

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

**EXECUTIVE OFFICER SUMMARY REPORT
February 13, 2019**

ITEM 5

SUBJECT

NPDES Permit Amendment: An Order to amend Order No. R9-2014-0009, as amended by Order Nos. R9-2014-0094 and R9-2017-0024, NPDES No. CA0108928, *Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission, South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean via the South Bay Ocean Outfall* (Tentative Order No. R9-2019-0012). (Joann Lim)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2019-0012 (Tentative Order) is recommended.

KEY ISSUE

The Tentative Order (**Supporting Document No. 1**), if adopted, will replace the interim influent limitations in Order No. R9-2014-0009 with the influent limitations contained in the report, *U.S. IBWC South Bay International Wastewater Treatment Plant Maximum Allowable Headworks Allocations*, dated Revised February 13, 2018, submitted to the San Diego Water Board on June 18, 2018 (MAHA Report).

PRACTICAL VISION

Consistent with the mission of the *Strategy for Healthy Waters* chapter of the Practical Vision, the Tentative Order incorporates updated influent limitations from the MAHA Report to protect the South Bay International Wastewater Treatment Plant (SBIWTP) from pollutants that may cause or contribute to pass through or interference and thus optimize protection of water quality and beneficial uses in the Pacific Ocean.

DISCUSSION

The United States Section of the International Boundary and Water Commission (USIBWC) is the owner of the SBIWTP. The USIBWC contracts with Veolia North America to operate and maintain the SBIWTP. The SBIWTP treats a portion of the City of Tijuana's domestic and industrial wastewater to secondary-treatment standards and discharges the secondary-treated wastewater 3.5 miles offshore into the Pacific Ocean, through the South Bay Ocean Outfall (SBOO). The location of the facilities is shown in **Supporting Document No. 2**.

Influent limitations are necessary to prevent the introduction of pollutants into the SBIWTP that a) inhibit or disrupt the SBIWTP, its treatment processes or operations, or its sludge processes, use, or disposal; b) pass through the SBIWTP in quantities or concentrations that cause or contribute to an exceedance of an applicable water quality standard in the receiving water or otherwise be incompatible with the treatment works; or c) cause other problems as described at title 40 of the Code of Federal Regulations (40 CFR) section 403.5. Influent limitations are based on the specific treatment and operational capacity of the SBIWTP and are therefore essential to ensure that all aspects of the treatment works are protected from pass through or interference in accordance with the Clean Water Act and NPDES pretreatment regulations at 40 CFR part 403.

Influent limitations impose conditions on the quality of influent discharged into the sewage treatment plant located in the United States. They do not establish water quality or discharge requirements that must be attained in Mexico. To meet the influent limitations, the USIBWC consults and coordinates with the Government of Mexico through its section of the IBWC pursuant to IBWC Minute 283, which states, "[t]he Government of Mexico in accordance with laws in force in that country, in order to assure efficient treatment of Tijuana sewage in the [SBIWTP], will require all industries to provide appropriate pretreatment of wastewater that those industries may discharge into the Tijuana sewage collection system which would in turn discharge into the [SBIWTP]." Order No. R9-2014-0009 contains provisions to address exceedances of influent limitations, including a requirement to formally communicate with Mexico about the quality of the influent to the SBIWTP and any issues regarding the influent quality. These requirements are consistent with and further efforts to attain the goals of IBWC Minute No. 283 to prevent pollutants from entering the SBIWTP that may cause or contribute to interference, pass through, or other problems described at 40 CFR section 403.5 and thereby prevent violations of effluent and receiving water limitations.

The interim influent limitations contained in Order No. R9-2014-0009 were developed by the USIBWC for the SBIWTP in 1997 and carried over from Order No. 96-04. Since 1997, the USIBWC upgraded the SBIWTP from an advanced primary-treatment plant to a secondary-treatment plant. To update the influent limitations for the new treatment processes, Order No. R9-2014-0009, section VI.C.5.a.i required the USIBWC to submit a report with the proposed influent limitations, referred to as the MAHA Report, to the San Diego Water Board for approval and incorporation into Order No. R9-2014-0009. The USIBWC submitted the final MAHA Report to the San Diego Water Board on June 18, 2018 (**Supporting Document No. 3**). If the Tentative Order is approved, the influent limitations contained in the final MAHA Report will supersede the interim influent limitations currently set forth in Order No. R9-2014-0009, section VI.C.5.a.ii, Table 7, *Interim Influent Limitations*.

On November 20, 2018, the Tentative Order was released for public comments. The San Diego Water Board received one comment letter on the Tentative Order from the USIBWC (**Supporting Document No. 4**). In its comment letter, the USIBWC requests changes to Order No. R9-2014-0009 that are beyond the scope of the amendments proposed in the Tentative Order. As noted in the Response to Comments Report (**Supporting Document No. 5**), the San Diego Water Board did not make any of the requested revisions to the Tentative Order.

PUBLIC NOTICE

The Tentative Order was noticed and released for public review and comment on November 20, 2018, with comments due December 20, 2018. A public notice was published in the San Diego Union Tribune on November 20, 2018, which announced the February 13, 2019 public hearing and availability of the Tentative Order and provided instructions on submittal of comments on the Tentative Order. Notice of the February public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the February 13, 2019 San Diego Water Board meeting, which was posted on the San Diego Water Board website. Notice of the availability of the Tentative Order for public review and comment was sent to all known interested parties by email on November 20, 2018 and posted on the San Diego Water Board website. A copy of the public notice is provided in **Supporting Document No. 6**.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2019-0012
2. Map Showing Location of the SBIWTP and SBOO
3. USIBWC Final MAHA Report, received June 18, 2018
4. Comment letter from USIBWC, received December 19, 2018
5. Response To Comment Report
6. Notice of Public Hearing and Comment Period