

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

**EXECUTIVE OFFICER SUMMARY REPORT
December 8, 2021**

ITEM 8

SUBJECT

Tentative Order No. R9-2021-0220 (Tentative Order), amending Cease and Desist Order No. R9-2021-0107, *United States Section of the International Boundary and Water Commission South Bay International Wastewater Treatment Plant Discharge to the Pacific Ocean Through the South Bay Ocean Outfall. (Keith Yaeger)*

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2021-0220 (Tentative Order, **Supporting Document No. 1**) amending Cease and Desist Order No. R9-2021-0107 is recommended.

KEY ISSUES

1. The Tentative Order proposes to make amendments to Cease and Desist Order No. R9-2021-0107 (CDO) to modify the compliance deadlines contained in the time schedule of the CDO, as requested by the United States Section of the International Boundary and Water Commission (USIBWC).
2. The Tentative Order also proposes to make modifications to the CDO to:
 - a. include additional tasks in the time schedule based on the Compliance Assurance Report submitted by USIBWC;
 - b. clarify that compliance with reporting requirements and a subset of effluent limitations is required immediately; and
 - c. clarify that the San Diego Water Board may amend the CDO if it is determined that USIBWC cannot meet the compliance deadlines in the time schedule due to a force majeure or some other reason the San Diego Water Board agrees is out of USIBWC's control.

PRACTICAL VISION

Adoption of the Tentative Order is consistent with the values of transparency and communication outlined in the *Effective Community Engagement and Communication* chapter of the Practical Vision¹ as it proposes changes to an existing Cease and Desist Order through a transparent public meeting process.

DISCUSSION

USIBWC owns and operates the South Bay International Wastewater Treatment Plant (SBIWTP). The SBIWTP discharges secondary-treated wastewater to the Pacific Ocean through the South Bay Ocean Outfall. Discharges from the SBIWTP are regulated by National Pollutant Discharge Elimination System (NPDES) Permit No. CA0108928, Order No. R9-2021-0001, *Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission South Bay International Discharge to the Pacific Ocean Through the South Bay Ocean Outfall* (NPDES Permit), adopted by the San Diego Water Board on May 12, 2021.

¹ The San Diego Water Board's Practical Vision is available at this website:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

The San Diego Water Board adopted the CDO on May 12, 2021, addressing discharges from the SBIWTP that threaten to take place in violation of the requirements of the NPDES Permit. The CDO requires USIBWC submit a Compliance Assurance Report that identifies all shortcomings, inadequacies, and maintenance issues with regard to control measures that need to be addressed to attain consistent compliance with the effluent limitations contained in the NPDES Permit. The Compliance Assurance Report is required to include a schedule for retaining appropriate contractors and designing, installing, and putting into operation the new or modified control measures, and estimated project costs. The CDO also requires USIBWC make necessary repairs to the SBIWTP by specific dates and comply with reporting requirements and effluent limitations contained in the NPDES Permit.

On October 7, 2021, USIBWC submitted a revised Compliance Assurance Report which identified anticipated completion dates for various actions. Some of the completion dates identified in the revised Compliance Assurance Report exceeded the time schedule contained in the CDO. On October 14, 2021, USIBWC requested that the time schedule contained in the CDO be amended. USIBWC stated that the deadline in the time schedule for the repair of Junction Box 1 was unattainable because the design for the repair is scheduled to be completed on January 31, 2022, and the repair cannot be completed until the design is completed and the repair is funded. Additionally, USIBWC stated that the deadline in the time schedule for the replacement of the influent meter and associated piping and valves was unattainable because the COVID-19 pandemic has impacted supply chains causing delays in procuring the valves necessary to complete the project.

The Tentative Order proposes to amend the time schedule included in the CDO to address USIBWC's inability to meet the original compliance deadlines, to include additional tasks based on the Compliance Assurance Report submitted by USIBWC, and to provide additional clarity regarding compliance with tasks in the CDO.

PUBLIC NOTICE

The Tentative Order was noticed and released for public review and comment on October 20, 2021, with comments due by November 1, 2021. No comments were received regarding the Tentative Order. The Notice of Public Hearing and Opportunity to Comment (Notice) was posted on the San Diego Water Board website for the duration of the comment period and sent to all interested parties. The Notice announced a public hearing to be held on December 8, 2021, provided availability of the Tentative Order for review, and provided instructions for submittal of written comments. A copy of the Notice is provided in **Supporting Document No. 2**. Notice of the public hearing on the Tentative CDO was also provided in the Meeting Notice and Agenda for the December 8, 2021, San Diego Water Board meeting, which is posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Tentative Order
2. Notice of Public Hearing and Opportunity to Comment