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## San Diego Regional Water Quality Control Board

### **NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT**

Tentative 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 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 CDO).

Discharges from the South Bay International Wastewater Treatment Plant (SBIWTP) through the South Bay Ocean Outfall to the Pacific Ocean are currently regulated under the requirements of National Pollutant Discharge Elimination System Permit No. CA0108928 (NPDES Permit) which was issued by the San Diego Water Board as Order No. R9-2014-0009 (2014 Permit). The 2014 Permit expired on July 31, 2018 but remains in effect until such time as it is superseded by a new reissued NPDES permit. The San Diego Water Board is scheduled at a public hearing on May 12, 2021, to consider the reissuance of NPDES Permit No. CA0108928, in Tentative Order 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* (2021 Permit).

The SBIWTP treats sewage flows collected from the City of Tijuana, Baja California, Mexico that exceed the capacity of Tijuana's sewage treatment and conveyance facilities. The SBIWTP also treats some transboundary flows in the canyons and gullies that empty from Tijuana into the Tijuana River Estuary on the United States side of the international border. Due to inoperable sluice gates on Junction Box 1 of the SBIWTP, USIBWC currently has no ability to control wastewater flows coming into the plant other than communications with USIBWC's counterparts in Mexico to limit flows. Since November 2020, the SBIWTP has been accepting flows beyond the capacity of the secondary treatment processes. Between November 2020 and January 2021, the excess flow has caused 46 exceedances of effluent limitations contained in the 2014 Permit and threatens to violate the same requirements in the 2021 Permit. Additionally,

CELESTE CANTÚ, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

USIBWC has failed to timely submit transboundary flows reports, and identify permit violations in monitoring reports and submit written reports addressing the violations, as required by the 2014 Permit. USIBWC threatens to violate the same requirements in the 2021 Permit.

The Tentative CDO addresses discharges from the SBIWTP that are taking place in violation of the requirements of the 2014 Permit and threatening to take place in violation of the requirements of the 2021 Permit. The Tentative CDO, if adopted by the San Diego Water Board, would require the United States Section of the International Boundary and Water Commission (USIBWC) to make several needed repairs to the SBIWTP and comply with the requirements of the 2021 Permit.

### **Document Availability**

Information related to this matter is available online at:

[https://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/). Interested persons may receive a copy of the Tentative CDO by contacting Mr. Keith Yaeger by phone at (619) 521-5899 or by email at [Keith.Yaeger@waterboards.ca.gov](mailto:Keith.Yaeger@waterboards.ca.gov) or by otherwise addressing written requests to the San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, California 92108-2700. Please note that as a result of the COVID-19 emergency the San Diego Water Board office is closed to the public and non-essential file reviews are postponed.

### **Submission of Written Comments**

Interested persons may submit written comments on the Tentative CDO during the public comment period in person, by email ([SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov)), or by mail to the attention of Mr. Keith Yaeger. Please indicate in the subject line of all written comments "Comment - Tentative Cease and Desist Order No. R9-2021-0107". The deadline for submittal of written comments is **5:00 p.m. on April 13, 2021**.

The San Diego Water Board may refuse to accept written comments received after the **April 13, 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 CDO Adoption**

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

**Wednesday, May 12, 2021, 9:00 A.M.**

**Video and Teleconference Meeting Only**

**No Physical Meeting Location**

**(Authorized by and in furtherance of Executive Orders [N-29-20](#) and [N-33-20](#))**

**Video broadcast of meetings will also be available at <https://cal-span.org/>**

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/](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 at (619) 521-5899, or by email at [Keith.Yaeger@waterboards.ca.gov](mailto:Keith.Yaeger@waterboards.ca.gov) for information regarding the Tentative CDO. Please bring the foregoing to the attention of any person known to you who would be interested in these matters.

Date of Notice: March 30, 2021