revisions. Late revisions include the additional sentences in Attachment F – Section VII.C.1.a that were erroneously removed from the agenda version of the tentative permit.

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**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) COMMENTS**

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**EPA COMMENT #1:**

EPA supports the Regional Board's approach to considering whether additional permit conditions are needed based on the removal of receiving water limitations to meet federal permitting regulations.

For the City of Vacaville Easterly Wastewater Treatment Plant permit (NPDES No. CA0077691), EPA recommends the Regional Board clarify whether the facility's discharges have reasonable potential to exceed the narrative objective for temperature in the Sacramento and San Joaquin River Basin Plan (Basin Plan) in accordance with 40 C.F.R. § 122.44(d). The permit, fact sheet, and technical memorandum contain conflicting information. Assuming the Regional Board determines there is no reasonable

potential, EPA recommends adding discussion and rationale on this matter in the Vacaville Permit, Section IV.C.3.a Constituents with No Reasonable Potential.

If the Regional Board determines that it does not have sufficient data to draw a conclusion about the reasonable potential for the discharge to cause an exceedance of the temperature objective, then EPA supports including a special study that would gather sufficient information to make this determination. EPA also recommends adding a permit provision that data collected from the temperature special study will be assessed during the mid-term review to re-evaluate whether additional permit conditions are needed to meet temperature water quality objectives. However, if the Regional Board determines that there is reasonable potential for the discharge to cause an exceedance of the temperature objective, then the permit must include a limit for that pollutant, consistent with 40 C.F.R. § 122.44(d)(1)(iii).

#### **RESPONSE:**

Thank you for the support of the Board's approach. Central Valley Water Board staff have determined that there is no reasonable potential to cause an exceedance of the temperature objective in the receiving water. The following language is included in Section IV.C.3.a as a late revision to the tentative permit:

#### **a. Constituents with No Reasonable Potential**

##### **ii. Temperature**

- (a) **WQO.** Old Alamo Creek has a designated beneficial use of warm freshwater habitat. New Alamo Creek has designated beneficial uses of cold freshwater habitat and warm freshwater habitat. The Basin Plan states that "[a]t no time shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature." Applying the Basin Plan's numeric temperature objective is not feasible in Old Alamo Creek since the realignment of the creek cut off the natural receiving water flows from the upper watershed. However, a 2006 study conducted by the Discharger titled *Characterization of Water Body and Reach-specific Seasonal Temperature Regimes Within the Alamo Creek Watershed and Recommended Temperature Limitations for the City of Vacaville's Easterly Wastewater Treatment Plant* (Temperature Report) reported that adult Fall-run Chinook salmon occasionally stray into New Alamo Creek. The Discharger's Temperature Report recommended seasonal temperatures that are protective of adult salmon, shown below. These site-specific seasonal temperature limits, described in a through c below, were determined to be an appropriate interpretation of the Basin Plan's narrative temperature water quality objective.

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- a. The temperature within Old Alamo Creek, as measured at Monitoring Location RSW-002, to rise above 83°F at any time;
  - b. The annual average temperature within New Alamo Creek, as measured at Monitoring Location RSW-004, to increase more than 5°F compared to the annual average background temperature, as measured at Monitoring Location RSW-003; and
  - c. New Alamo Creek temperatures, as measured at Monitoring Location RSW-004, to exceed the following:
    - i. 5°F over the ambient background temperature, as a monthly average, from 1 March through 31 August;
    - ii. 72°F, as a period average, from 1 September through 14 October;
    - iii. 70°F, as a period average, from 15 October through 31 October;
    - iv. 66°F, as a monthly average for November; and
    - v. 60°F, as a monthly average, from 1 December through 28 February.
  - (b) **RPA Results.** For priority pollutants, the SIP dictates the procedures for conducting the RPA. Temperature is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board used professional judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent. Compliance with the temperature receiving water limitations was determined based on the difference in the temperature measured at Monitoring Location RSW-003 compared to the downstream temperature measured at Monitoring Location RSW-004 for the averaging periods specified in the Temperature Report. Data demonstrates that there were two exceedances, as measured at Monitoring Location RSW-004, of the receiving water limitations for the period of 1 December through 28 February (as monthly average) for January 2021 and December 2024 of 61°F and 63°F, respectively. Monitoring Location RSW-004 is located in New Alamo Creek, approximately 2,000 feet downstream of the confluence with Old Alamo Creek and approximately three miles from monitoring location EFF-001, located in Old Alamo Creek. No other exceedances of the criteria specified in the Temperature Report occurred between 2020 to 2024.

The Central Valley Water Board finds the discharge does not have reasonable potential to cause or contribute to an exceedance of the site specific objectives due to insufficient data and the potential impact of other inputs. Furthermore, the Temperature Report was conducted in 2006 and conditions in the receiving

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water may have since changed. For this reason, the Discharger is required to conduct a special study that will gather the information necessary to evaluate the need for effluent temperature limitations. The special study is described in more detail in WDRs Section VI.C.2 of this Order.

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**STAFF CORRECTIONS ASSOCIATED WITH THE PROPOSED REVISIONS  
DATED 6 MAY 2025**

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**STAFF CORRECTION #1**

The proposed revision to Attachment F Fact Sheet Section III.C.7 Applicable Plans, Policies and Regulations, State and Federal Laws, Regulations, Policies and Plans, Endangered Species Act Requirements did not specify the sentence that needed to be changed and included additional language that was not in the original tentative drafts. The following revision was made only to the second to last sentence of Attachment F Section III.C.7 to the agenda version of the tentative permits 2-6 above:

This Order requires compliance with effluent limits and other requirements to protect the beneficial uses of waters of the state.

**STAFF CORRECTION #2**

The proposed revisions to the Turbidity Receiving Water Calculations section in Attachment E Section X.B.7 Reporting Requirements, Self Monitoring Reports included a reference to the surface water receiving water limitation section in the WDR that was removed as part of the proposed revisions. These erroneous references were removed from the Turbidity Receiving Water Calculations section in Attachment E Section X.B.7 in the agenda version of the tentative permits 2-6 above.

**STAFF CORRECTION #3**

Proposed revision #8 for permit 2 (City of Davis WWTP) incorrectly referenced Attachment F - Section VII.C.1.b instead of Attachment F - Section VII.C.1.a. In addition, the proposed revision did not specify that the revision was intended just for the first sentence of Attachment F - Section VII.C.1.a. The additional sentences that were removed from the agenda version of the tentative version are reinstated as a late revision to the permit. Attachment F - Section VII.C.1.a has been revised as follows:

**C. Receiving Water Monitoring**

1. Surface Water

- a. Receiving water monitoring is necessary to assess the impacts of the discharge on the receiving stream. Receiving surface water monitoring frequencies and sample types have been retained from Order R5-2018-



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0086. Quarterly receiving water monitoring for dissolved organic carbon has been included in this Order to calculate site-specific freshwater aluminum criteria in accordance with the 2018 U.S. EPA NAWQC for aluminum in freshwater for the next permit renewal.

#### **STAFF CORRECTION #4**

The agenda version of tentative permit 2 (City of Davis WWTF) incorrectly used the word “Concentrations” instead of “Calculations” in Attachment E Section X.B.7.e and X.b.7.f as described in the proposed revision. As part of the late revisions to the tentative permit, subsections e and f in Attachment E Section X.B.7 Reporting Requirements, Self Monitoring Reports are modified as follows:

- e. **Turbidity Receiving Water Calculations.** The Discharger shall calculate and report the turbidity increase for Willow Slough Bypass (RSW-001U and RSW-001D), and the Conaway Ranch Toe Drain (RSW-002U and RSW-002D) in the receiving water.
- f. **Temperature Receiving Water Calculations.** The Discharger shall calculate and report the temperature increase in the receiving water based on the difference in temperature at Willow Slough Bypass (Monitoring Locations RSW-001U and RSW-001D) and the Conaway Ranch Toe Drain (Monitoring Locations RSW-002U and RSW-002D).

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**STAFF REVISIONS TO THE TECHNICAL MEMORANDUM, A REVIEW OF  
RECEIVING WATER LIMITATIONS IN SIX NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) TENTATIVE PERMITS  
DATED 6 MAY 2025**

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#### **STAFF REVISION #1**

To provide additional clarification, the first sentence of the second paragraph in Section B.1. is revised to state the following:

None of the six tentative NPDES permits at issue here have RP to exceed the narrative dissolved oxygen water quality objectives.

#### **STAFF REVISION #2**

To clarify that radioactivity water quality objectives were also reviewed, the following sentence is added at the end of the first paragraph in Section B.2:

Attachment A Tables A-1 through A-6 also include a review of the radioactivity water quality objectives.

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**STAFF REVISION #3**

To provide additional clarification on the temperature considerations for the City of Stockton and City of Vacaville wastewater discharges, Section B.5 is revised to state the following:

- 5. *Temperature requirements.*** Most receiving water objectives for temperature are based on the existing temperature in the receiving water. This includes Basin Plan and Thermal Plan requirements. For this reason, many NPDES permits include receiving water limitations for temperature that limit the increase of temperature exhibited in the mixed downstream receiving water. As described above, if the RPA process determines there is RP, an effluent limitation will already have been included in the permit based on conditions exhibited by the effluent and receiving waters. Even when there is no temperature effluent limitation, NPDES permits usually require frequent temperature monitoring in the receiving waters to ensure the protection of beneficial uses. None of the six tentative permits at issue here (based on many years of data collection), had RP to cause or contribute to an exceedance of temperature objectives based on monitoring data. However, two of the permits have temperature considerations as described in the next paragraph.

There are a select number of facilities in the Central Valley that may need revised effluent limitations with the removal of the temperature receiving water limitation. These facilities are generally subject to the Thermal Plan (State Water Resources Control Board, 1975) or are in waterways with sensitive fish populations and limited fish passage. The permit for the City of Stockton WWRC is subject to the Thermal Plan and includes temperature effluent limitations because the Thermal Plan considers domestic wastewater discharges as “elevated temperature waste” to an estuary and the receiving water is impaired for temperature. The City of Vacaville Easterly WWTP has site-specific receiving water temperature considerations and additional permit requirements that are required to ensure beneficial use protection. Proposed permit updates are discussed in Section D.

**STAFF REVISION #4**

To provide additional clarification on the temperature recommendations for the City of Vacaville’s permit, Section D.1 is revised to state the following:

1. The City of Vacaville’s NPDES permit contains receiving water limitations for temperature that are based on site-specific conditions for the protection

of salmon. While the City has received two violations for exceeding the receiving water limitations for temperature during the most recent permit term, the Central Valley Water Board finds the discharge does not have RP to cause or contribute to an exceedance of the site specific objectives due to insufficient data and the potential impact of other inputs. In addition, the receiving water limitations are based on a study that was conducted almost 20 years ago and conditions in the receiving water may have since changed. For this reason, the permit should include a special study that would gather the information necessary to conduct an RPA and establish appropriate effluent limitations should RP be determined.

#### **STAFF REVISION #5**

The first two rows of Table A-1 in Attachment A are revised as follows to include information in the "Other Relevant Factors" Column:

***Table A-1. Receiving Water (RW) Limitations Review for CAAP General Order***

<b>Receiving Water Limitations to be Removed</b>	<b>Effluent Limitations and/or Monitoring</b>	<b>Other Relevant Factors</b>
Un-ionized Ammonia (for water bodies in the Tulare Lake Basin) (Numeric WQO)		Revised permit includes monitoring for unionized ammonia and bacteria to assess receiving water concentrations and effluent characterization.
Bacteria (Numeric WQO)		

#### **STAFF REVISION #6**

The Temperature row in Table A-3 of Attachment A is revised as follows to include clarification on the temperature effluent limitation.

***Table A-3. Receiving Water (RW) Limitations Review for the City of Stockton WWRC Tentative Order***

Receiving Water Limitations to be Removed	Effluent Limitations and/or Monitoring	Other Relevant Factors
Temperature (Numeric WQO)	No RP based on effluent data, but Temperature effluent limitations are included as part of the Thermal Plan requirements. Receiving Water Monitoring (monthly) is required	

**STAFF REVISION #7**

The first row in Table A-5 of Attachment A is revised as follows to include information in the “Other Relevant Factors” Column.

***Table A-5. Receiving Water (RW) Limitations Review for the Shasta-Sustainable Resource Management, Inc. Tentative Order***

Receiving Water Limitations to be Removed	Effluent Limitations and/or Monitoring	Other Relevant Factors
Bacteria (Numeric WQO)		The revised permit includes monitoring to assess receiving water concentrations and effluent characterization.