
North Coast Regional Water Quality Control Board

**Regional Water Quality Control Board
North Coast Region
Staff's Summary Report
May 7-8, 2026**

ITEM: 6

SUBJECT: Update on receiving water limitations in National Pollutant Discharge Elimination System (NPDES) permits and impact of *City and County of San Francisco v. EPA* U.S. Supreme Court Decision.

BOARD ACTION: This is an informational item; no action will be taken by the Board.

BACKGROUND: Historically, NPDES permittees included “receiving water limitations,” which prohibited dischargers from causing or contributing to exceedances of water quality objectives established for receiving waters.

The City of San Francisco challenged receiving water limitations within its NPDES permit, arguing that Clean Water Act (CWA) section 301(b)(1)(C) does not authorize NPDES permit requirements that condition a permit holder’s compliance on whether receiving waters meet applicable water quality standards. On March 4, 2025, the Supreme Court ruled that the CWA does not authorize such “end-result” provisions, defining them as provisions that do not spell out what a permittee must do or refrain from doing but instead make permittees responsible for receiving water quality. The Supreme Court reasoned that such provisions leave the permittee to figure out what it must do to achieve necessary water quality in the receiving water and, unlike specific requirements (e.g., effluent limitations) that tell the permittee what it must do to comply with the permit, are not authorized by CWA section 301. (*City & County of San Francisco, Cal. v. Environmental Protection Agency*, 604 U.S. 334 (2025).)

Following the ruling, North Coast Regional Water Board staff are no longer including receiving water limitations in individual NPDES wastewater permits under the authority of the Clean Water Act. Staff will be proposing for Regional Water Board consideration, at this meeting and future Board meetings, NPDES wastewater permits that ensure water quality is protected through end-of-pipe discharge prohibitions, effluent limits, monitoring, and special studies. Where appropriate, staff will retain necessary provisions to protect receiving water, including to prevent nuisance, pursuant to state

law and Water Code authorities. Additionally, existing state groundwater protections remain in place.

Regional Water Board NPDES Wastewater Unit Supervisor Mona Dougherty will provide an update on how staff replaced receiving water limitations in NPDES Wastewater Permits, while maintaining water quality protection. Additionally, Office of Chief Counsel Attorneys Nathan Jacobsen and Bayley Toft-Dupy will be available for questions.

RECOMMENDATION: N/A

SUPPORTING DOCUMENTS: [23-753 City and County of San Francisco v. EPA Decision \(03/04/2025\)](https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf) (https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf)