

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

EXECUTIVE OFFICER SUMMARY REPORT

March 11, 2026

ITEM 7

SUBJECT

NPDES Permit Reissuance: Waste Discharge Requirements and NPDES Permit for the City of San Diego, E.W. Blom Point Loma Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall (Tentative Order No. R9-2026-0002, NPDES Permit No. CA0107409, Final Tentative Order and Permit). The Final Tentative Order and Permit are based on a variance from federal secondary treatment standards at Title 40 of the Code of Federal Regulations Part 133 (40 CFR 133), as provided for under Clean Water Act section 301(h) and 40 CFR 125, Subpart G. (*Joann Lim*)

STAFF RECOMMENDATION

To receive public testimony and to consider adoption of the Final Tentative Order and Permit (**Supporting Document No. 1**).

KEY ISSUES

1. San Diego Regional Water Quality Control Board (San Diego Water Board) adoption of the Final Tentative Order and Permit incorporates the United States Environmental Protection Agency, Region 9 (USEPA) Final Decision Document (**Supporting Document No. 2**).¹ If adopted, the Final Tentative Order and Permit will not be effective until USEPA concurrently signs the Final Tentative Order and Permit and issues a final decision regarding the Secondary Treatment Waiver.
2. The City of San Diego (City) continues its commitment to implementing a comprehensive water reuse program called Pure Water San Diego, which results in an increase of potable water reuse and a reduction in the quantity of total suspended solids (TSS) discharged by the City into the marine environment. It is recognized that Pure Water San Diego will significantly reduce and improve the ocean discharge while producing water suitable for potable reuse. The Final Tentative Order and Permit outline the City's schedule for completing Pure Water San Diego Phase 1 and advancing Phase 2 during the term of the Order and Permit.
3. The Final Tentative Order and Permit comply with the U.S. Supreme Court ruling regarding "end-result" requirements² by removing the Ocean Plan general requirements, Ocean Plan and Basin Plan water quality objectives, and Ocean Plan and Basin Plan prohibitions that constitute "end-result" requirements. Although this

¹ The Final Decision Document was signed by the USEPA Acting Regional Administrator on February 10, 2026, and grants a variance from secondary treatment standards pursuant to the Clean Water Action section 301(h) and (j)(5) for the term of the Final Tentative Order and Permit.

² 2025 U.S. Supreme Court ruling in *City and County of San Francisco, California v. Environmental Protection Agency* (No. 23-753), which held that the Clean Water Act does not authorize end-result requirements in NPDES permits. End-result requirements make the Discharger responsible for the quality of the receiving water into which it discharges pollutants, without specifying specific requirements (e.g., effluent limitations) or actions the Discharger must take that apply at or before the discharge point.

Order and Permit remove the end-result requirements, the cumulative requirements in the Final Tentative Order and Permit are still protective of the receiving water and beneficial uses. Also, the San Diego Water Board and USEPA will review the effluent and receiving water monitoring results to identify any water quality concerns and respond accordingly. Responses may include issuing an investigative order to determine if and how much the discharge is causing or contributing to water quality concerns, reopening the Final Tentative Order and Permit to develop additional effluent limitations or to add operational requirements if needed to remedy the issue, or taking an enforcement action.

4. The San Diego Water Board's adoption of the Final Tentative Order and Permit will serve as its Clean Water Act (CWA) section 401 Water Quality Certification of the federal permit issued by USEPA.

PRACTICAL VISION

The Final Tentative Order and Permit are part of the San Diego Water Board's core regulatory work of the National Pollutant Discharge Elimination System (NPDES) Program. The Final Tentative Order and Permit contain special provisions specifically for the City's Pure Water San Diego Program implementation. The Pure Water San Diego Program will ultimately produce potable water to advance the State of California's (State's) water recycling goals, consistent with the *Strategize to Achieve a Resilient Local Water Supply* chapter of the San Diego Water Board Practical Vision. The Pure Water San Diego Program will also systematically reduce wastewater flows and TSS loading to the ocean. Additionally, the Final Tentative Order and Permit have ocean monitoring and reporting provisions to collect data that are used to assess and communicate the water quality conditions of the Pacific Ocean, consistent with the Monitor and Assess chapter of the Practical Vision.

DISCUSSION

The City owns and operates the E.W. Blom Point Loma Wastewater Treatment Plant (Facility), an advanced primary treatment plant on the Point Loma peninsula in San Diego, California. The Facility serves as the terminal treatment facility of the San Diego Metropolitan Sewerage System (Metro System). The Metro System collects and treats wastewater from the City and 12 participating agencies within a 450-square mile service area throughout San Diego County. See **Supporting Document No. 3** for the location map of the Facility and Metro System.

From March 1, 2024, to April 1, 2024, the San Diego Water Board and USEPA made the Initial Tentative Order and Permit (Tentative Order No. R9-2024-0004) and USEPA's Tentative Decision Document available for public review and comment. See **Supporting Document No. 4** for the public notice. On March 13, 2024, the San Diego Water Board conducted a public hearing on the Initial Tentative Order and Permit to receive and discuss oral comments related to the Initial Tentative Order and Permit and the Tentative Decision Document. USEPA joined this State-led meeting. The Executive Officer's Summary Report from March 13, 2024, (**Supporting Document No. 5**) contains background information for the Facility, including a history of the permitting to date, and significant differences between the Current Order and Permit (Order No. R9-2017-0007) and the Initial Tentative Order and Permit.

San Diego Water Board and USEPA received written comment letters³ on the Initial Tentative Order and Permit from the following parties (**Supporting Document Nos. 6 through 8**):

- Juan Guerreiro, Director, Public Utilities Department, City of San Diego, received April 2, 2024.
- Patrick McDonough, Senior Attorney, San Diego Coastkeeper, received April 1, 2024.
- Jared Voskuhl, Director of Regulatory Affairs, California Association of Sanitation Agencies, received April 2, 2024.

The permit reissuance was delayed until 2025 for the following reasons:

- To include the condition from the California Coastal Commission's consistency certification;⁴
- To modify the Initial Tentative Order and Permit to comply with the 2025 U.S. Supreme Court ruling regarding "end-result" requirements; and
- To modify the Initial Tentative Order and Permit to comply with the court decision for the Camarillo Sanitary District v. State Water Resource Control Board (113 Cal.App.5th 407) regarding the use of the Test of Significant Toxicity (TST).⁵

Due to the delays noted above, the San Diego Water Board and USEPA obtained a new order number to reflect the calendar year and Revised Tentative Order and Permit (Order No. R9-2025-0005).

From September 12, 2025, to October 13, 2025, the San Diego Water Board and USEPA made the Revised Tentative Order and Permit (Tentative Order No. R9-2025-0005) available for public review and comment. See **Supporting Document No. 9** for the public notice.

San Diego Water Board and USEPA received written comment letters on the Revised Tentative Order and Permit from the following parties (see **Supporting Document Nos. 10 through 12**):

- Juan Guerreiro, Director, Public Utilities Department, City of San Diego, received October 13, 2025.
- Patrick McDonough, Senior Attorney, San Diego Coastkeeper, received October 13, 2025.
- Jared Voskuhl, Director of Regulatory Affairs, California Association of Sanitation Agencies, and Amanda Aspatore, Chief Legal Officer, National Association of Clean Water Agencies, received October 13, 2025.

³ April 1, 2024, was a State holiday. Thus, comment letters were accepted on the next business day, April 2, 2024.

⁴ On February 6, 2025, the California Coastal Commission conditionally concurred with the Consistency Certification CC-0002-24 for the E.W. Blom Point Loma Wastewater Treatment Plant and Point Loma Ocean Outfall.

⁵ On August 5, 2025, in Camarillo Sanitary District v. State Water Resource Control Board (113 Cal.App.5th 407) the California Court of Appeal, Fifth Appellate District issued a court decision that the Test of Significant Toxicity (TST) cannot be utilized to determine compliance with whole effluent toxicity NPDES permitting requirements.

The Response to Comments Report (**Supporting Document No. 13**) includes responses to the comments on both the 2024 Initial Tentative Order and Permit and 2025 Revised Tentative Order and Permit and any actions taken to modify those initial and revised versions. The modifications are included in the 2026 Final Tentative Order and Permit, **Supporting Document No. 1**, with additions shown in red-underline and deletions shown in ~~red-strikeout~~. Text that was deleted in the Revised Tentative Order and Permit but then added back into the Final Tentative Order and Permit are in red-double underline. Text which was added in the Revised Tentative Order and Permit but then deleted in the Final Tentative Order and Permit are in ~~red-underline-strikeout~~.

The following is a summary of the significant modifications from the Initial Tentative Order and Permit to the Final Tentative Order and Permit:

1. The Final Tentative Order and Permit provide more time for the City to develop and submit the Asset Management Plan. See Comment A3 in the Response to Comments Report.
2. The Final Tentative Order and Permit add language for the San Diego Water Board Executive Officer to approve an alternative method for monitoring the kelp beds such as satellite imagery. See Comment A21 in the Response to Comments Report.
3. The Final Tentative Order and Permit change the kelp bed canopy monitoring requirements from an annual report to interim and biennial reports. The Interim Kelp Bed Canopy Reports must include brief summaries of data and images produced during one year of kelp aerial surveys. The Biennial Kelp Bed Canopy Reports must provide a more thorough discussion, evaluation, and interpretation and cover two years of kelp aerial surveys. Each year the required kelp report alternates between the interim report (e.g., due in 2027, 2029) and biennial report (e.g., due in 2026, 2028, 2030). This new reporting schedule will be consistent with the City's Interim and Biennial Receiving Water Monitoring Reports (Final Tentative Order and Permit, Attachment E, section 4.6). See Comment A22 in the Response to Comments Report.
4. The Final Tentative Order and Permit 1) remove end-result requirements (e.g., water quality objectives, discharge specifications, and prohibitions) as required by the U.S. Supreme Court ruling for permits issued pursuant to federal law and 2) add an analysis to evaluate current conformance with these requirements, and how remaining requirements in the Final Tentative Order and Permit provide protections to achieve applicable federal and State water quality standards. See Comment D1.1 in the Response to Comments Report.
5. The Final Tentative Order and Permit recalculate the mass emission benchmark for non-chlorinated phenolic compounds based on new information. See Comment D3 in the Response to Comments Report.

6. The Final Tentative Order and Permit modify the notification and reporting requirements for spills to be consistent with State Water Board Order No. WQ 2022-0103-DWQ, *Statewide Waste Discharge General Order for Sanitary Sewer Systems* to avoid duplicative reporting requirements. See Comment D4 in the Response to Comments Report.
7. The Final Tentative Order and Permit require the Test of Significant Toxicity (TST) approach to determine compliance with the chronic toxicity effluent limitation.⁶

The comment letters from the City and San Diego Coastkeeper also contained comments on the Tentative Decision Document. **Supporting Document No. 14** contains responses to public comments on the Tentative Decision Document.

LEGAL CONCERNS

None.

PUBLIC NOTICE

On March 1, 2024, the San Diego Water Board and USEPA provided public notice on the Initial Tentative Order and Permit (Tentative Order No. R9-2024-0004) and USEPA's Tentative Decision Document for public review and comment. On September 12, 2025, the San Diego Water Board and USEPA provided public notice on the Revised Tentative Order and Permit (Tentative Order No. R9-2025-0005) for public review and comment.

SUPPORTING DOCUMENTS

1. Final Tentative Order and Permit
2. Final Decision Document
3. Location Map
4. Joint Notice of Proposed Actions, March 1, 2024
5. March 13, 2024, Public Hearing Executive Officer Summary Report
6. Comment letter from the City of San Diego, dated April 2, 2024
7. Comment letter from San Diego Coastkeeper, dated April 1, 2024
8. Comment letter from the California Association of Sanitation Agencies, dated April 2, 2024
9. Joint Notice of Proposed Actions, September 12, 2025
10. Comment letter from the City of San Diego, dated October 13, 2025
11. Comment letter from San Diego Coastkeeper, dated October 13, 2025
12. Comment letter from the California Association of Sanitation Agencies and National Association of Clean Water Agencies, October 13, 2025
13. Response to Comments Report
14. Response to Public Comments on the Tentative Decision Document for Clean Water Act Section 301(h) Waiver for Discharges from the E.W. Blom Point Loma Wastewater Treatment Plant Owned and Operated by the City of San Diego NPDES Permit No. CA0107409

⁶ By email dated December 23, 2025, the City requested TST as the sole methodology for determining compliance with the chronic toxicity effluent limitation following the State Supreme Court's decision to review the case.