

# San Diego Regional Water Quality Control Board

## **Response to Written Comments on Tentative Order No. R9-2026-0005 Amending Order No. R9- 2021-0001 as Amended by Order No. R9-2023- 0009, NPDES No. CA0108928, Waste Discharge Requirements for the 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**

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. R9-2026-0005 amending Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, NPDES No. CA0108928, *Waste Discharge Requirements for the 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).

If adopted, the Tentative Order will update the United States section of the International Boundary and Water Commission (USIBWC) National Pollutant Discharge Elimination System (NPDES) permit to reflect up to 10 million gallons per day (MGD) of additional influent wastewater undergoing advanced primary treatment at the South Bay International Wastewater Treatment Plant (SBIWTP). Proposed changes in the Tentative Order include: 1) revised effluent limitations, performance goals, and influent action levels; 2) requirement for USIBWC to submit a Treatment Optimization Report to the San Diego Water Board; 3) updates to Attachment F (Fact Sheet) to reflect USIBWC's 10 MGD expansion, updated facility contact information, and changes to the description of Tijuana's sewage collection system; and 4) minor updates to Attachment A (Abbreviations and Definitions) and Attachment C (Flow Schematics); and 5) changes made to Attachment E (Monitoring and Reporting Program) in response to public comments, to require weekly monitoring of fecal coliform and *Escherichia coli* (*E. coli*) at Dairy Mart Bridge and to clarify that monitoring requirements tied to the term of the NPDES Permit must continue in the event of the NPDES Permit's expiration and administrative extension.

The Tentative Order and a version of the NPDES permit including the original proposed changes (Proposed Amended Permit) were made available for a 30-day public review and comment period from January 14, 2026, to February 13, 2026. The San Diego Water Board received four written comment letters on the Tentative Order. The San Diego Water Board received no opposing comments on the Tentative Order.

The following section of this document summarizes the comments received and provides the San Diego Water Board's response.

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

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

- A. San Diego Unified Port District
- B. City of Imperial Beach
- C. Surfrider Foundation
- D. San Diego Coastkeeper

## **A. San Diego Unified Port District**

### **1. Comment**

The San Diego Unified Port District (District) supports the San Diego Water Board's proposed amendment to USIBWC's NPDES permit for the SBIWTP, which would authorize the advanced primary treatment of an additional 10 MGD of influent wastewater from Mexico. The District notes that the Proposed Amended Permit will help to reduce pollution in the Tijuana River Valley by 1) facilitating the SBIWTP's interim treatment capacity expansion to 35 MGD; and 2) revising the effluent limitations based on modelling results to allow the higher flow rate and blended effluent requirements. The District supports the San Diego Water Board's adaptive management approach to updating permit conditions as new data and information become available. Furthermore, the District emphasizes its commitment to working collaboratively with regional, State of California (State), and local partners to protect public health and eliminate dry weather transboundary flows.

### **Response**

Comment noted.

## **B. City of Imperial Beach**

### **1. Comment**

The City of Imperial Beach commented that the Proposed Amended Permit should explicitly acknowledge and align with the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan (ARP), adopted by the San Diego Water Board on December 11, 2024. The City of Imperial Beach commented that the Proposed Amended Permit should direct and require meaningful coordination between USIBWC, the United States Environmental Protection Agency (USEPA), and relevant State agencies to implement components of the ARP that: 1) develop enforceable, actionable strategies to eliminate persistent dry-weather transboundary flows; 2) implement upstream trash interception and material management programs before debris reaches sensitive valley habitats and coastal waters; and 3) establish a clear binational implementation pathway that converts restoration commitments into measurable infrastructure, operational benchmarks, and accountability mechanisms.

**Response**

The comment is noted and San Diego Water Board staff point the commenters to Attachment F of the Proposed Amended Permit, which reflects the San Diego Water Board's adoption of the ARP in December 2024. The ARP called for the full implementation of the June 2023 USEPA-USIBWC Joint Record of Decision (ROD) to address water quality impacts from transboundary flows. The 10 MGD interim expansion of the SBIWTP is a critical step in the implementation of ROD Core Project A, which calls for the phased expansion of the SBIWTP to 50 MGD of full secondary treatment, and then to 60 MGD.

The goal of advanced primary treatment of up to 10 MGD of additional flow at the SBIWTP is improved water quality in the lower Tijuana River, Tijuana River Estuary, and near shore coastal waters. Absent the increased treatment at the SBIWTP, these flows of domestic and industrial wastewater would remain untreated in the Tijuana River due to insufficient capacity in Tijuana's municipal wastewater conveyance and treatment system.

**2. Comment**

The City of Imperial Beach commented that the Proposed Amended Permit should formalize USEPA's commitment to a 100% solution to the issue of transboundary flows in the Tijuana River watershed. The City of Imperial Beach referenced the February 5, 2026 USEPA roundtable, in which USEPA Administrator Lee Zeldin reaffirmed the federal commitment to achieving a "100% solution" to the transboundary pollution crisis by completing all Minute 328 projects on both sides of the border by December 2027, while also emphasizing that efforts must continue beyond construction to address existing pollution in the Tijuana River Valley. In response to San Diego Water Board input, USEPA called for further planning for mitigation and restoration in the Tijuana River Valley, marking a shift from focus solely on source control. The City of Imperial Beach commented that the Tentative Order should reflect USEPA's commitment, encourage USIBWC to initiate coordination for sediment removal and habitat restoration in the Tijuana River Valley, and provide regulatory clarity that restoration and mitigation planning is an expected next phase of compliance and watershed recovery.

**Response**

The San Diego Water Board acknowledges and supports the USEPA Administrator's comments regarding the necessity of long-term mitigation and restoration in the Tijuana River Valley, coupled with near-term actions to address source control in Mexico and ongoing pollutant loading stemming from transboundary flows of domestic and industrial wastewater. The Proposed Amended Permit's Fact Sheet has been updated to make clear that the 10 MGD expansion of the SBIWTP as an interim step to the 50 MGD full secondary treatment expansion is a critical step to achieve the goals outlined in IBWC Minutes 328 and 333 and the July 2025 memorandum of understanding (MOU) between USEPA and the Mexican Secretariate for Environment and Natural Resources.

**3. Comment**

The City of Imperial Beach recommended that the San Diego Water Board update the Proposed Amended Permit's Monitoring and Reporting Program (Attachment E) to require routine bacterial monitoring at Dairy Mart Bridge whenever transboundary flows occur in the Tijuana River, noting that similar monitoring conducted prior to 2021 provided critical, defensible data that supported binational discussions, informed coastal monitoring, accelerated the restart of pump station PB-CILA, and helped counter misinformation about sewage impacts. Since that monitoring ceased, the region has lacked a key accountability tool, leading to disputes over contamination levels and delays in corrective actions that worsened pollution conditions.

**Response**

The San Diego Water Board staff agree that monitoring should be adjusted and have made edits in response to this comment. USIBWC was required to conduct quarterly monitoring of fecal coliform and *Escherichia coli* (*E. coli*) at Dairy Mart Bridge pursuant to Section 4.2.1.2.2 of Attachment E (Monitoring and Reporting Program) in its NPDES permit for the SBIWTP. While quarterly monitoring was required, the NPDES permit recommended that USIBWC conduct weekly monitoring of fecal coliform and *E. coli* at Dairy Mart Bridge. USIBWC previously conducted weekly monitoring as outlined in its Tijuana River Valley Monitoring Program (TRVMP) workplan. However, beginning in December 2025, USIBWC ceased monitoring pursuant to the TRVMP due to issues with its contractor. While USIBWC conducted solicitation for a new contractor in

September 2025, with the intent to avoid a lapse in monitoring, the 43-day federal government shutdown in October and November 2025, and subsequent continuing resolutions have prevented USIBWC from executing a new contract for the TRVMP. USIBWC staff have communicated to the San Diego Water Board staff that a new contract for the TRVMP is awaiting execution. However, as of early-March 2026, USIBWC is unlikely to comply with its quarterly TRVMP obligation.

In response to this development, and in response to the comments received by the City of Imperial Beach and Surfrider Foundation, the San Diego Water Board has updated the Proposed Amended Permit to require weekly monitoring of fecal coliform and *E. coli* at Dairy Mart Bridge. As noted in the City of Imperial Beach's comment, weekly bacteria monitoring results from Dairy Mart Bridge have proved to be a useful data point in binational discussions to accelerate the reactivation of pump station PB-CILA after the wet season, to divert dry weather transboundary flows in the Tijuana River to Punta Bandera, approximately 6 miles south of the international border. These results have also helped to counter misinformation regarding the extent and impact of transboundary flows of untreated wastewater in the main channel of the Tijuana River.

USIBWC is also required to conduct quarterly dry weather monitoring and annual wet weather monitoring at Dairy Mart Bridge for the following parameters: flow rate, conductivity, temperature, pH, dissolved oxygen, turbidity, total suspended solids (TSS), carbonaceous biochemical oxygen demand (CBOD), ammonia (as N), total nitrogen, total phosphorus (as P), *E. coli*, enterococci, fecal coliform, norovirus and enterovirus, surfactants, anionic, methylene blue active substances (MBAS), heavy metals, mercury (total and methyl), organochlorine pesticides, organophosphorus pesticides, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyl (PCB) congeners, volatile organic compounds, semi-volatile organic compounds, pyrethroid pesticides, neonicotinoid pesticides, carbamate pesticides, polybrominated diphenyl ethers (PBDEs), nonylphenols and nonylphenol ethoxylates, total cyanide, and 2,3,7,8-tetrachlorodibenzodioxin (TCDD). The San Diego Water Board is not currently proposing a change in monitoring frequency for these parameters.

## C. Surfrider Foundation

### 1. Comment

Surfrider Foundation commented that the Proposed Amended Permit should include a requirement that USIBWC conduct a feasibility study for the construction of a river diversion project to send dry weather transboundary flows to a new advanced primary treatment plant, as identified in the USEPA Comprehensive Infrastructure Solution. USIBWC hosted two stakeholder meetings in the fall of 2024 and developed a statement of work that outlined four possible alternatives for this project. The next step is for USIBWC to conduct a feasibility study for each of the proposed alternatives to assess the feasibility and costs of alternatives to diverting and treating dry weather transboundary flows in the Tijuana River.

### Response

The San Diego Water Board is supportive of the full implementation of the USEPA Comprehensive Infrastructure Solution and the June 2023 USEPA-USIBWC Joint Record of Decision, the latter of which identifies a U.S.-side river diversion structure as Supplemental Project F. While the San Diego Water Board acknowledges that the feasibility study is the next step towards implementing this project, including the feasibility study is outside of the scope of this amendment to USIBWC's NPDES permit.

### 2. Comment

Surfrider Foundation recommended that the San Diego Water Board require USIBWC to carry out regular water quality monitoring at Dairy Mart Bridge.

### Response

Please see Response B.3.

### 3. Comment

Surfrider Foundation commented that the San Diego Water Board should incorporate the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan as an enforceable water quality standard into USIBWC's NPDES permit for the SBIWTP. Surfrider Foundation commented that the San Diego Water Board should require special studies to begin implementation of the ARP.

### Response

The advanced primary treatment of up to 10 MGD of additional flow at the SBIWTP will result in improved water quality in the lower Tijuana River, Tijuana River Estuary, and near shore coastal waters. This will aid in achieving the numeric objectives and load reductions for indicator bacteria in the lower Tijuana River, as outlined in the ARP. Absent the increased treatment at the SBIWTP, these flows of domestic and industrial wastewater would remain untreated in the Tijuana River due to insufficient capacity in Tijuana's municipal wastewater conveyance and treatment system.

Attachment F of the Proposed Amended Permit reflects the San Diego Water Board's adoption of the ARP in December 2024, which called for the full implementation of the June 2023 USEPA-USIBWC Joint Record of Decision to address water quality impacts from transboundary flows. The 10 MGD interim expansion of the SBIWTP is a critical step in the implementation of ROD Core Project A, which calls for the phased expansion of the SBIWTP to 50 MGD, and thus to 60 MGD.

## **D. San Diego Coastkeeper**

### **1. Comment**

San Diego Coastkeeper (Coastkeeper) commented in support of the Tentative Order, emphasizing the severity of the ongoing cross-border sewage crisis, which has resulted in prolonged beach closures exceeding 1,500 consecutive days, persistent water and soil contamination, and documented aerosolization of pathogens and hydrogen sulfide affecting nearby communities, as well as significant ecological degradation in the Tijuana River Estuary. Coastkeeper supports the Tentative Order's authorization of the interim expansion allowing USIBWC to treat up to 35 MGD at the SBIWTP, noting that removing an additional 10 MGD of untreated wastewater from the Tijuana River and treating it to advanced primary standards will result in substantial water-quality improvements before the full 50-MGD secondary-treatment expansion is completed. Coastkeeper supports the revised effluent limitations, performance goals, and influent action levels, recognizing that the facility has generally complied with its existing permitted limitations but has not yet operated at its full interim capacity of 35 MGD for a sustained period. Coastkeeper noted that the revised effluent limitations, performance goals, and influent action levels are critical backstops to ensure the interim 35 MGD

expansion will result in improved water quality in the lower Tijuana River, Tijuana River Estuary, and near shore coastal waters. Coastkeeper also supports the new Treatment Optimization Report requirement to evaluate how to achieve the highest practicable pollutant-removal performance at 35 MGD. Coastkeeper commented in support of updates to the Fact Sheet regarding water quality impairments, environmental and public health studies, the linkage between water and air quality impacts, and referencing the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan. Coastkeeper urges continued infrastructure investment, proper operation and maintenance, and completion of the full 50-MGD expansion as essential components of long-term protection for communities and ecosystems affected by transboundary pollution.

**Response**

Comment noted.