

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

STAFF SUMMARY REPORT (Lila Tang)
MEETING DATE: March 9, 2016

ITEM: 7

SUBJECT: Discretionary Policy Decisions in NPDES Permits – Information Report

CHRONOLOGY: 1972 – U.S. Congress established NPDES program
1973 – State of California authorized to implement NPDES program

DISCUSSION: This item will highlight the discretionary decisions the Board is asked to make when it adopts an NPDES permit. It will provide a quick guide to where the Board can find the relevant background and bases for these recommended discretionary decisions within each wastewater permit, much of which is commonsense boilerplate and recitation of regulations.

The meat of each permit is in the requirements after “IT IS HEREBY ORDERED.” The most relevant background and bases for that meat are in the following two sections of each permit’s Attachment F, the Fact Sheet:

- Facility Description
- Rationale for Effluent Limitations and Discharge Specifications

All NPDES permits implement provisions of the Federal Water Pollution Control Act and federal and State regulations and policies that were promulgated within the authority of the Act. These include parts of the Code of Federal Regulations, applicable State plans, and most of our Basin Plan. There have been many updates to these regulations and policies over the years, some involving more significant discretionary decisions than others. Each update must be reflected in each discharger’s next permit when reissued by the Board as required every five years.

The last significant statewide update was in 2000 with the State Board’s adoption of the State Implementation Policy for toxic priority pollutant criteria. After several years and numerous petitioned permits and State Board-precedential orders, wastewater permits are mainly in maintenance mode with an occasional exception, such as the St. Helena permit the Board considered in January that involved a re-interpretation of an exception to a Basin Plan prohibition.

In the next 12 months, the Board may be called upon to make discretionary decisions related to implementation of new State plans on whole effluent toxicity objectives and chlorine residual criteria if the State Board acts.

**RECOMMEN-
DATION:**

No Board action is necessary on this information item.