Regional Water Quality Control Board
North Coast Region
Staff's Summary Report
December 3-4, 2026

ITEM: 2

SUBJECT: Public Hearing on Order No. R1-2026-0005 to consider adoption of proposed Waste Discharge Requirements for City of Cloverdale Wastewater Treatment Facility WDID No. 1B84032OSON, NPDES Permit No. CA CA0022977 (Justin McSmith).

BOARD ACTION: The Board will consider the adoption of Waste Discharge Requirements Order No. R1-2026-0005. The Order will serve as a National Pollutant Discharge Elimination System (NPDES) permit for a period of five years.

BACKGROUND: The City of Cloverdale (Permittee) owns and operates the Wastewater Treatment Facility (Facility) and associated wastewater collection system that provides sewer service to approximately 8,800 residential, commercial, industrial, and municipal users in the City.

The Facility discharges secondary treated wastewater and has an average dry weather design treatment capacity of 1.0 million gallons per day (mgd) and a peak daily wet weather treatment capacity of 8.25 mgd. The treatment system consists of headworks, aeration ponds, including air infusion through bubble diffusers and baffles, and chlorine disinfection. Treated wastewater is discharged to percolation ponds.

The Facility does not currently include advanced wastewater treatment and thus, is not authorized to discharge directly to the Russian River. Discharge Prohibition 3.9 of this Order prohibits the discharge of wastewater to the Russian River, unless the permittee upgrades the Facility to provide advanced wastewater treatment. This Order includes effluent limitations for discharges to the Russian River at Discharge Point 001 in the event that the Permittee upgrades its Facility during the term of this Order. If advanced wastewater treatment capabilities are developed at the Facility, wastewater may be discharged via an outfall pipe at Discharge Point 001 to the Russian River, during the allowed discharge period from October 1 to May 14.

DISCUSSION: Order No. R1-2026-0005 (Proposed Permit), replaces Order No. R1-2018-0034 (Previous Permit). While the Previous Permit expired on October 31, 2023, it was administratively extended pending issuance of a new permit pursuant to California Code of Regulation, title 23, section 2235.4.

The Proposed Permit continues to prescribe technology-based effluent limitations for biochemical oxygen demand (BOD), pH, and total suspended solids (TSS), and water quality-based effluent limitations for settleable solids, total residual chlorine, total coliform bacteria, and ammonia. The Proposed Permit further retains the special provisions which require studies and reports to ensure compliance with the operations, toxicity, source control, and biosolids disposal requirements.

Noteworthy changes to the Proposed Permit include the following:

1. **Removal of Receiving Water Limitations.** This Order removes generalized receiving water limitations contained in the Permittee's prior waste discharge requirements. The removal of this requirement is consistent with the U.S. Supreme Court's holding in *City and County of San Francisco, California v. Environmental Protection Agency* (2025). (Draft Factsheet section 5.1) The following requirements were previously implemented as receiving water limitations but now they will be regulated as "end of pipe" requirements:

    a. **Discharge Prohibitions for Maximum Contaminant Levels (MCLs) and oil and grease.** Discharge Prohibitions 3.10 and 3.11 have been included to ensure basin plan objectives are met. (Proposed Order Sections 3.10 and 3.11)

    b. **Settleable Solids Monitoring.** In addition, the draft order includes additional monitoring for settleable solids at monitoring location EFF-001 during the term of the order to support a future reasonable potential analysis. (Proposed MRP Section 4.1)

    c. **Russian River Dissolved Oxygen and Temperature Study**. This Order requires the Permittee to conduct a study to assess the Facility's ability to comply with the basin plan water quality objectives for dissolved oxygen and temperature. (Proposed MRP Section 10.4.1.4.)

    d. **Pesticide Characterization.** Pesticide characterization monitoring is newly established by this order at monitoring location EFF-001 during the term of the order to support a future reasonable potential analysis. (Proposed MRP section 10.4.1.5 and Attachment G)

2. **Monitoring Location Removal and Clarification**. After discussion with the Permittee, RSW-001 and RSW-002 were removed as they were functionally the same as RSW-003 and RSW-004 respectively. The descriptions of RSW-003 and RSW-004 were modified to reflect this change. (Proposed MRP section 2)

3. **Monitoring and Reporting Requirements**. Changes to the monitoring and reporting requirements have been made as follows:

    a. New language to ensure that all monitoring is conducted using sufficiently sensitive methods in accordance with U.S. EPA's Sufficiently Sensitive Methods Rule which became effective November 6, 2018. (Proposed MRP section 1.5)

As a reminder, the changes below were previously noticed on December 17, 2024.

4. **Chronic Toxicity Effluent Limitations**. Effluent Limitations for chronic toxicity have been included as required by the new Toxicity Provisions. (Proposed Order Section 4.1.4.4.)

5. **Revised Effluent Limitations**. WQBELs for chlorodibromomethane, copper, and ammonia were modified in the Proposed Order based on additional effluent data collected during the previous permit term. The revised limitations were developed using applicable water quality criteria and objectives and established procedures for calculating WQBELs to ensure protection of receiving water quality. (Proposed Order Section 4.1.)

6. **Species Sensitivity Screening Reopener Provision**. The reopener provision for species sensitivity has been updated to reflect the new toxicity provisions. (Proposed Order Section 6.3.1.5)

7. **Whole Effluent Toxicity Reopener Provision.** The reopener provision for whole effluent toxicity has been updated to reflect the new toxicity provisions. (Proposed Order Section 6.3.1.3)

8. **Acute Aquatic Toxicity Reopener Provision**. The reopener provision for Acute Aquatic toxicity has been updated to reflect the new toxicity provisions. (Proposed Order Section 6.3.1.4)

9. **Bacteria Provisions**. Updated receiving water limitations for bacteria have been included to implement new bacteria provisions in the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California that were adopted by the State Water Board on August 7, 2018. (Proposed Order section 5.1.19)

10. **Disaster Preparedness Assessment Report and Action Plan**. A requirement to prepare a disaster preparedness assessment report has been added that requires the Permittee to assess its vulnerability to natural disasters and extreme weather and other conditions that may be exacerbated by climate change. (Proposed MRP section 10.4.1.1.)

11. **Groundwater Characterization Study**. This study is required to conduct monitoring necessary to perform a complete characterization of all constituents present in the groundwater. (Proposed MRP Section 11.4.1.2)

12. **Facility Upgrade Reopener Provision**. Provision to allow modification to this Order if the Facility is upgraded to Advanced Wastewater Treatment (AWT) standards. (Proposed Section 6.3.1.6.)

13. **Surface Water Discharge Report**. A new requirement that the Permittee collect at least one sample this permit term from the receiving water for priority pollutants (plus hardness and pH) in the event that the Permittee upgrades the facility to advanced water treatment (AWT) standards. (Proposed MRP section 10.4.1.3.)

14. **Compliance Determination Language**. New and updated compliance determination language has been added to Section 7 of the Proposed Order that addresses:
    a. Compliance with bacteriological limitations. (Proposed Order section 7.8)
    b. Compliance with the chronic toxicity requirements. (Proposed Order section 7.9)

15. **Monitoring and Reporting Requirements (MRP)**. Changes to the monitoring and reporting requirements have been made as follows:
    a. Chlorodibromomethane (CDBM) and Dichlorobromomethane (DCBM) receiving water monitoring removed. CDBM and DCBM have not been detected at monitoring locations RSW-003 through RSW-006; GW-001; GW-007; GW-009; GW-010; GW-011; GW-012; GW-013; GW-014; GW-015; nor GW-016 within the previous permit term and that this monitoring is no longer necessary to complete reasonable potential analysis. (MRP Section 8.2 and 8.3)
    b. New effluent and receiving water monitoring requirements for *E. coli* bacteria to verify that total coliform effluent limitations result in achievement of Statewide Bacteria Standards. (Proposed MRP sections 4.1.1 and 4.3.3.1.7.)
    c. The effluent monitoring frequency requirement for chronic aquatic toxicity has been increased from annually to semiannually to meet the minimum allowed monitoring frequency identified within the new Toxicity Provisions. (Proposed MRP section 4.1.)
    d. The Whole Effluent Toxicity Testing Requirements included in the monitoring and reporting program have been updated significantly to reflect the new Toxicity Provisions. (Proposed MRP Section 5)

A copy of the Proposed Permit was posted on the Regional Water Board website and was available for public comment from December 17, 2024, through January 24, 2025. A comment letter was received from the Permittee on January 16, 2025. The Proposed Permit was removed from the Agenda during this time due to legal challenges brought

against the Test of Significant Toxicity. Once the legal issue was resolved, the Proposed Permit was released for another comment period. The Proposed Permit was noticed a second time from September 26, 2027, 2026, through October 28, 2026. One comment letter comments was received from the Permittee. No other comments were received. The attached Response to Comments document includes a full explanation of the Permittee's comments and Staff's response to the Permittee's comments; several permit modifications were made to the Proposed Permit in response to the Permittee's comments.

Staff notified the Permittee of the proposed changes to the Proposed Permit on September 27, 2026. Staff anticipates that the Proposed Permit will be uncontested.

RECOMMENDATION: Adopt Order No. R1-2026-0005 as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2026-0005
2. Response to Comments Document
3. Notice of Public Hearing
4. City of Cloverdale comment letters will be provided to Board members and are available to the public upon request. To access this document please contact Justin McSmith at justin.mcsmith@waterboards.ca.gov or (707) 576-2082.