

Water Quality Regulatory Challenges in the Central Valley (2025 Edition)

Patrick Pulupa, Executive Officer
Central Valley Water Board



Overview

- Permitting Initiatives
- New Focus Areas
- Planning/TMDL
- CV-SALTS
- Enforcement Changes and Priorities
- Delta Activities





Permitting Initiatives

Resources Dedicated to Regulating POTWs

- NPDES Program
 - POTWs make up ~80% of our federal permits
 - Equates to approximately 15-17 people in this program
- Land Discharge Program
 - POTWs make up ~50% of groundwater protection permits
 - Equates to 8 to 12 people
- Planning Staff
 - CV-SALTS, mercury, pesticides, nutrients, HABs, Delta RMP, Tribal beneficial uses
 - Equates to ~10-12 people
- Statewide Belt Tightening
 - Between BL 24-20, 24-24 approx. 9% staffing loss; but vacancy shifts to maintain coverage in these program areas
 - SWAMP staff intact, but discretionary spending pared back



NPDES Program General Orders

- Municipal Wastewater Dischargers that Meet Objectives/Criteria at the Point of Discharge to Surface Water (MGO)
- Limited Threat Discharges to Surface Water (LTGO)
- Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Water (CAAP)



Land Discharge (Non-15) General Orders/Waivers

- Small Domestic Wastewater Treatment System General Order (Order 2014-0153-DWQ)
- Recycled Water Use General Order (Order 2016-0068-DDW)
- Biosolids General Order (Order 2004-0012-DWQ)
- General Order for Low Threat Discharges (2003-0003-DWQ) and Low Threat Waiver (Resolution R5-2023-0061)
- Small Food Processor Waiver (Resolution R5-2025-0002)
- General Order for Winery Process Water (2021-0002-DWQ)

Non-15 General Orders Under Development

<u>General Order</u>	<u>Anticipated Board Meeting Date</u>
Large Domestic Wastewater Treatment General Order	April 2026
Fruit and Vegetable Packing General Order	June 2026
Pistachio/Walnut Processing General Order	December 2026
Almond Processing General Order	TBD



Proposed Large Domestic General Order

- Anticipated Eligibility Requirements:
 - Domestic Wastewater Treatment Facility (WWTF)
 - Flows greater than 0.10 million gallons per day (MGD)
 - Land discharge only (no surface water discharge)
- Approximately 200 potential eligible WWTFs
- Anticipated Board Meeting:
 - April 2026
- Staff Contact:

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Land Discharge Integration With GeoTracker

- Initiating transition from email-based monitoring report submissions to GeoTracker.
- Phased implementation begins with new MRPs this year
- GeoTracker Benefits:
 - Streamlined compliance tracking
 - Integrated GIS mapping tools
 - Supports Electronic Deliverable Format (EDF) data



Stay Updated On Non-15 Program Updates



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Water Issues

Waste To Land

Waste Discharges to Land

Overview

> Overview of Land Disposal (Title 27) Program

> Overview of Waste Discharge Requirements (Non-Chapter 15) Program

Table of Contents

• Land Disposal (Title 27) Regulations and other documents

• Do I need a permit?

• Spill Reporting Requirements

• See "Consolidated Solid Waste Regulations" and "Hazardous Waste Regulations" under Laws, Regulations & Policies

Email Subscription List

Subscribe to the Waste Discharge Requirements (Non-Chapter 15) Program email list to receive notifications and updates.

*Email Address

Submit

Contact Us

• Land Disposal (Title 27) Program

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• Waste Discharge Requirements (Non-Chapter 15) Program

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[https://www.waterboards.ca.gov/centralvalley/water issues/waste to land](https://www.waterboards.ca.gov/centralvalley/water%20issues/waste%20to%20land)



New Focus Areas

PFAS

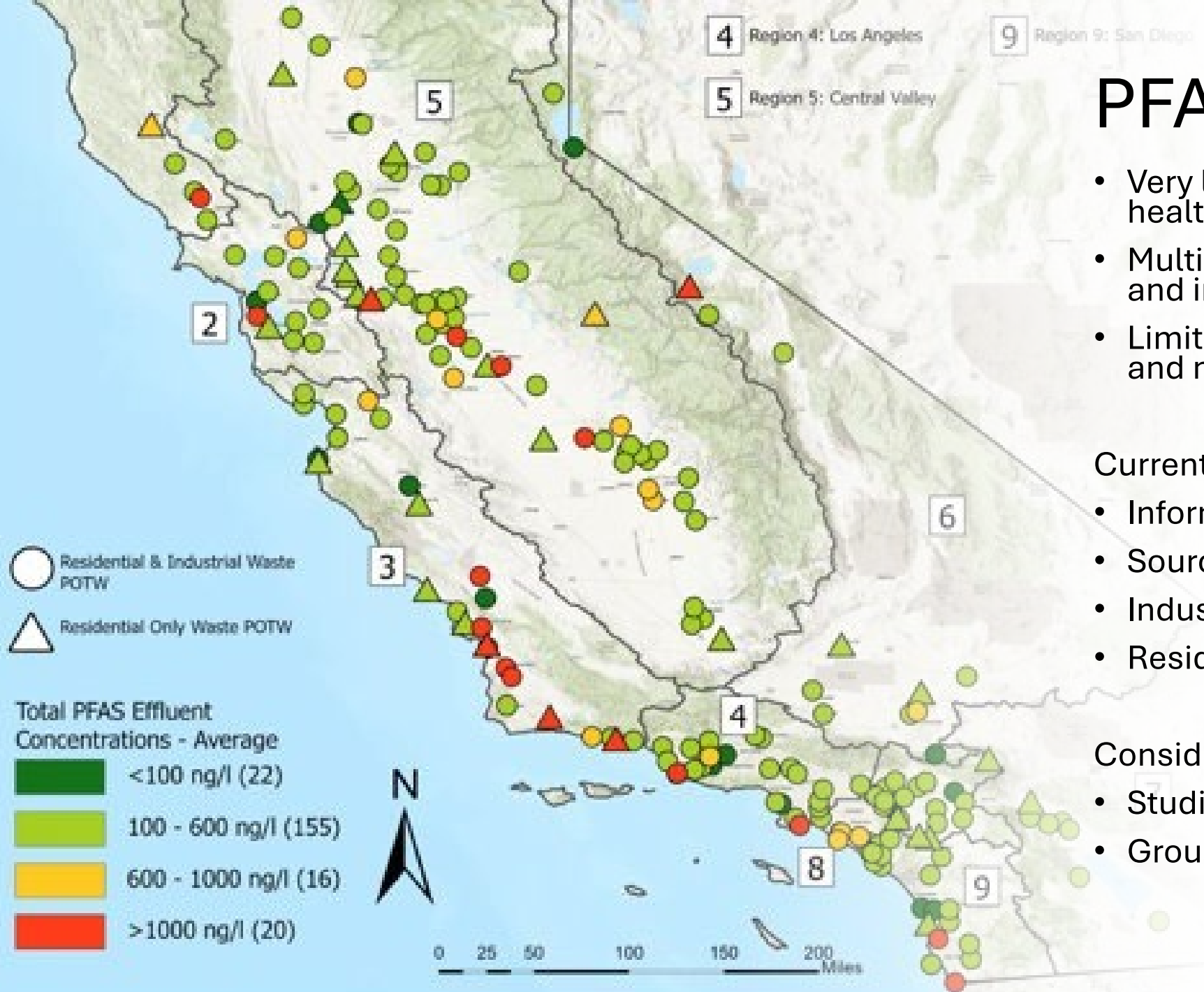
- Very low levels can cause public health concerns
- Multiple sources in residential and industrial wastewater
- Limited options for treatment and management

Current focus:

- Information gathering
- Source control
- Industrial Pretreatment
- Residential

Considering:

- Studies/monitoring
- Group/representative



Receiving Water Limitations

City & County of San Francisco v. U.S. EPA (2025) 145 U.S. 704

- On 4 March 2025, the U.S. Supreme Court held that the Clean Water Act does not authorize inclusion of “end result” provisions (i.e., receiving water limitations) in NPDES permits
- This ruling immediately impacted several NPDES tentative permits
- Central Valley Water Board moved forward with revisions to tentative permits and renewed 5 individual orders and 1 general order at the June 2025 Board Meeting.

Toxicity Provisions

Camarillo Sanitary District et al. v. State Water Resources Control Board
(2025) 113 Cal.App.5th 407

- On 5 August 2025, California 5th District Court of Appeal issued a decision pertaining to litigation on the Statewide Toxicity Provisions
- The court ruled that, to the extent the Toxicity Provisions determine compliance with NPDES permits based upon the Test of Significant Toxicity (TST), they conflict with federal law and must be set aside.
- State Water Resources Control Board filed a petition for review in the Supreme Court on 15 September 2025. A pause on issuance of NPDES permits is currently in place.

Wastewater Needs Assessment (WWNA)

- **Phase I:** Statewide Survey of Sanitary Wastewater Systems (completed)
- **Phase II:** Evaluation of operational deficiencies, threat to water quality, and prioritization ranking for capital improvement investment (in progress)
- **Completion Goal:** 2027



Photo source: CWEA.org



Planning/TMDL

Delta Mercury Control Program Review

2024

-  Staff Report submitted for External Scientific Peer Review & released to public
-  Public workshop

2025

-  Jun 2025 – Peer review completed
-  Oct 2025 – Developing modifications options to align with the Board's Strategic Plan

2026

-  Public meetings



Future Mercury Strategy

- Guided by 2021 Strategic Plan Objective of adaptive prioritization, which will require a reassessment of existing program
- Water quality standards cannot be achieved by controlling in-Delta sources alone
- Exploring options to reallocate load/wasteload allocations, alter compliance timeframe, etc.



Pyrethroid Control Program and Research Plan

- Pyrethroid Research Plan (Plan)
 - Summarizes current state of science
 - Identifies research that may inform future iterations of pyrethroid regulations
 - Public release of revised Plan in October/November 2025
 - Staff workshop November/December 2025
 - Board adoption hearing February 2026
- Baseline monitoring continues as requirements are incorporated during permit renewals



CV-SALTS

Nitrate Control Program

Priority 1 Area (Red)

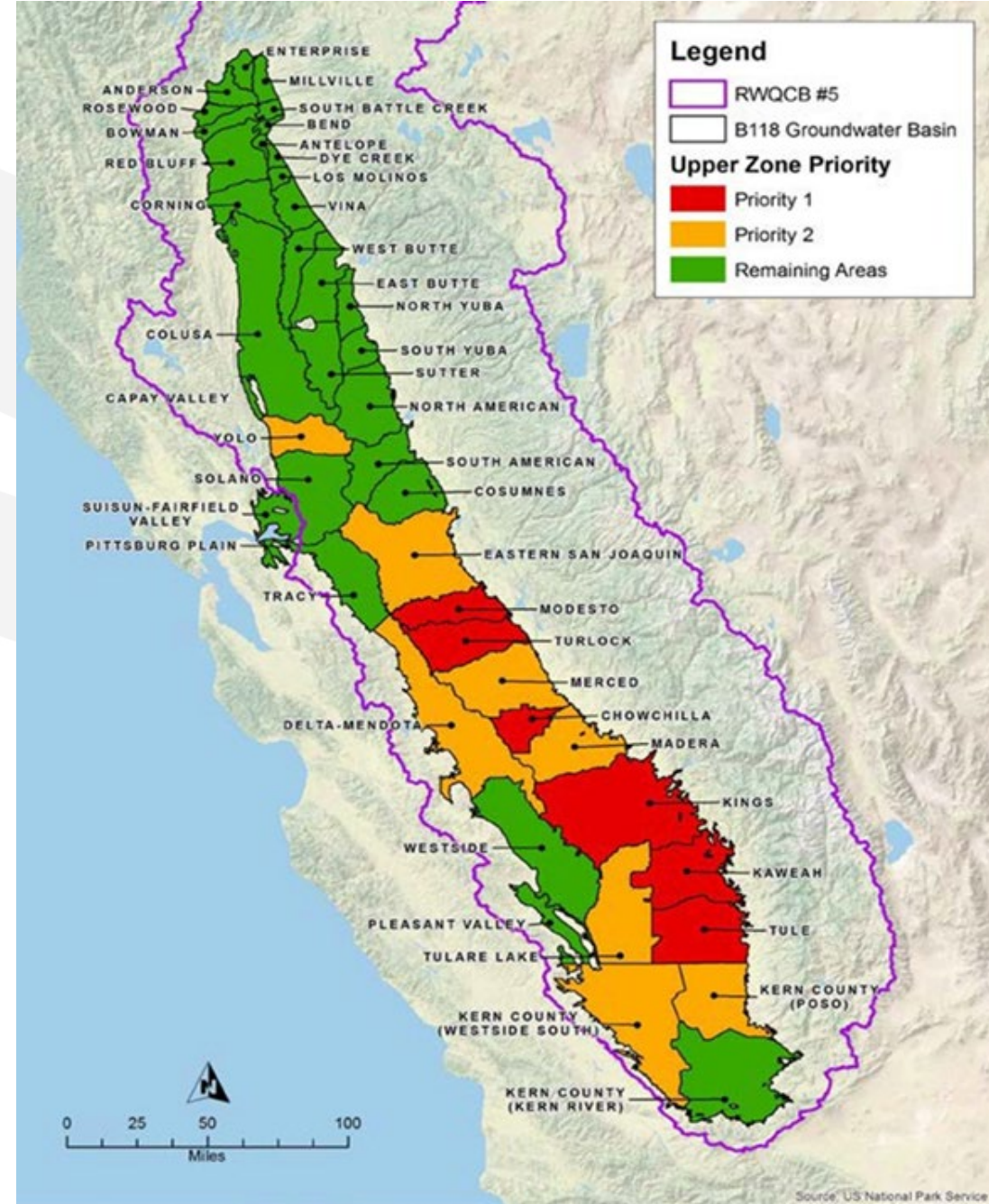
- Notice to Comply Letters May 2020
- Early Action Plan implementation May 2021

Priority 2 Area (Orange)

- Notice to Comply Letters Dec 2023
- Early Action Plan implementation February 2025

Remaining Areas (Green)

- Implementation to be phased in after priority areas



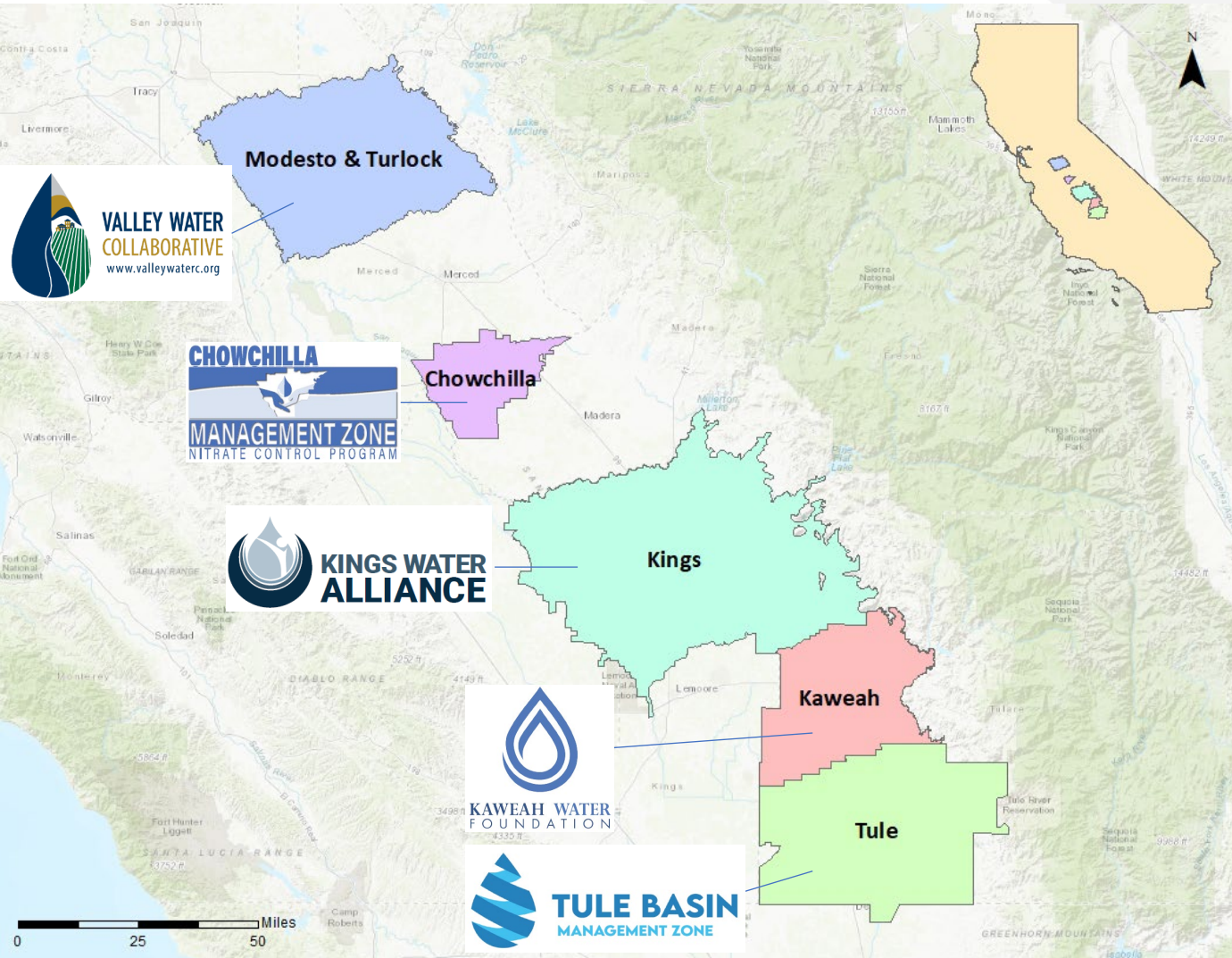
Accomplishments: Nitrate Control Program

- Postcard mailouts (Oct & May) to Priority 2 dischargers
- Received and processed Notices of Intent from Priority 2 dischargers
- Reviewed Priority 2 Preliminary Management Zone Proposals and Early Action Plans
 - Public comment period
 - Public workshop
 - EAP conditional approval letters
 - PMZP comment letters
- Started process for Priority 1 MZIPs: permit amendments and exceptions approval

Accomplishments: Salt Control Program

- Review and approval of Path 1 submittals
- Participate in P&O Study discussions and small group meetings
- Final Groundwater Sustainability Plan Data Integration Report (September 2024)
- Salt Management Area Pilot Study Report (September 2024)
- Developed draft process for beneficial use evaluation for future basin plan amendments regarding salinity management
- Two archetype studies – Delta Mendota & Western Kings Subbasins

Priority 1 Management Zones



Deliverable

Due Date

Notice to Comply Letters

May 29, 2020

Notice of Intent

May 7, 2021

Preliminary Management Zone Proposal & Early Action Plan

March 8, 2021

Early Action Plan Implementation

May 7, 2021

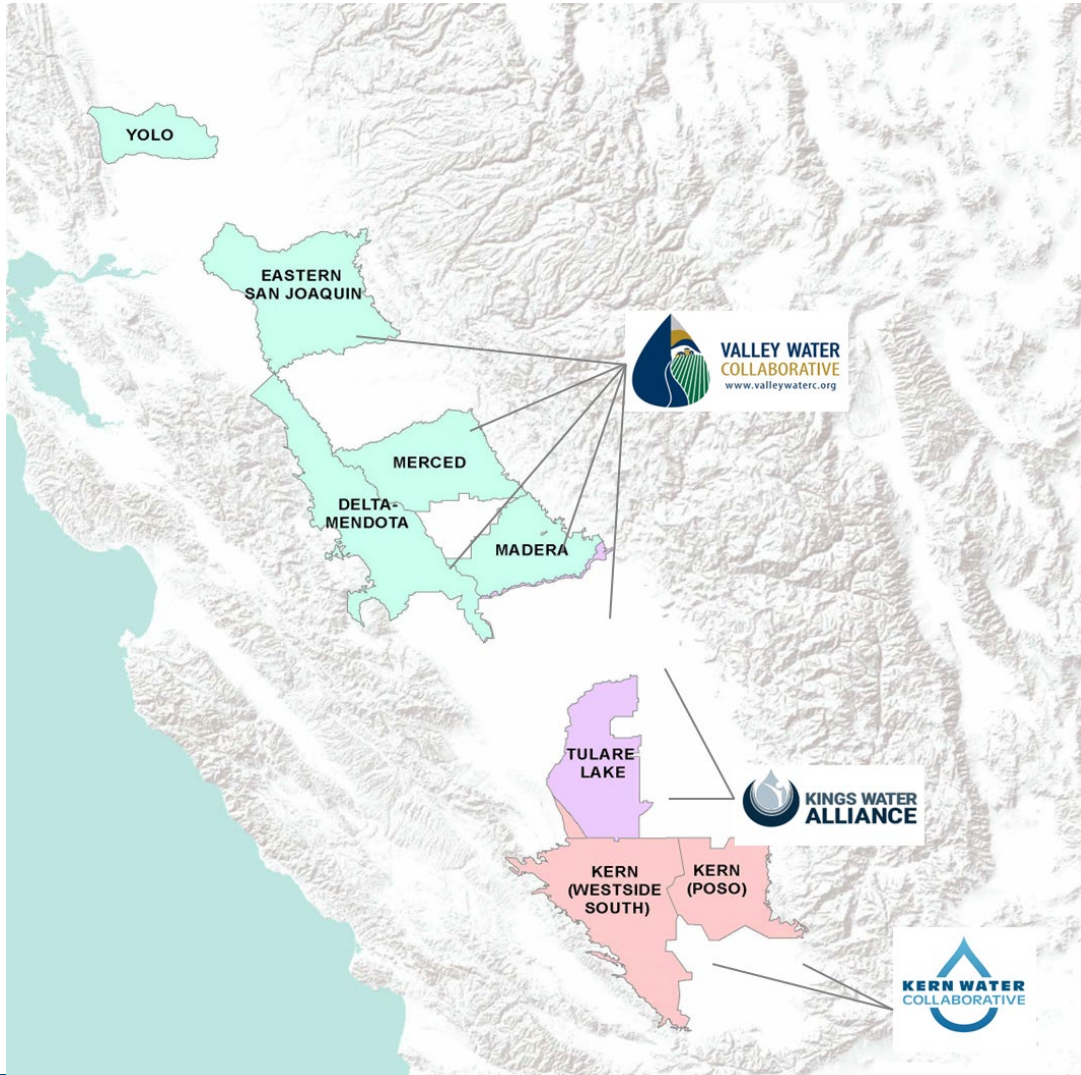
Final Management Zone Proposal

August 29, 2022

Management Zone Implementation Plan

September 5, 2023

Priority 2 Management Zones



Deliverable	Due Date
Notice to Comply Letters	December 29, 2023
Preliminary Management Zone Proposal & Early Action Plan	December 28, 2024
Notice of Intent	February 26, 2025
Early Action Plan Implementation	February 26, 2025
Final Management Zone Proposal	February 16, 2026
Management Zone Implementation Plan	6 months after FMZP accepted by Board

Requirements for POTWs in Priority Basins

- Management Zone Option
 - Participants fund Management Zone activities
 - Permits to include nitrate groundwater limitation w/understanding that MZIP exception would be considered along with time schedule for compliance
 - Permits will be updated to include MZIP requirements
 - First 10 yrs – Nitrate Reduction Workplan development
- “Path A” Option
 - Conduct studies as assess discharge for categorization
 - NCP requirements for interim drinking water, alternative compliance program
 - Permit updated to include groundwater limitation and time schedule for compliance (as needed)

Non-Priority Basins

- All facilities discharging nitrate are required to meet MCL. Updated permit may include nitrate limitations
- Nitrate Control Program allows longer time schedule for compliance w/interim drinking water provision (EAP) and alternative compliance project
- Facility specific considerations for triggering Nitrate Control Program in non-priority basins
 - New or expanding facility?
 - Impacted drinking water wells
 - Nearby Management Zone
 - Compliance alternatives, cost, and time needs

Surveillance & Monitoring Program (SAMP)

- Assess progress of CV-SALTS; support effort to re-evaluate program requirements
- Assess ambient water quality trends
 - Salinity in surface waters
 - Salinity and nitrate in groundwater
 - Use data from existing monitoring programs
- Permittees subject to CV-SALTS compliance are required to provide financial contributions to the Central Valley Salinity Coalition to support SAMP implementation.



Enforcement Changes and Priorities

2024 Enforcement Policy Update: Prioritization and Communication

- Add consideration of whether violation(s) impact or threaten to impact EJ communities/DACs when prioritizing enforcement
- Require consideration of the State Water Board's racial equity resolution and prioritization of enforcement of violations that involve undue impact to communities where Black, Indigenous, and People of Color reside
- Add new subsection titled "California Native American Tribes" to encourage engagement with California Native American Tribes on a government-to-government basis

2024 Enforcement Policy Update: Environmental Justice and Disadvantaged Communities

- Policy establishes several definitions to support categorizing a community as disadvantaged or environmental justice:
 - CalEnviroScreen disadvantaged communities
 - Health and Safety Code section 39711: “Disadvantaged Community”
 - Water Code section 189.7: “Disadvantaged Community”
 - Government Code section 65040.12 and Public Resources Code section 30107.2: “Environmental Justice”
- Greater outreach during prosecution and in review of settlements

2024 Enforcement Policy Update: Conduct Factors

Culpability & Cleanup & Cooperation

Clarify that not taking action to correct a violation that has been identified may be relevant to both cleanup and cooperation and culpability

History of Violations

Clarify that only adjudicated or stipulated violations should be considered when factoring history of violations. Alleged violations and self-reported shall not be considered. Clarify that under no circumstances should history of violations be given a factor below 1.0

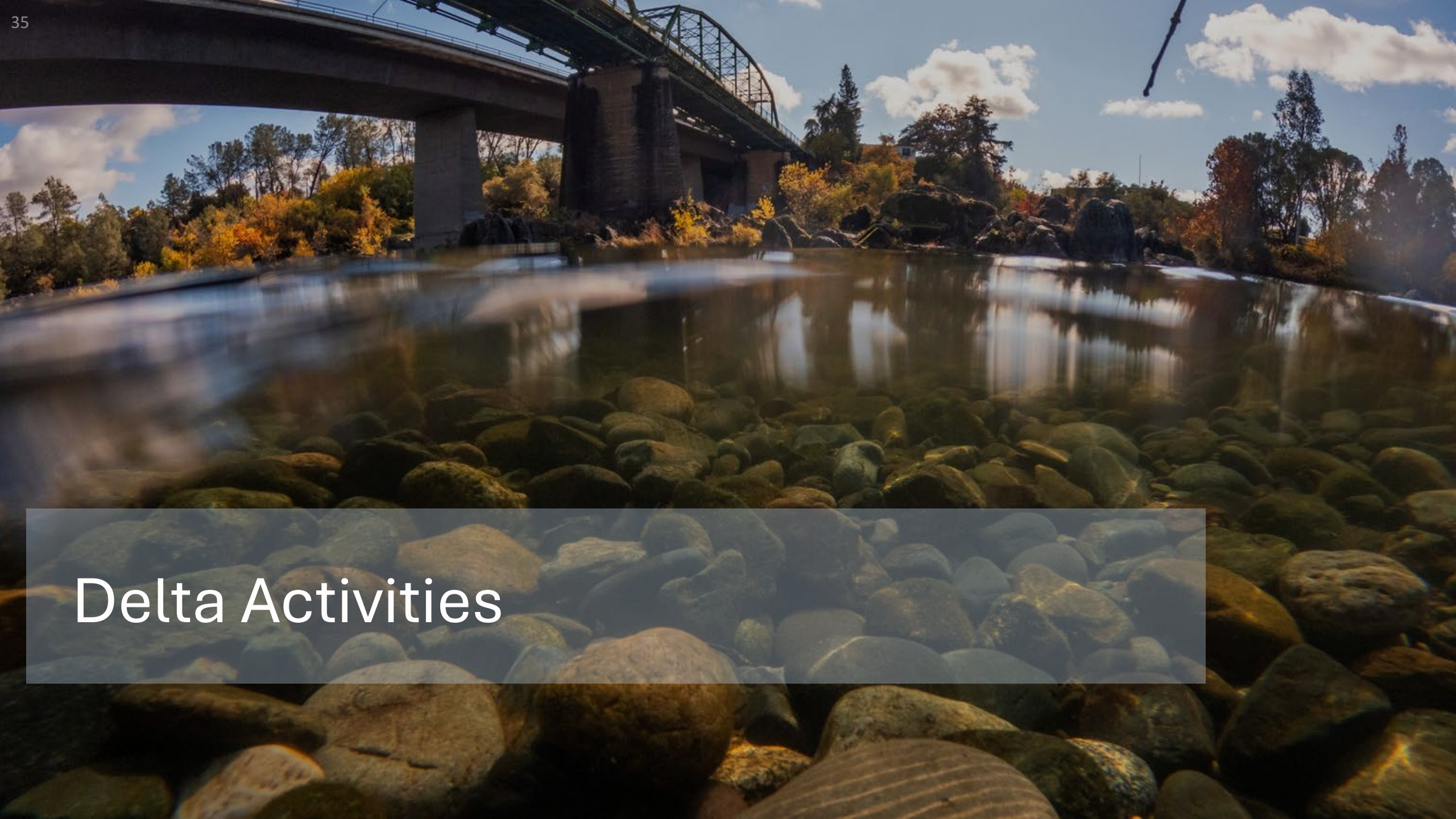
2024 Enforcement Policy Update: Appendix E

- Template hearing procedures which will be drafted by Prosecution Team prior to issuance of ACL
- Establishes timeline for all important deadlines on a 90-day hearing schedule
- Prosecution Team is directed to seek input from Advisory Team regarding scheduling and hearing format prior to issuance

Regional Board Priorities

- CV-SALTS Enforcement Initiative
- Furtherance of Strategic Plan Objectives
- Deterrence value to protect integrity of Board programs
- Continued focus on Class A priority violations, which are those that potentially pose an immediate and substantial threat to beneficial uses and/or that have the potential to cause significant detrimental impacts individually or cumulatively to human health or the environment.
 - Discharges affecting municipal drinking water supplies
 - Priority pollutant violations
 - Fish kills/other demonstrable detrimental impacts
 - Unpermitted fill of wetlands (inc'l state jurisdictional wetlands)





Delta Activities

Delta Regional Monitoring Program

- Water Quality Focus Areas:
 - Mercury (water and fish)
 - Pesticides and toxicity
 - Contaminants of Emerging Concern
 - Nutrients and harmful algal blooms
- •FY25/26 budget is ~\$1.2M



Delta Activities and Projects

- Focus on informing HAB management and mitigation strategies
 - Identify locations of bloom initiation
 - Evaluate mitigation methods (physical and chemical)
 - Identify factors driving HABs (water flow, climatology, nutrients)
- Continued implementation of the Nutrient Research Plan





Thank you!
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