



October 14, 2024

Gerardo Martinez
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Submitted via email to: Gerardo.Martinez@waterboards.ca.gov

Subject: BACWA Comments on the 2024 Triennial Review of the Basin Plan

Dear Gerardo Martinez:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the San Francisco Bay Regional Water Quality Control Board's 2024 Basin Plan Triennial Review Staff Report¹. 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 seven million people in the San Francisco Bay Area (Bay Area). BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA appreciates the opportunity to comment on the 2024 Triennial Review and thanks you for considering our input as part of the public participation process conducted in spring 2024. We are particularly pleased to see that the proposed Basin Plan Amendment to Develop a Nutrient Water Quality Attainment Strategy for San Francisco Bay ranked high enough to receive staff resources over the next three years. The score of 50 for this project is, if anything, an underestimate of its importance, based on its score for two of the ten ranking criteria:

- **Staff Resources Invested.** The Nutrient Water Quality Attainment Strategy project should receive the maximum number of possible points (10 / 10) for this criterion. As noted on the Regional Water Board's [San Francisco Bay Nutrients Project](#) website², the Regional Water Board was responsible for convening the Nutrient Management Strategy (NMS) in 2014, and it has remained actively engaged in the project through the NMS steering committee and planning subcommittees. BACWA is grateful for this leadership, which should be reflected in the project's score. A similar project related to the

¹ California Regional Water Quality Control Board, San Francisco Bay Region. *Triennial Review 2024 Staff Report*. September 13, 2024. Available online at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/Triennial_Review/2024_TriRev_staff_rpt.pdf

² California Regional Water Quality Control Board, San Francisco Bay Region. "San Francisco Bay Nutrients Project." Updated 8/1/23. Available online at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/estuaryenne.html.

NMS received the maximum possible points in the 2021 Triennial Review staff report³.

- **U.S. EPA Priority.** The Nutrient Water Quality Attainment Strategy project should receive a score higher than zero for this criterion. BACWA does not presume to speak for U.S. EPA, but notes that U.S. EPA submitted a formal comment letter on the Tentative Order of the Nutrient Watershed Permit that signals support for the proposed project. U.S. EPA's May 8, 2024, letter⁴ states, "During this permit term, EPA encourages the Regional Board to continue to work with relevant interested parties so that the development of necessary regulatory approaches can occur to inform the 2029 Nutrients Watershed Permit." BACWA further notes that a similar basin planning project related to the NMS received the maximum possible points (5 / 5) in the 2021 Triennial Review staff report³.

BACWA also recommends changes to the project description to be slightly more expansive and better align with Resolution R2-2014-0014 and Order R2-2024-0013. These requested edits are shown below in redline strikeout format.

[page B-9]

4. Develop Nutrient Water Quality Attainment Strategy for San Francisco Bay

On July 10, 2024, ~~t~~The Water Board adopted an NPDES permit (~~Final~~ Order R2-2024-0013) calling for a 40 percent nitrogen load reduction for municipal wastewater facilities ~~on July 10, 2024~~. The permit includes water quality based effluent limitations that must be achieved within 10 years (October 1, 2034). The Water Board also adopted a Resolution to Identify and Consider Regulatory Mechanisms to Extend Compliance Schedules for Nutrient Effluent Limitations (Resolution R2-2024-0014). In the resolution, the Board directs staff to continue participating in the Nutrient Science Program and implementing the Nutrient Management Strategy. The resolution also directs staff to explore regulatory mechanisms to provide more time for compliance via ~~innovated~~ innovative technologies and multi-benefit projects that reduce nutrient loads (e.g., recycled water and nature-based solutions for nutrient reduction). Based on this direction, staff anticipate a need to develop a water quality attainment strategy (WQAS) that describes and prioritizes, for implementation, the regulatory measures that could provide more time to achieve the water quality based effluent limitations.

This 1.5 PY project would involve work over the next three years to build the scientific foundation and assemble other elements to evaluate regulatory measures to be included in the WQAS for nutrient management in SF Bay. The WQAS would draw from the efforts of the Nutrient Management Strategy to develop nutrient-related scientific understanding

³ California Regional Water Quality Control Board, San Francisco Bay Region. *San Francisco Triennial Review 2021 Staff Report*. November 2021. Available online at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/Triennial_Review/T21_final_staff_rpt.pdf

⁴ "Draft National Pollutant Discharge Elimination System (NPDES) permit for Nutrients from Municipal Wastewater Discharges to San Francisco Bay (NPDES No. CA0038873)." Letter from Peter Kozelka, U.S. EPA Region 9, to Robert Schlipf, California Regional Water Quality Control Board, San Francisco Region. May 8, 2024.

for the Bay, describe findings to date, and describe the efforts to reduce nutrients through the NPDES wastewater permit.

RANKING DETAILS

CATEGORY: Update Implementation Plans

PROPOSED BY: Bay Area Clean Water Agencies (BACWA), EOA, Inc.

SUPPORTED BY: Bay Area Clean Water Agencies (BACWA), EOA, Inc.

SCORE: 50

COMPLEXITY: High

IMPLEMENTING DIVISION: Planning, NPDES

ESTIMATED PERSONNEL-YEARS (PY): 1.5

PY RUNNING TOTAL: 5.5

Thank you for your consideration of these comments.

Respectfully Submitted,



Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

cc: BACWA Executive Board
Eileen White, San Francisco Bay Regional Water Quality Control Board