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## San Francisco Bay Regional Water Quality Control Board

*Sent by email*  
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May 13, 2025

**TO:** Dischargers List

**Subject: Nutrient Watershed Permit Annual Report, Appendix B - Compliance Milestone Summary Report, Order R2-2024-0013, NPDES Permit CA0038873**

We reviewed Appendix B – Compliance Milestone Summary Report of the Nutrient Watershed Permit 2024 Group Annual Report, dated April 1, 2025. Order R2-2024-0013, Provision 6.3.3.1 requires Dischargers to identify preliminary alternatives for meeting final effluent limitations for total inorganic nitrogen by April 1, 2025. In Appendix B, the Bay Area Clean Water Agencies (BACWA) provided information that it collected from each Discharger and categorized each facility into three groups: (1) early actors, (2) compliance pathway identified, and (3) compliance alternatives identified.

### **Early Actors**

Appendix B identifies 16 Dischargers as early actors and indicates that these facilities collectively represent about 80 percent of the average dry weather permitted flows to San Francisco Bay. It appears that Dischargers are defining the term “early actor” differently than the Water Board. Based on the information provided, it does not appear that many of these facilities meet the criteria the Water Board established for early actors in Orders R2-2024-0013 and R2-2019-0017. From our perspective, to qualify as an early actor, Dischargers must document that they started construction or implemented projects to reduce total inorganic nitrogen loads by October 1, 2024, and that once these projects are fully implemented, total inorganic nitrogen concentration in effluent are expected to be 20 mg/L or less. If either of these criteria is unmet, we do not consider a Discharger to be an early actor. In other words, we expect early actors to be able to comply with final effluent limitations for total inorganic nitrogen (based on a total inorganic concentration of 20.5 mg/L and 2022 flows) by the deadline set forth in Order R2-2024-0013 unless the projects do not actually result in the expected nitrogen reductions or population growth in the service area causes flows to increase such that nitrogen loads exceed the mass-based total inorganic nitrogen limit despite achieving a total inorganic nitrogen concentration of 20 mg/L.

### **Compliance Alternatives**

We are encouraged that many Dischargers have moved forward with projects, and many others have identified alternative compliance pathways and conducted pilot testing to move these projects along. Because some Dischargers are still evaluating

ALEXIS STRAUSS HACKER, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

alternatives, we want to point out that Order R2-2024-0013, Provision 6.3.3.1, requires Dischargers to identify the alternative or combination of alternatives to best achieve compliance with final effluent limitations for total inorganic nitrogen by April 1, 2026. At that time, we would appreciate more clarity regarding whether Dischargers considering innovative technologies for any nutrient reduction projects may require more extensive pilot testing.

### **2025 Annual Report**

For the 2025 Annual Report due April 1, 2026, we request that Dischargers seeking to qualify as early actors document that they meet the criteria established in Orders R2-2024-0013 and R2-2019-0017 as described above. We also request that Dischargers selecting innovative technologies to meet final effluent limitations for total inorganic nitrogen include a timeline for pilot studies to ensure that these projects can be implemented as soon as possible.

We recognize that reducing nitrogen loads to San Francisco Bay is requiring significant upgrades that will come at considerable cost and take time to implement. We very much appreciate all the work completed to date and look forward to continuing our collaboration with Dischargers and the Bay Area Clean Water Agencies to encourage and facilitate strategies that will provide multiple benefits to the community and ensure the requirements in the Nutrient Watershed Permit are met.

If you have any questions regarding the above, please contact Robert Schlipf at [robert.schlipf@waterboards.ca.gov](mailto:robert.schlipf@waterboards.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Bill Johnson".

Bill Johnson  
Chief, NPDES Wastewater Division

Copy (sent by email):

Julie Song, U.S. EPA, Region 9, [song.julie@epa.gov](mailto:song.julie@epa.gov)