

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2014-0081

**AN ORDER RESCINDING CEASE AND DESIST ORDER NO. 96-52
for the
U. S. SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION
SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT
SOUTH BAY OCEAN OUTFALL
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region, (San Diego Water Board), finds that:

1. On November 14, 1996, the San Diego Water Board adopted Cease and Desist Order (CDO) No. 96-52, *International Boundary and Water Commission U.S. Section, International Wastewater Treatment Plant, South Bay Ocean Outfall, San Diego County*. CDO No. 96-52 directed the U.S. Section of the International Boundary and Water Commission (USIBWC) to achieve compliance with secondary treatment effluent limitations as outlined in Order No. 96-50 (the 1996 NPDES Permit) by completing construction of secondary treatment process facilities at the South Bay International Wastewater Treatment Plant (SBIWTP).
2. In February 2001, the San Diego Water Board filed a complaint in U.S. District Court, Southern District of California (Court) over USIBWC's failure to comply with secondary treatment requirements for the SBIWTP discharge in the 1996 NPDES Permit and CDO No. 96-52. From 2004 to June 2013, the USIBWC's compliance with the 1996 NPDES Permit and CDO No. 96-52 was subject to the jurisdiction of the Court, under the terms of a compliance order which established a schedule for the USIBWC to meet secondary treatment requirements. (*People of the State of California ex rel. The Regional Water Quality Control Board, San Diego Region v. Edward Drusina, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al., Case No. 01 CV 0270 BTM (BLM)*).
3. In November 2010, USIBWC completed the construction of the secondary treatment process facilities at the SBIWTP and the facilities became operational.
4. On September 12, 2011, USIBWC submitted a certification report demonstrating that the secondary treatment process facilities at the SBIWTP are fully constructed and operable.

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5. On June 20, 2013, after about a year of substantial compliance with the secondary treatment effluent limitations, the San Diego Water Board informed the Court of its opinion that the USIBWC had complied with the Court's compliance order and the litigation was concluded. The USIBWC has achieved compliance with the requirements of CDO No. 96-52 and it is therefore appropriate to rescind the CDO. The now expired 1996 NPDES permit was superceded by the San Diego Water Board's reissuance of the NPDES Permit in Order No. R9-2014-0009.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
7. The San Diego Water Board has notified USIBWC and all known interested persons of the intent to rescind CDO No. 96-52.
8. The San Diego Water Board in a public meeting heard and considered all comments pertaining to the proposed rescission.

IT IS HEREBY ORDERED that Cease and Desist Order No. 96-52 is rescinded.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on October 8, 2014.

TENTATIVE
DAVID W. GIBSON, Executive Officer
California Regional Water Quality Control Board
San Diego Region