



CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION

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HEATHER GROVE – Treasurer, City of Manteca

May 8, 2026

Via Email Only

California Regional Water Quality Control Board
Central Valley Region
RB5S-NPDES-Comments@waterboards.ca.gov

Re: CVCWA Comment Letter – Tentative Notice of Applicability for Coverage Under Municipal General Order for Thunder Valley Casino Wastewater Treatment Plant

To the Central Valley Regional Water Quality Control Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the tentative Notice of Applicability for Coverage under the Municipal General Order for the Thunder Valley Casino Wastewater Treatment Plant (Tentative NOA). 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.

A. Receiving Water Limitations

The Receiving Water Limitations in the Tentative NOA 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. While the Regional Water Board has addressed this ruling in recent tentative individual permits by excluding such provisions, the Board is taking an inconsistent approach with recently drafted tentative NOAs. The Board has provided no explanation for its inaction on amendment or reissuance of the Municipal General Order, which should be an immediate priority to ensure the Board's compliance with existing law.

The Board's failure to timely act places an unnecessary burden on permittees, who are left with inconsistent and unclear direction for compliance from the regulatory agency. Receiving water limits are not authorized under the Clean Water Act, and

continuing to include them in individual NOAs because the Regional Board has not acted to removed them from the Municipal General Order is unfair to the permittees that are enrolled under this Order. Permittees are faced with the question of whether to petition to review their NOA or face the risk of allegations of noncompliance with unlawful receiving water limits.

CVCWA requests that the receiving water limitations be removed and that the “Rationale for Receiving Water Limitations - Surface Water” on page 17 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, ruling 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. The U.S. Supreme Court’s decision regarding surface water receiving limitations is being addressed by amendment or reissuance of the Municipal General Order.

B. Reopener Provisions

Table 3 in the Tentative NOA lists applicable Reopener Provisions by section reference. (Tentative NOA, p. 7.) Table 3 should be revised to read “Major Modification of the General Order,” instead of “Major Modification of Treatment Works,” to be consistent with the Municipal General Order. (R5-2023-0025, p. 124 [“Reopener Provisions,” section VII.C.1].)

C. Provisions and Requirements Implementing State Law

The Tentative NOA 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 be included in the NOA to distinguish those provisions implementing state law only.

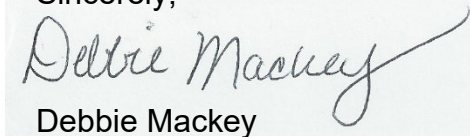
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We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of any further assistance, please contact me at (530) 268-1338 or eofficer@cvcwa.org.

Sincerely,

A handwritten signature in black ink that reads "Debbie Mackey". The signature is written in a cursive style and is placed over a light gray rectangular background.

Debbie Mackey
Executive Officer

cc: Joshua Palmer

Joshua.Palmer@waterboards.ca.gov