CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE TIME SCHEDULE ORDER R5-2025-XXXX

REQUIRING
UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE,
YOSEMITE NATIONAL PARK
EL PORTAL WASTEWATER TREATMENT FACILITY
MARIPOSA COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED IN
ORDER R5-2025-XXXX
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0081759

FINDINGS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. The United States Department of the Interior, National Park Service, Yosemite National Park (Discharger), owns and operates the El Portal Wastewater Treatment Facility (Facility). The Facility is permitted to discharge up to 1.0 million gallons per day (mgd) of treated wastewater to the Merced River, a water of the United States.
2. On <XX> June 2025, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2025-XXXX, NPDES Permit CA0081759, which includes final effluent limitations, in part, for total copper and total zinc.
3. WDR Order R5-2025-XXXX section IV.A.1.a. includes Final Effluent Limitations at Discharge Points 001 and 002 as shown, in part, as follows:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly	Maximum Daily
Copper, Total Recoverable	micrograms per liter (µg/L)	2.0	4.0
Zinc, Total Recoverable	µg/L	10.	20.

NEED FOR TIME SCHEDULE AND LEGAL BASIS

4. On 16 January 2025, the Discharger submitted an infeasibility analysis requesting additional time to comply with the existing final effluent limitations for total copper and total zinc in WDR Order R5-2025-XXXX. The Facility's effluent hardness significantly decreased beginning October 2022. The average effluent hardness decreased from around 206 mg/L to approximately 45 mg/L. The minimum hardness detected in the effluent was 12 mg/L. Consequently, the water quality objectives for hardness dependent metals reduced significantly.

Thus, to achieve compliance with the final effluent limitations for total copper and total zinc, the Discharger has requested time to conduct a chemical alternative analysis to increase hardness, purchase and install the preferred alternative, and implement an evaluation period to ensure compliance with the effluent limitations.

5. The Discharger cannot consistently comply with the total copper and total zinc effluent limitations in WDR Order R5-2025-XXXX and must implement additional actions to reach compliance. This Order contains a time schedule for compliance with final effluent limitations, sets interim limitations for certain constituents, and is intended to provide protection from mandatory minimum penalties (MMPs) for these constituents.

MANDATORY MINIMUM PENALTIES

6. California Water Code (CWC) section 13385, subdivisions (h) and (i), requires the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) exempts discharges from these MMPs:

> … where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...

7. Per the requirements of CWC section 13385(j)(3), the Central Valley Water Board finds that:

   a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to CWC section 13385(h) and (i).

   b. To comply with final effluent limitations, the Discharger proposed that 5 years is necessary to allow for development and implementation of the actions presented in Finding 4.

   c. The final effluent limitations for total copper and total zinc are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge after the effective date of Order R5-2025-XXXX and after 1 July 2000. New or modified control measures are necessary in order to comply with the final effluent limitations for total copper and total zinc. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

   d. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.

8. By statute, a Cease and Desist Order or Time Schedule Order (TSO) may provide protection from MMPs for no more than five years.

9. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for total copper and total zinc found in WDR Order R5-2025-XXXX from **1 August 2025** (effective date of WDR Order R5-2025-XXXX) until **31 July 2030**.

10. The Discharger has not previously been protected from MMPs for violations of total zinc effluent limitations. However, the Discharger has been protected from MMPs for violations of copper effluent limitations specified in WDR Order R5-2008-0060. On 15 September 2011, the Central Valley Water Board Executive Officer issued a TSO protecting the Discharger from MMPs for copper until 30 May 2012. WDR Order R5-2014-0068 contained final effluent limitations for total copper and total zinc but a TSO was unnecessary because it was determined immediate compliance with the effluent limitations was feasible. WDR Order R5-2019-0069 did not include effluent limitations for total copper or total zinc because the Facility's discharge did not have reasonable potential to cause, or contribute to, an excursion above copper and zinc water quality objectives. During a recent reasonable potential analysis of the Facility's discharge, copper and zinc concentrations exceeded the applicable water quality objectives, which were significantly lower than in the past due to the significant decrease in effluent hardness in October 2022. This resulted in significantly more stringent effluent limitations than seen in past permits. Thus, consistent with Finding 7.c, the total copper and total zinc effluent limitations in WDR Order R5-2025-XXXX are considered new and more stringent.

11. In accordance with CWC section 13385(j)(3)(C), the total length of protection from mandatory minimum penalties for the final effluent limitations for total copper and total zinc does not exceed five years.

12. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for total copper and total zinc contained in WDR Order R5-2025-XXXX. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.

13. This Order includes new performance-based interim effluent limitations for total copper and total zinc. The Central Valley Water Board calculated an interim average monthly effluent limitation (AMEL) for total copper and total zinc based on the current treatment plant performance. The interim effluent limitations were developed using the statistical based approach provided in *USEPA's Technical Support Document for Water Quality-Based Toxics Control (TSD)*. The TSD provides guidance on estimating the projected maximum effluent concentration based on 99% confidence level and 99% probability basis. The multipliers in Table 3-1 of the TSD were used to calculate the 99th percent confidence level and 99th percentile of the data set based on the number of effluent samples and the coefficient of variation.

The multipliers from TSD Table 3-1 were multiplied by the highest observed representative effluent concentration to estimate the maximum expected effluent concentration; this value was used as the interim effluent limitation for the AMEL.

The interim maximum daily effluent limitations (MDELs) were calculated using the MDEL/AMEL multipliers per Table 2 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California. In calculating interim effluent limitations for total copper and total zinc, effluent data between April 2021 and March 2024 were used. The following table summarizes the calculation of the interim effluent limitations for total copper and total zinc:

Table 1. Interim Effluent Limitations

Parameter	Units	Interim AMEL	Interim MDEL
Copper, Total Recoverable	µg/L	62	124
Zinc, Total Recoverable	µg/L	326	654

14. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

15. If an interim effluent limitation contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in CWC 13385(j)(3). It is the intent of the Board that a violation of an interim average monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim maximum daily effluent limitation subjects the Discharger to one MMP for the day in which the sample was collected.

OTHER REGULATORY REQUIREMENTS

16. CWC section 13300 states, in part:

> "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

17. CWC section 13383 states, in part:

> "[A] regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge."

18. The Discharger owns and operates the El Portal Wastewater Treatment Facility. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in this Order, WDR Order R5-2025-XXXX, and subsequent WDRs.

19. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555-556.).

20. On <XX> June 2025, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this TSO under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT:

1. Pursuant to California Water Code Sections 13300 and 13383, the Discharger shall comply with the following time schedule to submit reports and ensure completion of the compliance project described in Finding 7.b, above:

Table 2. Compliance Schedule for Total Copper and Total Zinc Effluent Limitations

Task Number	Task	Compliance Date
1	Submit and implement a Pollution Prevention Plan (PPP) pursuant to CWC section 13263.3 for total copper and total zinc.	1 August 2026
2	Submit Progress Reports. The progress reports shall detail the steps taken to comply with this Order, including documentation, showing completion of tasks, construction progress, evaluation of the effectiveness of	1 August, annually

Task Number	Task	Compliance Date
	the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.	
3	Submit a technical report identifying the preferred alternative, and present the selected method of compliance along with the preliminary engineering, if appropriate, and evaluation of alternatives.	2 November 2026
4	Comply with final effluent limitations for total copper and total zinc.	31 July 2030

2. The following interim effluent limitations for total copper and total zinc shall become effective **1 August 2025**. The Discharger shall comply with the following interim effluent limitations through **31 July 2030**, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 3. Interim Effluent Limitations

Parameter	Units	Interim AMEL	Interim MDEL
Copper, Total Recoverable	µg/L	62	124
Zinc, Total Recoverable	µg/L	326	654

3 Any person signing a document submitted under this TSO shall make the following certification:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney

General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDR Order may result in the assessment of Administrative Civil Liability of up to $10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the laws and regulations applicable to filing petitions may be found on the Water Quality Petitions Page (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

I, Patrick Pulupa, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **<XX> June 2025**.

PATRICK PULUPA, Executive Officer