STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF APRIL 16-17, 2026
Prepared on April 1, 2026

ITEM NUMBER: **7**

SUBJECT: **Consideration of Proposed Order R3-2026-0014, Waste Discharge Requirements for the South County Regional Wastewater Authority Wastewater Treatment and Reclamation Facility, National Pollutant Discharge Elimination System (NPDES) Permit CA0049964**

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KEY INFORMATION

Discharger:	South County Regional Wastewater Authority.
Location:	1500 Southside Drive, Gilroy CA, Santa Clara County.
Type of Discharge:	Disinfected tertiary treated wastewater.
Permitted Flow:	9.0 million gallons per day (MGD) disinfected tertiary treated wastewater maximum daily during wet weather (November through April) under high flow conditions in the Pajaro River (greater than 180 MGD and less than 6,004 MGD).
Types of Treatment:	Secondary treatment with headworks (influent screening and aerated grit), pre-anoxic basins, oxidation ditches, and secondary clarifiers. As of middle of 2026, a membrane bioreactor (MBR) operated in parallel with the oxidation ditches with headworks improvements, bioreactor and membrane tanks, blowers and electrical equipment, chemical facilities, and solids handling screw presses. Then tertiary treatment through anthracite media filters and disinfection by either ultraviolet or chlorine with dechlorination.
Disposal Method:	Tertiary treated effluent may be discharged to the Pajaro River under specific wet weather conditions.

Solid Wastes:	Dewatered biosolids hauled offsite for composting at Synagro in Dos Palos, CA. Grit and screenings are sent to Kirby Canyon landfill in Morgan Hill, CA.
Existing Orders:	NPDES Order R3-2017-0028 and Master Water Reclamation Requirements Order 98-052.
ACTION:	**Consider adopting proposed Order R3-2026-0014.**

SUMMARY

This staff report provides an overview of the proposed revision of waste discharge requirements and reissuance of the existing National Pollutant Discharge Elimination System (NPDES) permit for the South County Regional Wastewater Treatment and Reclamation Facility (Facility). The Facility is a publicly owned treatment works that is owned and operated by the South County Regional Wastewater Authority (Discharger). The proposed Order (Attachment 1) includes requirements that ensure the discharge of treated wastewater is protective of water quality and beneficial uses.

DISCUSSION

Background

The Facility treats and disposes wastewater from the cities of Gilroy and Morgan Hill. The Facility receives domestic, commercial, and industrial wastewater. The Discharger currently discharges secondary-treated wastewater to percolation ponds and supplies disinfected tertiary-treated recycled water for irrigation of food crops and landscaping. In extreme wet weather conditions where the percolation ponds have the potential to exceed their capacity, the NPDES permit allows tertiary-treated wastewater to be discharged to the Pajaro River. The Discharger has not discharged into the Pajaro River since the NPDES permit was first issued in 2004; all the Facility's treated effluent is either discharged to land via the percolation ponds or distributed as recycled water. The Fact Sheet attached to the proposed permit provides details regarding operation of the facility.

The previous NPDES permit provided regulatory coverage for the land discharge associated with the percolation ponds and the potential wet weather discharge to the Pajaro River. Master Water Reclamation Requirements Order 98-052 provided regulatory coverage for the production, onsite use, and offsite use of recycled water.

The proposed Order will only authorize the potential wet weather discharge to the Pajaro River. The Facility's land discharge and recycled water production and onsite use will now be covered under Order R3-2020-0020, *General Waste Discharge Requirements for Discharges from Domestic Wastewater Systems with Flows Greater than 100,000 Gallons Per Day* (Land Discharge General Permit). The distribution and offsite use of recycled water will be covered under statewide Order WQ 2016-0068-DDW, *Water Reclamation Requirements for Recycled Water Use* (Recycled Water General Permit). The reasoning behind these changes is discussed in this staff report.

On March 24, 2022, the Discharger submitted a report of waste discharge (i.e., permit application) for a renewal of its NPDES permit to cover the Facility's treated effluent. The application also described changes to the Facility design and treatment capacity with the addition of a membrane bioreactor (MBR).

Compliance History

During the permit term for Order R3-2017-0028, no surface water discharges to the Pajaro River occurred and the Discharger has been subject to no enforcement actions related to this Facility.

Proposed Order Considerations

The following summarizes the significant differences between the proposed Order and existing Order R3-2017-0028, which are also discussed in detail in the fact sheet of the proposed Order.

Relationship Between, and Coordination of, Discharges Covered by NPDES permit and Land Discharge General Permit

The previous NPDES permit provided regulatory coverage for both land discharge to the percolation ponds (with requirements to protect groundwater) and discharge to the Pajaro River (with requirements to protect surface water). However, since at least 2004, the Facility has not discharged to the Pajaro River; all wastewater, excluding wastewater treated and distributed as recycled water, has been discharged to land.

The Central Coast Water Board has a general permit that is designed to regulate land discharges to protect groundwater quality: Order R3-2020-0020, *General Waste Discharge Requirements for Discharges from Domestic Wastewater Systems with Flows Greater than 100,000 Gallons Per Day* (Land Discharge General Permit). Enrolling the Facility in the Land Discharge General Permit allows for consistent implementation of groundwater protection requirements throughout the region and across similar sized facilities. To avoid duplicative or conflicting requirements, groundwater protection requirements have been removed from the proposed Order.

Additionally, staff reviewed requirements that exist in both the proposed Order and the Land Discharge General Permit and identified the most appropriate permit to retain the requirements. Pretreatment and biosolids requirements are related to federal regulations and are retained in the proposed Order. Climate change adaptation requirements and production and onsite use of recycled water are covered by the Land Discharge General Permit.

To ensure regulatory continuity and clarity of monitoring periods between the permits, the effective date of the Discharger's enrollment in the Land Discharge General Permit and the effective date of the proposed Order will be July 1, 2026. This date is marginally more than the minimum 50 days required for most individual NPDES permits between the adoption date and effective date.

303(d) Listings and Total Maximum Daily Loads (TMDLs)

Clean Water Act section 303(d) requires states to identify and make a list of specific waterbodies where water quality standards are not being achieved. The 2024 303(d) of impaired waterbodies is the current list of impaired waterbodies. The 2024 303(d) list identifies the Pajaro River as impaired for boron, chlordane, chlorpyrifos, chromium, DDD, DDT, dieldrin, *Escherichia coli*, imidacloprid, manganese, nickel, nitrate, oxyfluorfen, dissolved oxygen, PCBs, pH, sedimentation/siltation, selenium, sodium, toxicity, and turbidity. TMDLs have been developed for bacteria, nutrients, chlorpyrifos and diazinon, and sediment. The fecal coliform and nutrient TMDLs include waste load allocation requirements for the Discharger that have been incorporated into the proposed Order as a bacteria prohibition and nutrient water quality-based effluent limitations (WQBELs).

Reasonable Potential Analysis

NPDES permits must include WQBELs for pollutants that have a reasonable potential to cause or contribute to an exceedance of applicable water quality objectives in the receiving water. To determine whether WQBELs are required, Central Coast Water Board staff conducted a reasonable potential analysis (RPA) in accordance with the State Water Resources Control Board's (State Water Board) Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy, SIP).

The RPA for the proposed Order evaluated effluent monitoring data reported between December 1, 2017, to June 1, 2025, which represents the most recent and representative data available for the Facility. The analysis employed the statistical procedures specified in the SIP, including comparison of projected effluent concentrations to applicable water quality objectives using appropriate dilution assumptions and variability factors. Where data were limited or non-detect, staff applied SIP-specified methods, including best professional judgment, to ensure a conservative and protective evaluation.

Based on the results of the RPA, Central Coast Water Board staff determined which pollutants require water quality-based effluent limitations. The RPA results are summarized in the Fact Sheet of the proposed Order.

Effluent Limitation Changes

There are new effluent limits for chloroform and total cyanide based on the RPA results. The proposed Order also adds average weekly effluent limits for biochemical oxygen demand (BOD) and total suspended solids (TSS) to provide an additional compliance metric between existing daily and monthly limits and to ensure consistent secondary treatment performance during wet weather discharge conditions. The weekly limits are consistent with federal secondary treatment requirements and do not change the overall level of treatment. All effluent limits from the previous Order were retained.

Effluent and Receiving Water Monitoring

The proposed Order includes requirements for effluent and receiving water monitoring in the event that discharge to the Pajaro River does not occur for an entire year. The proposed Order also includes new effluent monitoring requirements for oil and grease, methylene blue active substances (MBAS), and increased monitoring frequency for chloroform and total cyanide to ensure compliance with their new effluent limitations. These monitoring requirements were added to improve characterization of wet weather discharges and to support future permit evaluations. All other effluent monitoring requirements from Order R3-2017-0028 were retained unless specifically revised by the proposed Order.

Update Facility Design

The tertiary treatment capacity remains at 9.0 MGD and permitted discharge to the Pajaro River remains at 9.0 MGD. The Discharger is improving the Facility's wastewater treatment train and increasing secondary treatment capacity with the addition of a new membrane bioreactor (MBR). The MBR will operate in parallel with the two existing oxidation ditches. With the addition of the MBR, average dry weather secondary treatment capacity will increase from 8.5 MGD to 11 MGD.

Receiving Water Limits

The proposed Order removes receiving water limits, both numeric and narrative, that were included in Order R3-2017-0028 in response to the U.S. Supreme Court decision in *City and County of San Francisco v. U.S. Environmental Protection Agency* (2025), which determined that National Pollutant Discharge Elimination System permits may not include receiving water–based "end-result" limitations. Consistent with this decision, the proposed Order relies on enforceable effluent limitations, discharge prohibitions, monitoring requirements, and other permit conditions to ensure protection of water quality and beneficial uses.

Central Coast Water Board staff evaluated the proposed discharge conditions, treatment level, and receiving water characteristics, including the conditional nature of the discharge, seasonal and flow-based discharge restrictions, and the requirement for disinfected tertiary treatment, to verify that beneficial uses of the Pajaro River will be protected. Staff determined that additional numeric effluent limits are not necessary to ensure protection of water quality. To further ensure water quality and beneficial uses are protected, however, the proposed Order adds effluent monitoring for oil and grease and MBAS and includes two new prohibitions on the discharge of radioactive materials and floating material, oil, grease, or scum.

Based on this evaluation, Central Coast Water Board staff concluded that the proposed discharge framework provides sufficient controls to protect receiving water quality without reliance on separate receiving water limits. The proposed Order includes reopener provisions that allow the Central Coast Water Board to modify permit requirements if monitoring results or other new information indicate that the discharge

may cause or contribute to exceedances of water quality objectives or adversely affect beneficial uses of the Pajaro River.

Prohibitions

Following removal of certain receiving water limitations, the proposed Order adds new prohibitions on the discharge of radioactive materials and floating material, oil, grease or scum to clarify discharge conditions and protect beneficial uses during wet weather discharge events. The proposed Order also removes the prior prohibition that broadly prohibited discharges that "cause or create pollution, contamination, or nuisance". The proposed Order includes specific, enforceable effluent limitations, monitoring requirements, and discharge prohibitions that collectively address these concerns. All other prohibitions from Order R3-2017-0028 are retained unless expressly modified by the proposed order.

Updated References

Many guidance documents, policies, and orders referenced in the previous Order have been updated, amended, or superseded since 2017. The proposed Order includes updated citations and provides website links with direct access to the current references.

Toxicity Provisions

On October 5, 2021, the State Water Board adopted a resolution to confirm that the Toxicity Provisions were adopted as state policy for water quality control for all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state. The provisions were approved by the California Office of Administrative Law on April 25, 2022, and were approved by the U.S. EPA on May 1, 2023. The provisions include statewide numeric water quality objectives for both acute and chronic toxicity and a program of implementation to control toxicity. The provisions provide consistent protection of aquatic life beneficial uses in inland surface waters, enclosed bays, estuaries, and coastal lagoons throughout the state from the effects of known and unknown toxicants. The proposed order implements the toxicity provisions and effluent limitations for chronic toxicity.

Maps and Process Flow Diagrams

Attachments B and C consist of updated maps for the area and process flow diagrams for the Facility.

Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities

and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.[1] Furthermore, the Central Coast Water Board is committed to providing all persons the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

Using 2020 census data, the California Department of Water Resources Disadvantaged Community (DAC) Mapping Tool[2] identifies two block groups in the Gilroy area as disadvantaged communities and one block group in the Morgan Hill area as a severely disadvantaged community. This is approximately 3.5 percent of Gilroy's population and 1.5 percent of Morgan Hill's population. The proposed Order regulates the discharge of tertiary treated domestic wastewater. Operation of this publicly owned treatment works in compliance with the proposed Order will not pose a significant threat to water quality and is therefore unlikely to impact DACs. The potential costs to the Discharger and associated communities related to the new requirements are outweighed by the benefits and supported by the water quality and beneficial use protection and restoration benefits, including the protection of public health.

Although the Facility is not expected to impact a disadvantaged or tribal community, the Central Coast Water Board conducted outreach described in Water Code section 189.7 by contacting potentially interested groups representing disadvantaged communities and tribal communities. Through the development of an outreach plan, Central Coast Water Board staff identified potentially interested groups and included them in the distribution list (i.e., interested parties list) for notifications related to development and consideration of this order for adoption. In addition, 24 outreach letters were distributed

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[1] Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: a community that does not meet the established DAC, SDAC, and EDA definitions but can show that it scores in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

[2] The DAC Mapping Tool is used to inform statewide Integrated Water Resources Management (IRWM), Sustainable Groundwater Monitoring Act (SGMA), and California Water Plan implementation efforts and can be found at the following website: http://gis.water.ca.gov/app/dacs/.

to tribal representatives which provided general information about the Facility and an invitation to provide input and participate in the permit development process.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution 2017-0012.

As previously discussed, the proposed Order does not include specific climate change planning requirements; those requirements are included in the Land Discharge General Permit. The Discharger currently assesses its climate change risks and develops strategies for dealing with concerns such as drought and flooding through the Facility's Master Plan as well as the General Plans for the cities of Gilroy and Morgan Hill. For example, the Discharger's MBR upgrade at the Facility will help with changing effluent quality associated with drought or water conservation efforts. The Facility is protected by levees and has a plan and engineering controls in place to manage flooding events. The Discharger's NPDES permit that allows for the potential discharge to the Pajaro River in the event that the percolation ponds meet or exceed their capacity is also part of its climate change adaptation strategy.

Recycled Water Production, Distribution, and Use

The proposed Order supports recycled water; however, the proposed Order no longer contains requirements related to recycled water production and distribution. Recycled water distribution and offsite use is now covered under the statewide Recycled Water General Permit, 2016-0068-DDW, and the production and onsite use of recycled water is covered under the Land Discharge General Permit, R3-2020-0020.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The proposed Order establishes effluent discharge limitations to protect the municipal and domestic supply (MUN) drinking water beneficial use and improve or protect drinking water quality for those that may depend on surface waters as their drinking water sources.

COMMENTS

The draft Order was released for public comment on January 16, 2026, and comments were due by noon on February 17, 2026. The only comments received on the draft Order were from the Discharger. Central Coast Water Board staff revised portions of the draft Order in response to the Discharger's comments. A summary of the comments and detailed responses to comments are provided in Attachment 2.

CONCLUSION

Proposed Order R3-2026-0014 is a renewal of the existing NPDES permit for the Facility. The proposed Order has been drafted and prepared in compliance with state and federal guidance and regulations. The proposed Order is protective of water quality, requires a monitoring and reporting program sufficient to demonstrate compliance with the proposed Order's effluent limitations and other requirements, and supports efforts to produce and reuse recycled water.

RECOMMENDATION

Adopt Proposed Order R3-2026-0014

ATTACHMENTS

1. Proposed Order R3-2026-0014
2. Comments and Response to Comments