20 JUNE 2025 BOARD MEETING
CONTESTED AGENDA ITEM

AGENDA ITEM: 13

SUBJECT:

WASTE DISCHARGE REQUIREMENTS FOR COLD WATER CONCENTRATED AQUATIC ANIMAL PRODUCTION (CAAP) FACILITY DISCHARGES TO SURFACE WATERS, APPLICABLE TO ALL COUNTIES IN CENTRAL VALLEY REGION

BOARD ACTION:

Consideration of General National Pollutant Discharge Elimination System (NPDES) Permit Renewal (NPDES Permit CAG995001)

BACKGROUND:

On 5 December 2019, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2019-0079 (NPDES Permit No. CAG135001) for *Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters*, also referred to as the CAAP General Order. The CAAP General Order applies to individuals, public agencies, private businesses, and other legal entities that operate facilities that meet the definition of a CAAP facility, as defined in section 122.24 of Title 40 of the Code of Federal Regulations. The proposed CAAP General Order provides regulatory coverage for discharges from fish hatcheries to cold surface waters.

ISSUES:

The tentative Order was issued for a 30-day public comment period on 30 January 2025 with comments due by 3 March 2025. Comments were received from the State of California Department of Fish and Wildlife (CDFW). The proposed NPDES permit has been modified to address the minor comments. 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. CDFW staff have communicated that the Central Valley Water Board staff responses and changes to the tentative Order have addressed their concerns, and they are not contesting the proposed renewal of the CAAP General Order.

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 General NPDES Permit

REVIEWS:

Management Review:	AWL (email 5/20/25)
Legal Review:	CM 5/23/25

BOARD MEETING LOCATION:

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

AND VIA VIDEO AND TELECONFERENCE