

# San Diego Regional Water Quality Control Board

## Response to Written Comments on Tentative Order No. R9-2026-0006 Amending Order No. R9- 2021-0011, NPDES No. CA0109045, Waste Discharge Requirements for the City of San Diego South Bay Water Reclamation Plant Discharge to the Pacific Ocean Through the South Bay Ocean Outfall

MARCH 2026

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



## Introduction

This document contains the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) responses to written comments received on Tentative Order No. R9-2026-0006 Amending Order No. R9-2021-0011, NPDES No. CA0109045, *Waste Discharge Requirements for the City of San Diego South Bay Water Reclamation Plant Discharge to the Pacific Ocean Through the South Bay Ocean Outfall* (Tentative Order).

If adopted, the Tentative Order would update the City of San Diego's (City's) NPDES permit to reflect 1) changes to pH monitoring requirements in Attachment E; 2) reduced frequency of the local limits evaluation to once per five years; 3) the use of 24-hour composite or grab samples for the following parameters in effluent monitoring: ammonium, total nitrogen, total organic nitrogen, nitrate (as N), nitrite (as N), total phosphorus (as P), phosphate, total organic carbon, dissolved inorganic carbon, total iron, dissolved iron, alkalinity, and salinity; 4) reporting of nitrate and nitrite as N; 5) changes to the deadline to submit receiving water monitoring results to the California Environmental Data Exchange Network (CEDEN) to align with the deadline for interim or biennial receiving water monitoring reports; 6) updates to flow, outflow operations, and dilution factor in the South Bay Ocean Outfall (SBOO) in response to the 10 million gallon per day (MGD) expansion of the neighboring South Bay International Wastewater Treatment Plant; 7) the correct description of the SBOO; 8) clarification that the City is only required to submit receiving water monitoring data that is accepted by CEDEN until such a time that CEDEN is updated to accept all receiving water monitoring data; 9) elimination of a duplicate reporting requirement for the annual plume tracking progress report as a standalone report and as a component of the biennial receiving water monitoring report; 10) updates to the methodology and reporting of kelp bed monitoring; and 11) the removal or updating of outdated information.<sup>1</sup>

The Tentative Order and Proposed Amended Permit were subject to a 30-day public review and comment period from January 14, 2026, to February 13, 2026. The San Diego Water Board received two comments letters on the Tentative Order. The San Diego Water Board received no opposing comments to the Tentative Order. The following section of this document summarizes the comments received and provides the San Diego Water Board's response.

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<sup>1</sup> Changes 8-11 were added in response to public comments from the City of San Diego.

## **Written Comments Received and Responses to Comments**

The San Diego Water Board received comment letters from the following stakeholders:

- A. San Diego Unified Port District
- B. City of San Diego

## A. San Diego Unified Port District

### 1. Comment

The San Diego Unified Port District (District) supports the San Diego Water Board's proposed concurrent amendment to both the City of San Diego's NPDES permit for the SBWRP and the United States section of the International Boundary and Water Commission (USIBWC) NPDES permit for the neighboring South Bay International Wastewater Treatment Plant. The District supports the San Diego Water Board's adaptive management approach in both proposed NPDES amendments, making adjustments as more information and data become available.

### Response

Comment noted.

## B. City of San Diego

### 1. Comment

The City of San Diego (City) is supportive of the Tentative Order and the proposed changes contained therein.

### Response

Comment noted.

### 2. Comment

The City requested the addition of the following language in its NPDES permit to avoid doubt over whether the City would be held liable for potential violations that arise from USIBWC's discharge of advanced primary and secondary-treated blended effluent which comingles with the City's discharge from the SBWRP in the SBOO, *"On or about August 28, 2025, (USIBWC) commenced an initial project at the South Bay International Wastewater Treatment Plant (SBIWTP) to provide primary treatment of an additional 10 million gallons per day of wastewater originating from Mexico. This initial project is the first part of a broader project to increase capacity at the SBIWTP to expand treatment of transboundary flows. The Discharger and USIBWC each discharge through the SBOO, but unlike the discharge from the Facility that is subject to secondary treatment standards, USIBWC's additional discharge is temporarily exempt from such standards pursuant to Cease and Desist Order No. R9-2025-0139. Additionally, USIBWC does not have control over the quality of SBIWTP influent (e.g., no industrial pretreatment program), nor can it independently control flow rate into the SBIWTP, both*

*of which can pose additional threats to achieving compliance. Accordingly, the Discharger shall not be liable or responsible for any discharge in connection with USIBWC's operations, including but not limited to any regulatory penalties, fines, fees, violations, exceedances, mitigation measures, or corrective, preventative or remedial actions imposed, required, or that occur as a result of flows originating from SBIWTP."*

### **Response**

The San Diego Water Board's position is that City's proposed language is not appropriate or necessary in its NPDES permit for the SBWRP. Although effluent from both the SBWRP and SBIWTP commingle in the South Bay Ocean Outfall, the City is solely responsible for meeting the requirements established in its own NPDES permit and is not held responsible for compliance with a separate NPDES permit issued to the USIBWC for operation of the SBIWTP. The City cannot control USIBWC's influent quality, operational decisions, or treatment performance, and USIBWC's compliance with its NPDES permit for the SBIWTP has no bearing on the City's compliance with its NPDES permit for the SBWRP.

### **3. Comment**

In response to the Supreme Court's decision in *City and County of San Francisco v. Environmental Protection Agency*, 604 U.S. 334 (2025), the City requested that the San Diego Water Board remove Section 5 (Receiving Water Limitations) and all other provisions related to receiving water limitations from its NPDES permit.

### **Response**

The San Diego Water Board is not removing receiving water limitations as a part of this amendment to the City's NPDES permit for the SBWRP. To amend the NPDES permit prior to its expiration in June 2026, the San Diego Water Board is not removing Section 5 or other receiving water-related provisions at this stage. These changes will instead be made during the full permit reissuance.

### **4. Comment**

The City requested the removal of the annual plume tracking progress report requirement in Attachment E, Section 6.2. The City stated that this project is no longer a "special project" with a short-term outlook, but rather a permanent part of the City's monitoring program which is reported in the interim and biennial receiving water monitoring reports.

**Response**

The City's NPDES permit currently requires an annual plume tracking progress report to be submitted as a standalone report on March 1 of each year, and for plume tracking results and interpretations to be included in the biennial receiving water monitoring report. Considering the accelerated incremental expansion of the neighboring SBIWTP, and the commingling of effluent from both the SBIWTP and SBWRP in the South Bay Ocean Outfall, the San Diego Water Board is declining to reduce the frequency of the annual plume tracking progress report. However, to reduce the burden of duplicate reporting, the San Diego Water Board has updated the NPDES permit to remove the requirement of a separate standalone plume tracking progress report on March 1 of each year in favor of including it within both the interim and biennial receiving water monitoring reports.

**5. Comment**

The City requested several minor changes to its NPDES permit regarding 1) the sampling protocol for spectrophotometric pH and alkalinity to align with the Point Loma Wastewater Treatment Plant NPDES permit; 2) clarification that receiving water monitoring data that cannot be accepted by the California Environmental Data Exchange Network (CEDEN) is not required to be submitted to CEDEN; 3) updates to the methodology and reporting of kelp bed monitoring; and 4) the removal or updating of outdated information.

**Response**

The San Diego Water Board staff updated the Proposed Amended Permit 1) to reflect the sampling protocol for spectrophotometric pH and alkalinity to align with the Point Loma Wastewater Treatment Plant NPDES permit; 2) to clarify that CEDEN does not currently accept all receiving water monitoring data collected pursuant to the City's NPDES permit, and that the City is only required to submit data that is accepted by CEDEN until such time CEDEN is updated to accept the data; 3) to reflect changes to the methodology and reporting of kelp bed canopy monitoring; and 4) to remove or update outdated information.