

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

EXECUTIVE OFFICER SUMMARY REPORT

August 14, 2024

ITEM 8

SUBJECT

Update from the United States Section of the International Boundary and Water Commission (USIBWC) on Time Schedule Order (TSO) No. R9-2023-0189 *Compliance for Discharges from the South Bay International Wastewater Treatment Plant (SBIWTP) to the Pacific Ocean through the South Bay Ocean Outfall (Melissa Corona)*.

STAFF RECOMMENDATION

Informational item only. No recommendation.

KEY ISSUES

USIBWC is not in compliance with its National Pollutant Discharge Elimination System (NPDES) permit or cease and desist order for the SBIWTP, adopted by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), in 2021. USIBWC has self-reported exceedances of effluent limitations and untimely complied with other NPDES permit requirements. On August 14, 2024, the USIBWC Commissioner, Dr. Maria-Elena Giner, will provide an oral report to the San Diego Water Board summarizing USIBWC's efforts to achieve compliance with directives in TSO No. R9-2023-0189, which was issued to USIBWC by the San Diego Water Board on December 18, 2023.

PRACTICAL VISION

Consistent with our Practical Vision values of leadership, stewardship, communication, and transparency, this item informs the San Diego Water Board and public of the steps USIBWC has taken in SBIWTP operations and rehabilitation to comply with the NPDES permit and achieve secondary treatment standards. Achieving secondary treatment standards in effluent discharged to the Pacific Ocean is also consistent with the mission of the Strategy for Healthy Waters chapter.

DISCUSSION

USIBWC owns and operates the SBIWTP and associated infrastructure in the United States. The SBIWTP discharges treated wastewater to the Pacific Ocean approximately 3.5 miles from the coast through the South Bay Ocean Outfall.

On May 12, 2021, the San Diego Water Board adopted Order No. R9-2021-0001 to regulate discharges to the Pacific Ocean from the SBIWTP. Also on May 12, 2021, the San Diego Water Board issued corresponding Cease and Desist Order No. R9-2021-0107 to require USIBWC to address shortcomings, inadequacies, and maintenance issues at the SBIWTP to ensure consistent compliance with the NPDES permit.

On December 21, 2021, the San Diego Water Board adopted Order No. R9 2021-0220, amending Cease and Desist Order No. R9-2021-0107 to revise certain time schedules and require USIBWC to submit quarterly compliance assurance reports.

On March 8, 2023, the San Diego Water Board adopted amendments to the NPDES permit.

USIBWC has self-reported exceedances of effluent limitations and untimely complied with other permit requirements. In response, the San Diego Water Board has issued notices of violation to USIBWC.

In August 2023, Tropical Storm Hilary brought record rainfall to San Diego County and Baja California. The storm exacerbated SBIWTP infrastructure and system vulnerabilities, resulting in damage throughout the SBIWTP and associated infrastructure. On September 13, 2023, USIBWC Commissioner Giner appeared before the San Diego Water Board to provide an update on pre- and post-Hilary conditions and planned maintenance and repair of the SBIWTP.

On December 18, 2023, the San Diego Water Board adopted TSO No. R9-2023-0189, *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*, to ensure that USIBWC achieves compliance with secondary effluent limitations as required by the SBIWTP NPDES permit.

The TSO directs USIBWC to take certain actions to correct and prevent further violations of the NPDES permit and includes the following directives:

1. Directive No. 1 requires USIBWC to comply with the secondary effluent limitations in the NPDES permit by August 15, 2024.
2. Directive No. 2 requires USIBWC to comply with a time schedule to complete the following actions:

Task	Interim Goals
A. Installation of third pump at Hollister Avenue Pump Station	December 1, 2023
B. Replacement of influent pumps #1 and #5	February 28, 2024
C. Primary sedimentation tanks: <ol style="list-style-type: none"> i. Rehabilitation of all mechanical parts for primary sedimentation tanks ii. Clean out of primary sedimentation tanks 	September 30, 2024
D. Influent meter repairs <ol style="list-style-type: none"> i. Replace the temporarily repaired influent pipe ii. Replace the two valves on the replaced influent pipes 	September 30, 2024
E. Replacing Junction Box 1	February 10, 2025

3. Directive No. 3 requires USIBWC to present an oral report to the San Diego Water Board that summarizes USIBWC's efforts to achieve compliance with the directives in the TSO.
4. Directive No. 4 requires USIBWC to continue to submit quarterly compliance assurance reports and include information regarding progress in meeting time schedule tasks, achievement of interim goals, interim goal delays, and changes to scheduling, projected timelines, and project costs.
5. Directive No. 5 requires USIBWC to provide a visual depiction (e.g., Gantt chart) of its progress towards achieving time schedule tasks, interim goals, and secondary effluent limitation compliance.
6. Directive No. 6 requires USIBWC to submit requests to amend the time schedule in the TSO at least 45 days prior to the compliance deadline.

The TSO requires USIBWC to present the oral update to the San Diego Water Board (Directive 3) within approximately 180 days of the adoption of the TSO. On May 8, 2024, USIBWC Commissioner Giner provided the update in compliance with the directive. Her presentation summarized USIBWC's efforts to achieve compliance with the directives in the TSO and included other updates related to water quality in the San Diego-Tijuana border region. Commissioner Giner offered to return on August 14, 2024, to provide another update to the San Diego Water Board.

On June 3, 2024, USIBWC requested that the San Diego Water Board extend the date to achieve compliance with secondary effluent limitations from August 15, 2024, to September 30, 2024. The TSO states that the San Diego Water Board acknowledges that there may be circumstances beyond the reasonable control of USIBWC leading to a delay in compliance with the TSO. However, the reasons provided in the June 3, 2024, USIBWC letter do not constitute circumstances beyond the reasonable control of USIBWC. Additionally, compliance with secondary effluent limitations is necessary to proceed with the upcoming SBIWTP expansion work. The San Diego Water Board responded by letter to USIBWC on July 9, 2024, explaining that it would not extend the compliance date or otherwise amend the TSO.

Following the USIBWC update, the U.S. Environmental Protection Agency will provide an update on Minute 328 and ongoing discussions with agencies in Mexico to identify and abate sources of sewage flowing in the Tijuana River.

Dr. Falk Fedderson and Dr. Kimberly Prather from Scripps Institute of Oceanography will also update the San Diego Water Board on border water quality related monitoring and modeling work and aerosolization research.

PUBLIC NOTICE

The San Diego Water Board included this item in its notice and agenda for the August 14, 2024, meeting.

SUPPORTING DOCUMENTS

1. Time Schedule Order No. R9-2023-0189
2. June 3, 2024, letter from USIBWC to San Diego Water Board

3. July 9, 2024, letter from San Diego Water Board to USIBWC