



# CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION

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March 31, 2026

*Via Email Only*

California Regional Water Quality Control Board  
Central Valley Region  
[CentralValleyFresno@waterboards.ca.gov](mailto:CentralValleyFresno@waterboards.ca.gov)

Re: CVCWA Comment Letter – Tentative Draft Notice of Applicability Under  
Municipal General Order for Mariposa Public Utility District Wastewater  
Treatment Facility

To the Central Valley Regional Water Quality Control Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on Tentative Notice of Applicability for Coverage under the Municipal General Order for Mariposa Public Utility District Wastewater Treatment Facility (NOA R5-2023-0025-XXX) (Tentative Draft). CVCWA is a nonprofit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters from the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we respectfully request revision of the Tentative Draft.

## **A. Provisions and Requirements Implementing State Law**

The Tentative Draft does not include “Provisions and Requirements Implementing State Law,” as included in the Municipal General Order and other NOAs. Specifically, the Municipal General Order includes findings confirming that certain provisions implement state law only and are not required or authorized under the federal Clean Water Act. (R5-2023-0025, p. 12 [“Findings,” part III.D].) CVCWA requests that the language from the Municipal General Order, or similar language, be included in the NOA to distinguish those provisions implementing state law only.

## **B. Receiving Water Limitations**

The Receiving Water Limitations in the Tentative Draft are not consistent with the U.S. Supreme Court’s decision in *City and County of San Francisco v. U.S. Environmental Protection Agency* (2025) 145 U.S. 704. CVCWA requests that the receiving water limitations be removed and that the “Rationale for Receiving Water Limitations - Surface Water” on page 16 of the Tentative Draft be revised to be consistent with the Supreme Court decision, as follows:

On 4 March 2025, the U.S. Supreme Court issued a decision in the case of the *City and County of San Francisco vs. U.S. Environmental Protection Agency* (2025) 145 U.S. 704, which challenged some of the limits in NPDES permits. The Court ruled that “end result” provisions (e.g. receiving water limitations) are not allowed by the federal Clean Water Act and that NPDES permits must have specific requirements to meet water quality objectives and protect beneficial uses. Based on this ruling, no receiving water limitations are included in this NOA.

## **C. Reopener Provisions**

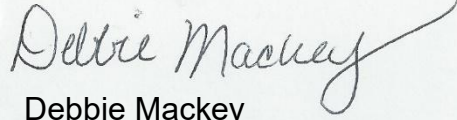
Table 3 in the Tentative Draft lists the applicable Reopener Provisions by section reference. (Tentative Draft, p. 6.) For clarification, the complete provision regarding conditions that necessitate a major modification of a permit should be included in the Tentative Draft, as follows:

- a. Conditions that necessitate a major modification of [this NOA] are described in 40 C.F.R section 122.62, including, but not limited to:
  - i. If new or amended applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, this [NOA] may be reopened and modified in accordance with the new or amended standards.
  - ii. When new information, that was not available at the time of [NOA] issuance, would have justified different [NOA] conditions at the time of issuance.

(R5-2023-0025, p. 124 [“Reopener Provisions”].) Alternatively, if the NOA intends to reference this language in the Municipal General Order, the NOA should be revised to list “Major Modification of this NOA” in Table 3, rather than “Major Modification of Treatment Works.”

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of any further assistance, please contact me at (530) 268-1338 or [eofficer@cvcwa.org](mailto:eofficer@cvcwa.org).

Sincerely,

A handwritten signature in black ink that reads "Debbie Mackey". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Debbie Mackey  
Executive Officer

Cc: [Nicolette.Dentoni@waterboards.ca.gov](mailto:Nicolette.Dentoni@waterboards.ca.gov)