

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

STAFF SUMMARY REPORT: William Burrell
MEETING DATE: December 10, 2025

ITEM: 5D

City of San José, City of Santa Clara, and San José/Santa Clara Water Pollution Control Plant, a Joint Powers Authority, for the City of San José/Santa Clara Water Pollution Control Plant, Cities of San José and Santa Clara Wastewater Collection Systems, San José and Santa Clara, Santa Clara County – Reissuance of NPDES Permit

DISCUSSION:

This Revised Tentative Order (Appendix A) would reissue the NPDES permit for the San José/Santa Clara Water Pollution Control Plant and wastewater collection systems. The plant serves about 1.4 million people in Santa Clara County, providing advanced secondary treatment for about 93 million gallons per day (MGD) of influent flow. Plant effluent is discharged to Artesian Slough, which flows to South San Francisco Bay via Coyote Creek. On average, the plant provides approximately 16 MGD of treated wastewater for non-potable purposes through the South Bay Water Recycling Program.

The Revised Tentative Order would remove the receiving water limitations contained in the previous order that served as backstops for unanticipated circumstances or changes to effluent quality that could affect water quality. This is consistent with the U.S. Supreme Court's ruling in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704, which held that, under the Clean Water Act, NPDES permits issued by the U.S. EPA may not include end-result requirements. The Revised Tentative Order does not include additional requirements in lieu of receiving water limits because the proposed effluent limits are sufficient to protect water quality. The Revised Tentative Order would retain provisions that prohibit the treatment of pollutants and the storage and treatment of sludge and biosolids from creating a nuisance. The nuisance provisions would implement state law only and would not be enforceable under the Clean Water Act.

The City of San José and San Francisco Baykeeper submitted comments (Appendix B) on a tentative order circulated for review. We responded to the comments and revised the tentative order as described in the Response to Comments (Appendix C). The most significant change was to clarify the circumstances that would require more frequent chronic toxicity monitoring. We do not expect this item to be contested at the Board hearing.

APPENDIX:

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

Appendix A

Revised Tentative Order

Appendix B

Comments

For an electronic copy of the comments, please see the contact information provided in Fact Sheet section 7.7 of the revised tentative order.

Appendix C

Response to Comments