20 JUNE 2025 BOARD MEETING
CONTESTED AGENDA ITEM

AGENDA ITEM: 12

SUBJECT:

CITY OF VACAVILLE, EASTERLY WASTEWATER TREATMENT PLANT, SOLANO COUNTY

BOARD ACTION:

The City of Vacaville (Discharger) is the owner of the Easterly Wastewater Treatment Plant (Facility), located at 6040 Vaca Station Road, Vacaville, California 95625. The Discharger provides sewerage services for the City of Vacaville and the community of Elmira, serving a population of approximately 100,000. The Facility provides treatment for up to an average dry weather flow of 15 million gallons per day (MGD). Treated wastewater from the Facility is discharged to Old Alamo Creek, a water of the United States and tributary of New Alamo Creek, Ulatis Creek, Cache Creek Slough, and the Sacramento-San Joaquin Delta.

Consideration of National Pollutant Discharge Elimination System (NPDES) Permit Renewal (NPDES Permit CA0077691)

BACKGROUND:

The City of Vacaville (Discharger) is the owner of the Easterly Wastewater Treatment Plant (Facility), located at 6040 Vaca Station Road, Vacaville, California 95625. The Discharger provides sewerage services for the City of Vacaville and the community of Elmira, serving a population of approximately 100,000. The Facility provides treatment for up to an average dry weather flow of 15 million gallons per day (MGD). Treated wastewater from the Facility is discharged to Old Alamo Creek, a water of the United States and tributary of New Alamo Creek, Ulatis Creek, Cache Creek Slough, and the Sacramento-San Joaquin Delta.

Discharges from the Facility are currently regulated by Waste Discharge Requirements Order R5-2019-0049, issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 7 June 2019. An Order is proposed to renew the NPDES permit. The proposed Order includes updated effluent limitations for ammonia, nitrate plus nitrite, dichlorobromomethane, dibromochloromethane, total cyanide, and chronic toxicity whole effluent toxicity effluent limitations per the new Statewide Toxicity Provisions. The proposed Order removes effluent limitations for acute whole effluent toxicity and electrical conductivity.

ISSUES:

The tentative Order was issued for a 30-day public comment period on 12 March 2025 with comments due on 16 January 2025. Public comments were received from the Discharger, the Central Valley Clean Water Association (CVCWA), Jo Anne Kipps, and the Yocha Dehe Wintun Nation. A Response to Comments document is included in the agenda package that summarizes the written comments followed by responses by Central Valley Water Board staff.

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 limitations in NPDES permits. The Supreme Court ruled that "end result" limitations (i.e. 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, a second 30-day public comment period was initiated on 6 May 2025 focused solely on proposed changes to six NPDES tentative permits (including the CAAP General Order) in response to the U.S. Supreme Court's decision. The second public comment period concludes on 5 June 2025 and a separate Response to Comments document addressing any comments received on the proposed changes will be available to the public prior to the 20 June Board Meeting.

RECOMMENDATION:

Adopt the proposed NPDES permit

REVIEWS:

Management Review:	AWL (email 5/23/25)
Legal Review:	CBM 5/26/25

BOARD MEETING LOCATION:

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

AND VIA VIDEO AND TELECONFERENCE