



October 13, 2021

Sami Harper  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

VIA EMAIL: [Samantha.Harper@waterboards.ca.gov](mailto:Samantha.Harper@waterboards.ca.gov)

**Subject: Comments on the September 2021 Basin Plan Triennial Review Staff Report**

Dear Sami Harper:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the September 2021 Basin Plan Triennial Review Staff Report (Staff Report<sup>1</sup>). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA supports the triennial review process and applauds the improvements made to the Basin Plan through this process in recent years. BACWA also appreciate the effort made by Regional Water Board staff to accommodate the requests made in our July 7<sup>th</sup> comment letter on the *Issues Descriptions for the 2021 Triennial Review of the San Francisco Bay Basin Water Quality Control Plan*<sup>2</sup>. In particular, BACWA appreciates that a review and update of Policy 94-086, "Use of Wastewater to Create, Restore, and/or Enhance Wetlands," was included in the Staff Report rather than being removed from the list of candidate projects.

BACWA has one new comment on the Staff Report that reflects our evolving understanding of the projected called "Nutrient Management Strategy and Dissolved Oxygen Assessment Framework in San Francisco Bay," listed as Project No. 2 in Appendix B to the Staff Report. Based on discussions with Regional Water Board staff, it appears that a Basin Plan amendment may not be required to memorialize key outcomes of the Nutrient Management Strategy (NMS) at this time. Instead, alternate forms of documentation may be acceptable, such as via the Nutrient Watershed Permit. BACWA supports considering a broader spectrum of possible regulatory vehicles that may have better flexibility to accommodate the evolving NMS process in the years ahead.

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<sup>1</sup> [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/planningtmdls/basinplan/web/docs/Triennial\\_Review/TR21\\_staff\\_rpt.pdf](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/Triennial_Review/TR21_staff_rpt.pdf).

<sup>2</sup> [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/planningtmdls/basinplan/web/docs/Triennial\\_Review/TriRev21\\_Proj.pdf](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/Triennial_Review/TriRev21_Proj.pdf)

BACWA recognizes that undertaking any Basin Plan amendment is a resource-intensive process, and we know that science and regulatory work related to the NMS is demanding of the Regional Water Board staff members' time. BACWA appreciates the Regional Water Board's deep involvement in the NMS, and supports the high project ranking of #2 listed in the Staff Report. BACWA's preference would be for Regional Water Board staff to prioritize continued engagement with the NMS process over a Basin Plan amendment, as indicated in the proposed markup below.

[Staff Report, Appendix B, page B-4]

This candidate project would involve staff participation in the Nutrient Management Strategy (NMS) for San Francisco Bay and possible preparation of documentation ~~development of a Basin Plan amendment to~~ memorialize key outcomes of the NMS.

BACWA appreciates the opportunity to comment on the 2021 Triennial Review Staff Report, and thanks you for considering our input.

Respectfully Submitted,



Lorien Fono, Ph.D., P.E.

Executive Director

Bay Area Clean Water Agencies

cc: BACWA Executive Board

Michael Montgomery, San Francisco Bay Regional Water Quality Control Board

Thomas Mumley, San Francisco Bay Regional Water Quality Control Board