

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400, Oakland, CA 94612

**NOTICE OF OPPORTUNITY TO COMMENT AND PUBLIC HEARING
FOR SECOND ADDENDUM TO TENTATIVE ORDER**

Discharges of Groundwater – San Francisco Bay Region

Board staff has prepared a second addendum to a draft National Pollutant Discharge Elimination System (NPDES) permit ([Tentative Order](#)) for groundwater treatment facilities in the San Francisco Bay Region in accordance with the Clean Water Act and Porter-Cologne Water Quality Control Act. The Tentative Order was circulated for public comment between January 17, 2025, and February 18, 2025, as revised by an [addendum](#) distributed for public comment between July 3, 2025, and August 4, 2025. The first addendum revised the Tentative Order to remove receiving water limitations in response to the U.S. Supreme Court ruling in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704, which held that NPDES permits may not include end-result requirements under the Clean Water Act. This second addendum further revises the Tentative Order in response to the California Court of Appeal ruling in *Camarillo Sanitary District et al. v. State Water Resources Control Board* (2025) 113 Cal.App.5th 407. The Court of Appeal held that the use of the Test of Significant Toxicity, which is required by the *State Policy for Water Quality Control: Toxicity Provisions* (Toxicity Provisions) to assess compliance with its aquatic toxicity water quality objectives, conflicts with federal law, but that the State Board had otherwise properly adopted the Toxicity Provisions under State law. The Toxicity Provisions exempt some requirements for certain discharges, including those that would be regulated under the Tentative Order, provided that the Regional Water Board includes the Toxicity Provisions' toxicity objectives as receiving water limitations in NPDES permits. To this end, this addendum revises the Tentative Order (as revised by the first addendum that removed all receiving water limitations) to add back a receiving water limitation that implements the toxicity objectives as State-only requirements. The Tentative Order would regulate discharges associated with the extraction and treatment of groundwater impacted by inorganic chemicals, VOCs, per- and polyfluoroalkyl substances (PFAS), fuel-leak compounds, and other synthetic organic compounds in the San Francisco Bay Region.

The Regional Water Board will accept only comments pertaining to the revisions in this second addendum. The deadline for receipt of comments is **5:00 p.m. on November 17, 2025**. The Regional Water Board will respond to comments received for this second addendum and to comments on the first addendum and original Tentative Order received during the previous public comment periods that took place between July 3, 2025 and August 4, 2025, and between January 17, 2025, and February 18, 2025. There is no need to re-submit comments. The Board will consider adopting the Tentative Order during a meeting to commence at 9:00 a.m. on **December 10, 2025**. Interested persons are invited to express their views at this hearing.

Pursuant to California Code of Regulations Title 23 section 2050(c), any party who challenges the Board's action through a petition to the State Water Resources Control Board under Water Code section 13320 will be limited to raising only those substantive issues raised before the Board at the hearing or in timely submitted correspondence.

All documents related to the Tentative Order may be inspected at the Board office. The Tentative Order and developments on this matter are available at waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.html. Comments received, Board staff responses to comments, and other developments on this matter will be posted on the Board meeting agenda a week prior to the hearing and will be available at waterboards.ca.gov/sanfranciscobay/board_info/agenda.html.

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