

EXECUTIVE OFFICER SUMMARY REPORT
June 26, 2014

- ITEM: 7
- SUBJECT: Public Hearing - NPDES Permit Reissuance for the U.S. International Boundary and Water Commission, South Bay International Wastewater Treatment Plant, San Diego County (Tentative Order No. R9-2014-0009, NPDES No. CA0108928). (*Joann Lim, Michelle Mata, and Ben Neill*)
- PURPOSE: To reissue waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0108928 with the adoption of Tentative Order No. R9-2014-0009.
- RECOMMENDATION: Adoption of Tentative Order No. R9-2014-0009 is recommended
- KEY ISSUES:
1. *Pretreatment Program Requirements and Influent Limitations* – The Tentative Order carries over influent limitations from Order No. 96-50, with a requirement that the U.S. section of the International Boundary and Water Commission (USIBWC), the entity that owns and operates the South Bay International Wastewater Treatment Plant (IWTP), develop and implement new influent limitations, as necessary, based on IWTP's current treatment technologies. The Tentative Order also includes pretreatment provisions that require USIBWC to formally communicate with CILA, the Mexican section of the IBWC, about any issues USIBWC has regarding the influent quality.
- The U.S. Environmental Protection Agency (USEPA) strongly supports the inclusion of the influent limitations and the proposed pretreatment provisions to protect the IWTP from pollutants that could pass through the facility or interfere with its wastewater treatment processes or operations.

2. *Transboundary Flows* – Water and wastewater in the Tijuana River and from a number of canyons located at the international border ultimately drain from Mexico into the Tijuana River Estuary in the United States. This water and wastewater are collectively referred to as “transboundary flows” in the Tentative Order. USIBWC has built canyon collectors to capture dry weather transboundary flows from some of the canyons for treatment at the IWTP. The Tentative Order regulates these canyon collectors as part of the IWTP facility and requires that USIBWC properly inspect, operate and maintain them to minimize the discharge of dry weather transboundary flows into the Tijuana River Estuary.

Some of the interested parties requested the Tentative Order be modified to regulate transboundary flows that are not captured by the canyon collectors for treatment at the IWTP, such as flows within the main channel of the Tijuana River and Yogurt Canyon. While the San Diego Water Board is also interested in addressing these flows, doing so is beyond the authorities available to regulate a wastewater treatment plant. The Tentative Order only addresses those flows that are ultimately conveyed to and treated at the IWTP.

3. *Receiving Water Monitoring Requirements* – The Tentative Order includes a comprehensive, question-driven monitoring and reporting program that replaces the outdated provisions in Order No. 96-50 with monitoring requirements similar to other recently adopted municipal wastewater permits in the San Diego Region.

Several interested parties requested the monitoring and reporting program include implementation of a real-time prediction model for the South San Diego Ocean Region to identify and track discharge plumes, monitor key sources of contamination, plan for future changes in outfall capacity, and respond to potential spills or similar events. Some of those interested parties also requested the San Diego Water Board postpone adoption of the Tentative Order until the requested change has been made.

Because such a model may take years to develop, the monitoring and reporting program in the Tentative Order has not been revised to include implementation of a

real-time prediction model for the South San Diego Ocean Region. Instead, the Tentative Order includes a reopener that could be used to modify the monitoring and reporting program in the future when such a model has been developed. This issue is discussed in more detail in the DISCUSSION section below.

PRACTICAL VISION: The Tentative Order was developed with the San Diego Water Board's Practical Vision entitled *Healthy Waters, Healthy People* in mind.

NPDES permits, such as the Tentative Order, are the chief regulatory approach for controlling point source pollutant discharges to surface waters for the protection of human health and the environment. Consistent with the mission of the *Strategy for Healthy Waters* chapter of the Practical Vision, the Tentative Order integrates all applicable technology-based and water quality-based standards to optimize protection of water quality and beneficial uses in ocean waters.

The monitoring and reporting program incorporates specific questions to identify the purpose of the data that is to be collected, and the Tentative Order contains a reopener provision that allows the monitoring and reporting program to be modified to incorporate regional monitoring, consistent with San Diego Water Board Resolution No. R9-2012-0069, *Resolution in Support of a Regional Monitoring Framework*.

DISCUSSION: The IWTP treats a portion of the City of Tijuana's domestic and industrial wastewater to secondary treatment standards and discharges the treated effluent 3.5 miles offshore into the Pacific Ocean, via the South Bay Ocean Outfall (**see Supporting Document No. 1**). If adopted, the proposed Tentative Order (**see Supporting Document No. 2**) will replace Order No. 96-50.

The San Diego Water Board hosted stakeholder workshops on February 14, 2014 and May 14, 2014, to share information and to foster discussion regarding the draft Tentative Order.

The Executive Officer's Summary Report from the May 14, 2014 workshop contains background information for the IWTP, including a history of the permitting to date (**see Supporting Document No. 3**).

The San Diego Water Board received 11 comment letters on the draft Tentative Order released for public comment on April 11, 2014 (**see Supporting Documents Nos. 4 through 14**). Most of the comments received were minor in nature, and with few exceptions the Tentative Order was revised as requested by the commenter. The most significant of the comments are discussed in the KEY ISSUES section above.

As discussed above, several interested parties requested the monitoring and reporting program be revised to include implementation of a real-time prediction model for the South San Diego Ocean Region to identify and track discharge plumes, monitor sources of contamination, plan for future changes in outfall capacity, and respond to potential spills or similar events. Some of those interested parties also requested the San Diego Water Board postpone adoption of the Tentative Order until the requested change has been made.

The San Diego Water Board agrees that the receiving water monitoring requirements in the Tentative Order should be updated to assess the receiving waters on a regional basis. The possible sources of bacteria contributing to beach closures in the international border region include, not only treated effluent from the IWTP, but also treated effluent from other wastewater treatment plants in the United States and Mexico, local runoff from border communities in the United States and Mexico, and outflow from the Tijuana River Estuary. Additionally, the interaction of bacteria with the natural environment is not well-understood. Because of these uncertainties, development of a real-time prediction model for the South San Diego Ocean Region to identify and track discharge plumes, monitor sources of contamination, plan for future changes in outfall capacity, and respond to potential spills or similar events will be a multi-year effort and will require binational involvement of governmental agencies and other involved stakeholders.

The development and successful implementation of such a regional monitoring effort is beyond the scope of the Tentative Order. The San Diego Water Board should not delay consideration of the Tentative Order at this time to further consider the receiving water monitoring program. The Tentative Order does contain reopener clauses to modify the monitoring program as necessary to require

USIBWC to participate in the development, refinement, implementation, and/or coordination of a regional monitoring program (see General Provisions section VI.C.1.b and Attachment E, Monitoring and Reporting Program, section V).

Responses to all comments received are contained in Supporting Document No. 15.

LEGAL CONCERNS:

None

SUPPORTING DOCUMENTS:

1. Location Map
2. Tentative Order
3. May 14, 2014 Workshop Executive Officer Summary Report
4. Comment letter from USEPA
5. Comment letter from USIBWC
6. Comment letter from the City of San Diego
7. Comment letter from the City of Imperial Beach
8. Comment letter from WILD Coast
9. Comment letter from the San Diego Coastkeeper and Surfrider Foundation San Diego
10. Comment letter from the University of California, San Diego – Scripps Institution of Oceanography
11. Comment letter from Representative Juan Vargas
12. Comment letter from State Senator Ben Hueso
13. Comment letter from Assembly Member Lorena Gonzalez
14. Comment letter from San Diego County Supervisor Greg Cox
15. Response to Comments

PUBLIC NOTICE:

On April 11, 2014 notice of this item was provided to USIBWC and interested persons via the San Diego Water Board e-mail subscription list for this matter. The notice was also posted on the San Diego Water Board website on April 11, 2014. A Spanish translation version of the notice was provided and posted on the website. A copy of the notice was included within the Workshop Agenda package on May 14, 2014. Notice was also provided in the Meeting Notice and Agenda for the June 26, 2014 Board meeting and posted on the San Diego Water Board website.