



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

DEC 10 2019

Certified Mail No. 7016 0750 0000 6044 1063  
Return Receipt Requested

Mr. Harlan L. Kelly, Jr.  
General Manager  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 13th Floor  
San Francisco, California 94102

RE: Issuance of the Final National Pollutant Discharge Elimination System (NPDES) Permit for the City and County of San Francisco Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project (CA0037681)

Dear Mr. Kelly,

Enclosed is the final NPDES permit for the subject facility. On September 9, 2019, the San Francisco Public Utilities Commission (SFPUC) requested a delay in the issuance of the permit to allow a path forward "that is consistent with the intent of the Combined Sewer Overflow (CSO) Policy, protects receiving water quality, and creates improved regulatory certainty for the benefit of all parties." The enclosed NPDES permit conforms to the CSO Policy, as set forth in EPA's November 21, 2019 letter.

Furthermore, while the renewed NPDES permit contains provisions consistent with the 1979 Exception, which provides the SFPUC with a variance from certain standards set forth in the California Ocean Plan, EPA has informed California of its expectation that California reevaluate the 1979 Exception within this permit term to ensure compliance with the Clean Water Act (CWA). If California cannot demonstrate that the variance meets CWA requirements, including compliance with all water quality standard regulations, I will disapprove the variance or otherwise utilize administrative authorities, pursuant to CWA § 303(c). In addition, should changes be made to the 1979 Exception during the term of this permit, I may also request staff to reopen the permit to adjust as appropriate.

The effective date of the permit is February 1, 2020, unless a petition for permit review is filed

with the Environmental Appeals Board (EAB).<sup>1</sup> Review of the permit can be requested within 33 days of this notice by any person who filed comments on the proposed permit conditions. Review is requested by filing a petition with the Clerk of the EAB. The petition must identify the contested permit condition or other specific challenge to the permit decision and clearly set forth the petitioner's contentions for why the permit decision should be reviewed.

If you have any questions, please contact our Water Director, Tomás Torres, at (415) 972-3337 or [torres.tomas@epa.gov](mailto:torres.tomas@epa.gov).

Sincerely,



Michael Stoker  
Regional Administrator

Enclosures (3)

cc:

Michael Montgomery, San Francisco Regional Water Quality Control Board  
Michael Carlin, San Francisco Public Utilities Commission

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<sup>1</sup> See 40 C.F.R. § 124.19(a) for more information regarding requirements for petitions to the EAB.