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CALIFORNIA COASTKEEPER ALLIANCE CALLS FOR ACTION AFTER SUPREME COURT RULING UNDERMINES THE CLEAN WATER ACT

March 4, 2025 (Sacramento, CA) – Today, the Supreme Court issued its opinion in the case of *San Francisco v. EPA* and ruled in favor of the City of San Francisco, who challenged the U.S. EPA's authority to impose nonspecific, or "narrative," permit terms to protect water quality. The case arose from the EPA's permit issued to the City of San Francisco to regulate its discharge of sewage wastewater into the Pacific Ocean. The permit required, among other things, that San Francisco's discharges not contribute to pollution levels in the ocean that make it unsafe for swimming or toxic to aquatic life, but did not specify what the City must to do meet this water quality requirement. The Court's decision held that it is the U.S. EPA's responsibility to determine what steps a permittee must take to ensure that water quality standards are met.

Today's Supreme Court decision assumes our clean water agencies are well-funded and fully resourced, which does not reflect reality, particularly in light of pending and threatened federal cuts. The decision also falsely assumes that the regulated community is forthcoming when requested to provide information regarding the amount and types of pollution they produce. Until agencies are funded to do the job mandated by Congress, today's decision will ensure disadvantaged communities will continue to suffer from polluters shifting blame to others.

"Our organizations have long advocated for objective and specific enforceable limits in permits," says Sean Bothwell, Executive Director for the California Coastkeeper Alliance. "It's time for the regulated community to cooperate with regulators in developing meaningful and enforceable permit terms that protect water quality - rather than fight specific limits and not being forthcoming with the data necessary to develop those specific limits."

Today's Supreme Court decision relies on the false premise that the regulated community will willingly comply with an agency's directives to take specific actions to prevent pollution. The swiftest, most straight-forward Clean Water Act permit should ensure communities achieve healthy waters by setting compliance with standards at the point of discharge. But for decades, dischargers were given the freedom to decide how to meet water quality standards, and now the Supreme Court has put an end to that practice.

"For too long, the California Water Boards defaulted to the regulated communities' demands for flexibility and vagueness to avoid accountability. It is time to start prioritizing specific limits over permittee flexibility. The regulated community should reap what they sowed. You cannot beg regulators for flexibility to avoid enforcement and then ask the Supreme Court to strike down vague permit standards. It is time California hold polluters to specific water quality standards," says Sean Bothwell.

As the Supreme Court acknowledged, a permit shield is powerful. It should not be granted so easily and at the expense of human and environmental health. Discharges should be prohibited until appropriate

limits are incorporated specifically into permits. Now, as the Court asserts that: "If the EPA does its work, our holding should have no adverse effect on water quality."

The EPA and California's State and Regional Water Boards must now step up with numeric and enforceable permits that provide clear direction for dischargers to meet water quality standards.

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ABOUT CALIFORNIA COASTKEEPER ALLIANCE - California Coastkeeper Alliance represents Waterkeepers programs statewide as they fight for drinkable, swimmable, fishable waters for all Californians. CCKA defends and expands California's protective legislation and strengthens the function of our State Water Board. For more information, visit www.cacoastkeeper.org or @CA_Waterkeepers on social media.