

## San Francisco Bay Regional Water Quality Control Board

May 30, 2025

**TO:** Dischargers List

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

This is to clarify our letter, dated May 13, 2025, that provided comments on 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

As we mentioned in our May 13, 2025, letter, it appears that Dischargers are defining the term “early actor” differently than the Water Board anticipated. The term is defined in Provision 6.3.6 of Order R2-2024-0013 and was not modified by our May 13, 2025, letter. To assist us with identifying Dischargers that have already implemented significant projects by the effective date of Order R2-2024-0013 (i.e., October 1, 2024), we request the following in the 2025 Annual Report, due April 1, 2026:

- Date construction or implementation began,
- Expected completion date or date projects were completed. For dates, the expected year is sufficient.
- Scope of projects (e.g., optimization, traditional treatment infrastructure, nature-based solutions, and/or recycled water), and
- Total inorganic nitrogen concentration expected or achieved upon project completion and/or load reductions associated with recycled water projects.

For Dischargers that have implemented early actions but are concerned they may not meet the final total inorganic nitrogen limits in Order R2-2024-0013 upon project completion, it would be helpful if they were to identify what expected next steps (e.g., additional projects and implementation timelines) could look like. This information will help the Water Board develop compliance pathways for these Dischargers as we consider alternatives to implement Resolution R2-2024-0014, “Resolution to Identify and Consider Regulatory Mechanisms to Extend Compliance Schedules for Nutrient Effluent Limitations.”

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

**Compliance Alternatives**

As stated in our May 13, 2025, letter, by April 1, 2026, we expect Dischargers to identify the alternative or combination of alternatives (i.e., compliance pathway) to best achieve compliance with the final effluent limitations for total inorganic nitrogen required by Order R2-2024-0013 (see Provision 6.3.3.1). However, we want to clarify that Dischargers are not expected to submit implementation schedules until April 1, 2027.

**Innovative Technologies**

As stated in our May 13, 2025, letter, we request that Dischargers selecting innovative technologies to meet final effluent limitations for total inorganic nitrogen include timelines for pilot studies to ensure that these projects can be implemented as soon as possible. This information should be included with the 2025 Annual Report due April 1, 2026.

Again, we appreciate all the work completed to date and look forward to continuing our collaboration with Dischargers and the Bay Area Clean Water Agencies. 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,



Bill Johnson  
Chief, NPDES Wastewater Division

Copy (sent by email):

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