

Waste & Water Update

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IMPACT OF SUPREME COURT'S CWA DECISION ON NPDES PERMITS

In March 2025, the United States Supreme Court issued a decision limiting the scope of the U.S. Environmental Protection Agency's (EPA's) authority under the Clean Water Act (CWA) as it relates to permits governing discharges by industry and municipalities into covered water bodies. The case arose when the City of San Francisco challenged provisions in its National Pollutant Discharge Elimination System (NPDES) permit, issued by the EPA, that held the City responsible for water quality standards in the Pacific Ocean or the San Francisco Bay. The Court was tasked with determining if the CWA authorizes the EPA to issue a permit to San Francisco that conditioned compliance on whether receiving waters met applicable water quality standards.

This case addressed a longstanding dispute between the EPA and many permittees regarding "end-result" permit requirements frequently found in NPDES permits. The Supreme Court held that Section 1311(b)(1)(C) of the CWA does not authorize the EPA to include "end-result" provisions in its NPDES permits.

The majority opinion explained that the enforcement responsibility for determining and implementing steps to achieve water quality standards falls within the EPA's mandate and cannot be shifted onto permittees through general outcome-based language. This decision will require the EPA to issue more concrete requirements in its NPDES permits, which should provide industry and municipalities with greater certainty about what they will need to do to comply with those permits.

What does this mean for industrial storm water in California?

- Commercial, Industrial, and Institutional (CII) Permit – *Postponed*
- Industrial General Permit (IGP) Revision – *Postponed*

INCREASED REGULATORY SCRUTINY REGARDING RAINWATER DISCHARGE INTO SANITARY SEWER SYSTEMS

A key wastewater management concept is to separately manage sanitary and non-sanitary (e.g., industrial) wastewater and storm water. The term "municipal separate storm sewer system" (MS4), when applied to storm water collection systems, emphasizes they are "separate" from sanitary sewer (SS) systems. As wastewater collection/treatment systems are sized to collect wastewater exclusive of storm water, excessive storm water entering during rainstorms can result in an overflow of untreated or partially treated wastewater into streets, streams, and the ocean – clearly undesirable, as well as a legal issue for the SS operator.

As a result, SS operators, particularly large ones such as Los Angeles County Sanitation Districts (LACSD), have recently increased inspection efforts to eliminate storm water from entering SS systems, except under site-specific permits. This "crackdown" includes guidance to all SS users regarding the prohibitions on storm water discharge.

LACSD and other operators are increasing outreach and inspections, targeting industrial users to eliminate outdated open connections to the SS, such as plant and wash rack drains. Because removing these connections may require rerouting underground piping and other infrastructure, facility operators

are advised to survey their facilities and initiate such changes.

For more information on the above, go to:

<https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-waste-policies/rainwater-storm-water-groundwater-and-other-water-discharges>

Waste & Water Tip

As of December 17, 2024, new Above-ground Petroleum Storage Act regulations from the Office of the State Fire Marshal, approved by the Office of Administrative Law, took effect. While the program remains unchanged, the regulations added detail on reporting via the California Environmental Reporting System (CERS), Certified Unified Program Agency (CUPA) inspections, tank suitability, and corrosion protection. Actions to consider: protect piping/components from external corrosion, submit annual reports via CERS, replace or decommission non-compliant tanks, prepare for triennial CUPA inspections, train staff, maintain records, and clean up visible petroleum discharges and dike accumulation.

Upcoming Online EH&S Training Offered by Yorke Engineering (4-Hour Sessions)

- California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting Seminar: Oct. 7, 9, 14, and 16, 2025
Class Info at: <https://yorkeengr.com/classes>

Upcoming Due Dates for 2025/2026*

- SWRCB CGP Annual Report 9/1/25
- SWRCB IGP NEC Recertification10/1/25
- SWRCB Small/Non-Traditional MS4 Permit Annual Report..... 10/15/25
- CDTFA Haz. Waste G&H Fee..... 11/30/25
- SWRCB Level 1 ERA Report..... 1/1/26
- SWRCB Level 2 ERA Action Plan... 1/1/26
- SWRCB Level 2 ERA Tech. Report.. 1/1/26
- DTSC Annual Reports for E-Waste Handling and Recycling Activity..... 2/1/26
- CDTFA Haz. Waste G&H Fee..... 2/28/26

*Due dates listed are statutory dates; sometimes dates are extended when on a weekend/holiday.