
San Diego Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Tentative Order No. R9-2021-0220 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

Please Take Notice

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is releasing for public review and comment, Tentative Order No. R9-2021-0220 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* (Tentative Order). The Tentative Order proposes to make amendments to Cease and Desist Order No. R9-2021-0107 (CDO) to modify the deadlines contained in the time schedule of the CDO, as requested by the United States Section of the International Boundary and Water Commission (USIBWC). The Tentative Order also amends the CDO to include additional tasks in the time schedule based on the Compliance Assurance Report submitted by USIBWC; clarify that compliance with reporting requirements and a subset of effluent limitations is required immediately; and clarify the San Diego Water Board may amend the CDO if it is determined that USIBWC cannot meet the 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.

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.

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

CELESTE CANTÚ, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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.

Document Availability

The Tentative Order and related documents are available online at:

https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/

Interested persons may also receive a copy of the Tentative Order by contacting Mr. Keith Yaeger by phone at (619) 521-5899 or email at

Keith.Yaeger@waterboards.ca.gov or by visiting the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, California 92108-2700.

Submission of Written Comments

Notice is hereby given that the San Diego Water Board is accepting written comments on the Tentative Order which includes in Attachment 1, the proposed amendments to the CDO shown in redline/strikeout. All written comments regarding the Tentative Order must be received no later than 5:00 p.m. on **November 1, 2021** to be considered by the San Diego Water Board.

Interested persons may submit written comments on the Tentative Order during the public comment period in person or by mail to the following address:

ATTN: Keith Yaeger
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100 San Diego, California 92108

Comments may also be submitted by email to the attention of Mr. Keith Yaeger (SanDiego@waterboards.ca.gov). Please indicate in the subject line of all written comments "Comment - Tentative Order No. R9-2021-0220".

The early submission of written comments on the Tentative Order is encouraged. Written comments received by 5:00 p.m. on **November 1, 2021** will be provided to the San Diego Water Board members for their review in advance of the public hearing to consider adoption of the Tentative Order. The San Diego Water Board may refuse to

accept written comments received after the **November 1, 2021** deadline. Late comments will not be accepted if doing so would prejudice any party in accordance with section 648.4, title 23 of the California Code of Regulations.

Public Hearing for Consideration of Tentative Order Adoption

The public hearing on this Tentative Order will be held during the San Diego Water Board meeting scheduled for:

**Wednesday, December 8, 2021, 9:00a.m.
San Diego Regional Water Board Meeting Room,
2375 Northside Drive, San Diego California**

The meeting agenda, which will indicate any changes in the meeting location and may provide other specific information concerning this hearing, will be posted at least two weeks prior to the meeting date at

https://www.waterboards.ca.gov/sandiego/board_info/agendas/

Reasonable time limits may be set for oral statements. The hearing facilities will be accessible to persons with disabilities. The meeting notice and agenda for this meeting will provide contact information for persons requesting special accommodations.

The procedures governing San Diego Water Board meetings may be found in the California Code of Regulations title 23, section 647, *et seq.* and are available upon request.

Contact for Further Information

Please contact Mr. Keith Yaeger by phone at (619) 521-5899 or email at Keith.Yaeger@waterboards.ca.gov for information regarding the Tentative Order. Please bring the foregoing to the attention of any person known to you who would be interested in these matters.

Date of Notice: October 20, 2021