

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Marcia Liao)
MEETING DATE: September 10, 2014

ITEM: 6

SUBJECT: **City of San Jose, City of Santa Clara, San Jose/Santa Clara Water Pollution Control Plant, and the City of San Jose and City of Santa Clara Wastewater Collection Systems, San Jose and Santa Clara, Santa Clara County – Reissuance of NPDES Permit**

CHRONOLOGY: April 2009 – Permit reissued

DISCUSSION: The attached Revised Tentative Order (Appendix A) would reissue the NPDES permit for the San Jose/Santa Clara Water Pollution Control Plant, located in San Jose. The plant provides advanced-secondary treatment of up to about 100 million gallons per day of wastewater for approximately 1.4 million people. The wastewater comes from the cities of San Jose's and Santa Clara's wastewater collection systems, as well as those of the City of Milpitas, Burbank Sanitation District, Cupertino Sanitation District, West Valley Sanitation District, and Santa Clara County Sanitation Districts No.2 and No.3. Treated wastewater is discharged to Artesian Slough, which is tributary to San Francisco Bay via Coyote Creek.

The Revised Tentative Order would update discharge limits including more stringent limits for cyanide with which the cities should be able to comply. Also, it would significantly streamline ongoing study and reporting requirements that have been in prior permits for decades.

San Jose and the Bay Area Clean Water Agencies submitted comments (Appendix B) on a draft order circulated for review. We prepared a Response to Comments (Appendix C) and revised the draft order where appropriate. Substantial comments related to receiving water monitoring. Our proposed revisions would call for a more focused study to occur in the vicinity of a Regional Monitoring Program (RMP) station. They would also allow San Jose and Santa Clara to conduct the monitoring on their own, to rely on the RMP, or to propose an alternative approach that serves the same purpose.

Another substantial comment relates to the exception to the Basin Plan's shallow water discharge prohibition that is proposed to be continued. San Jose requested that the basis for the exception be changed from "equivalent protection" to "net environmental benefits" to acknowledge treatment improvements over the years, a thriving tidal wetland community, and San Jose's support for water quality and other scientific studies. We did not change the draft permit because the Board has reserved the "net environmental benefits" finding for cases where the benefits would not exist were it not for the discharge, such as for constructed wetlands. Also, a basis for "net environmental benefits" in San Jose's case should entail a more thorough analysis than that provided by San Jose, such as including peer review. We expect San Jose to testify on this comment at the Board meeting.

**RECOMMEN-
DATION:**

Adopt the Revised Tentative Order

CIWQS:

Place ID 255333

APPENDICES:

- A. Revised Tentative Order
- B. Comment Letters
- C. Response to Comments