20 JUNE 2025 BOARD MEETING
CONTESTED AGENDA ITEM

AGENDA ITEM: 15

SUBJECT:

The following is a proposed permit and time schedule order for consideration of adoption.

BOARD ACTION:

Consideration of the National Pollutant Discharge Elimination System (NPDES) Permit Renewal (NPDES Permit CA0081759) and Time Schedule Order.

BACKGROUND:

The United States Department of the Interior, National Park Service, Yosemite National Park (Discharger) is the owner and operator of the El Portal Wastewater Treatment Facility (Facility), located at 5083 Foresta Road, El Portal, California. The Facility provides sewerage services for the community of El Portal and the Yosemite Valley in Yosemite National Park. The Facility provides tertiary treatment for up to an average monthly daily flow of 1.0 million gallons per day (MGD). The Facility is permitted to discharge tertiary-treated wastewater to the Merced River, a water of the United States, either directly or via adjacent percolation ponds.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider the renewal of the Waste Discharge Requirements/NPDES Permit for the discharge described above. The proposed NPDES permit includes new or updated effluent limitations for ammonia, biochemical oxygen demand, copper, total suspended solids and zinc. The proposed permit removes effluent limitations for acute toxicity, electrical conductivity, and mass-based effluent limits for phosphorus. The electrical conductivity effluent limit will be replaced by an effluent trigger that, if exceeded, will trigger an evaluation of salinity sources and an update to the Discharger's Salinity Evaluation and Minimization Plan.

The Discharger submitted an infeasibility analysis requesting time to come into compliance with the final effluent limitations for total copper and total zinc. Therefore, a Time Schedule Order is proposed containing a schedule for compliance with final effluent limitations by 31 July 2030.

ISSUES:

The tentative NPDES Permit and Time Schedule Order were originally scheduled for consideration at the April 2025 Board meeting and circulated for a 30-day public comment period on 5 February 2025 with comments due by 7 March 2025. Comments were not received from the public or the Discharger.

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, the proposed NPDES Permit and Time Schedule Order were re-scheduled for consideration at the 20 June Board meeting and 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 United States Department of the Interior, National Park Service, Yosemite National Park) 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.

Because adoption of the proposed Time Schedule Order was re-scheduled from the April 2025 Board meeting to the June 2025 meeting as described above, Board staff adjusted the time schedule beginning and end dates accordingly by two months.

RECOMMENDATION:

Adopt the proposed NPDES Permit and Time Schedule Order.

REVIEWS:

Management Review:	MSS;
Legal Review:	

BOARD MEETING LOCATION:

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

AND VIA VIDEO AND TELECONFERENCE