

San Diego Regional Water Quality Control Board

July 21, 2026

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Sent by Email Only
In reply refer to: 257821: RNolan

Subject: Compliance Status Letter

This letter outlines the United States section of the International Boundary and Water Commission's (USIBWC) responses to the directives of Cease and Desist Order (CDO) No. R9-2021-0107 as amended by Order No. R9 2021-0220, Time Schedule Order (TSO) No. R9-2023-0189, and CDO No. R9-2025-0139. Details of compliance with the aforementioned Orders are outlined in Attachment 1 to this letter.

Please contact Mr. Riley Nolan at (619) 521-3358 or riley.nolan@waterboards.ca.gov should you have any questions or comments.

Sincerely,

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Attachment 1: USIBWC responses to CDO No. R9-2021-0107 as amended by Order No. R9-2021-0220 (2021 CDO), TSO No. R9-2023-0189 (2023 TSO), and CDO No. R9-2025-0139 (2025 CDO)

San Diego Regional Water Quality Control Board staff have prepared this document to summarize the directives established in CDO No. R9-2021-0107 as amended by Order No. R9-2021-0220, TSO No. R9-2023-0189, and CDO No. R9-2025-0139; and the responsive actions taken, and/or documents submitted, by USIBWC. San Diego Water Board staff have verified the information provided by USIBWC through compliance evaluation inspections conducted on June 1, 2022, May 8, 2024, February 10, 2025, and May 27, 2026, together with a desktop review of quarterly Compliance Assurance Reports, and submissions to the California Integrated Water Quality System (CIWQS), including monthly and quarterly self-monitoring reports. The information below summarizes the compliance status of the 2021 CDO as amended, 2023 TSO, and 2025 CDO.

1. Summary of directives and responses for CDO No. R9-2025-0139:

- a. Directive:** USIBWC shall comply with all effluent limitations prescribed in its 2021 NPDES Permit,¹ except for parameters with interim effluent limitations specified in Table 1, from August 28, 2025, to June 30, 2026.

Response: Since August 28, 2025, USIBWC has complied with all effluent limitations prescribed in its 2021 NPDES Permit, except for the parameters with established interim effluent limitations specified in Table 1 of the 2025 CDO. On April 8, 2026, the San Diego Water Board adopted Order No. R9-2026-0005, amending USIBWC's NPDES Permit for the South Bay International Wastewater Treatment Plant (SBIWTP). Order No. R9-2026-0005 updates USIBWC's effluent limitations to authorize the advanced primary treatment of an additional 10 million gallons per day (MGD) of wastewater from Mexico. USIBWC has complied with all effluent limitations prescribed in its amended NPDES Permit since April 8, 2026.

- b. Directive:** Modify South Bay Ocean Outfall (SBOO) diffuser configuration such that the dilution factor remains at or above 94.6. Modification required by August 28, 2025, or at least 10 days prior to initiating incremental expansion. Certification statement by September 15, 2025, or within 10 days after initiating incremental expansion.

Response: Certification statement submitted September 11, 2025. CIWQS Doc ID: 3024250.

¹ Order No. R9-2021-0001, 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* as amended by Order No. R9-2023-0009.

- c. **Directive:** Update and implement protocols for coordination with agencies in Mexico to manage SBIWTP influent such that the monthly average effluent flow rate does not exceed 35 MGD. Updated protocols required by August 28, 2025, or at least 10 days prior to initiating incremental expansion. Certification statement by September 15, 2025, or within 10 days of initiating incremental expansion.

Response: Certification statement submitted September 15, 2025. CIWQS Doc ID: 3024249.

- d. **Directive:** Update and implement protocols for operation of new junction box gates, troubleshooting (e.g., gates jammed, debris blocking gates), and connections to Supervisory Control and Data Acquisition (SCADA) system, and alarms, such that SBIWTP influent is adequately managed and the monthly average effluent flow rate does not exceed 35 MGD. Updated protocols and certification statement required by December 31, 2025.

Response: Certification statement submitted December 23, 2025. CIWQS Doc ID: 3024248.

- e. **Directive:** Design and operate the SBIWTP chemically enhanced primary treatment (CEPT) system such that ferric chloride and polymer dosing rates, rapid mixing, and effluent blending ratios are adequate to achieve interim effluent limitations. Finalize design by August 28, 2025, or at least 10 days prior to initiating incremental expansion. Implement on an ongoing basis. Certification statement required by September 15, 2025, or within 10 days after initiating incremental expansion.

Response: Certification statement submitted September 15, 2025. CIWQS Doc ID: 3024243.

- f. **Directive:** Reinstate and operate skimming system on the SBIWTP primary effluent channel. Monitor for and remove floatable debris at the SBIWTP headworks, primary sedimentation tanks, primary effluent channel, activated sludge tanks, and secondary settling tanks such that the excess debris does not clog or otherwise create detrimental effects to the SBIWTP, South Bay Land Outfall (SBLO) or SBOO. Reinstate by August 28, 2025, or at least 10 days prior to initiating incremental expansion. Certification statement required by September 15, 2025, or within 10 days after initiating incremental expansion.

Response: Certification statement submitted September 15, 2025. CIWQS Doc ID: 3024244.

- g. **Directive:** Install and operate additional equipment to thicken and dewater SBIWTP waste activated sludge such that the sludge removal is increased to achieve interim effluent limitations and increased solids production and is

adequately managed. Install by August 28, 2025, or at least 10 days prior to initiating incremental expansion. Operate on an ongoing basis. Certification statement required by September 15, 2025, or within 10 days after initiating incremental expansion.

Response: Certification statement submitted September 15, 2025. CIWQS Doc ID: 3024245.

- h. Directive:** Identify all needs for changes in operations and maintenance (O&M) and provide guidance to the contracted operator to meet new O&M needs. This includes, but is not limited to, additional operators to run new treatment plant systems/equipment, temporary equipment O&M manuals, flow set points, chemical dosing, control descriptions, and wiring diagrams. Ensure that new expectations and resources are reasonable for the contracted operator to meet comprehensive O&M demands, including ongoing preventative maintenance and critical rehabilitation needs. O&M must be adequate to protect the SBIWTP, SBLO, SBOO, and receiving waters to the highest extent practicable, including achieving interim effluent limitations. Identify needs and provide guidance by August 28, 2025, or at least 10 days prior to incremental expansion. Implement on an ongoing basis. Certification statement required by September 15, 2025, or within 10 days after initiating incremental expansion.

Response: Certification statement submitted September 15, 2025. CIWQS Doc ID: 3024246.

- i. Directive:** Develop and implement standard operating procedures (SOPs) for SBIWTP headworks (i.e., channels, coarse screens, mechanical raking systems, influent monitoring system, grit system), CEPT, skimming system on the primary effluent channel, expanded solids handling, primary effluent bypass and effluent blending. SOPs and their implementation must be adequate to protect the SBIWTP, SBOO, and receiving waters to the highest extent practicable, including achieving interim effluent limitations. Certification statement required by December 31, 2025.

Response: Certification statement submitted December 23, 2025. CIWQS Doc ID: 3024247.

- j. Directive:** Prior to initiating the incremental expansion, submit the final modified agreement between USIBWC and Veolia Water North America, describing operations and maintenance for the increased flow and partial bypass of secondary treatment.

Response: Compliance with this requirement was not achieved prior to initiation of the incremental expansion in September 2025, however, USIBWC submitted its modified contract on October 15, 2025. CIWQS Doc ID: 3024251.

- k. Directive:** By March 1, 2026, submit a technical report prepared and signed by a State-licensed civil engineer to verify assumptions made for design, operation, maintenance, and contingency plans prior to initiating the incremental expansion and to assess the performance of the incremental expansion of treatment and discharge.

Response: Technical report submitted March 1, 2026. CIWQS Doc ID: 3024242.

2. Summary of directives and responses for TSO No. R9-2023-0189:

- a. Directive:** By August 15, 2024, comply with secondary effluent limitations, as required in 2021 NPDES Permit.

Response: Compliance with this requirement was not achieved by August 15, 2024. However, USIBWC complied with this requirement beginning in November 2024.²

- b. Directive:** Install third pump at Hollister Avenue Pump Station by December 1, 2023.

Response: Compliance with this requirement was not achieved by December 1, 2023. However, USIBWC complied with this requirement by September 30, 2025.

- c. Directive:** Replace influent pumps #1 and #5 by February 28, 2024.

Response: Compliance with this requirement was not achieved by February 28, 2024. However, USIBWC complied with this requirement by August 29, 2025.

- d. Directive:** Clean-out and rehabilitate all mechanical parts for primary sedimentation tanks by September 30, 2024.

Response: Compliance with this requirement was not achieved by September 30, 2024. However, USIBWC complied with this requirement by December 20, 2024.

- e. Directive:** Replace the temporarily repaired influent pipe and associated valves by September 30, 2024.

Response: Completed September 30, 2024.

- f. Directive:** Replace Junction Box 1 by February 10, 2025.

² In August 2025, the San Diego Water Board issued CDO No. R9-2025-0139, which established interim effluent limitations for USIBWC's accelerated incremental expansion to 35 MGD.

Response: Compliance with this requirement was not achieved by February 10, 2025. However, the Discharger completed construction of Junction Box 1 and complied with this requirement by April 30, 2026.

- g. Directive:** Present an oral report to the San Diego Water Board at a Board meeting within approximately 180 days of the adoption of the 2023 TSO and no later than 240 days after the adoption of the TSO, summarizing efforts to achieve compliance with the directives of the TSO.

Response: USIBWC presented an oral report at the August 14, 2024, meeting of the San Diego Water Board.

- h. Directive:** Continue to submit quarterly Compliance Assurance Reports as required by the 2021 CDO, as amended.

Response: Quarterly Compliance Assurance Reports meeting specified requirements submitted.

- i. Directive:** Beginning with the January 1, 2024, Compliance Assurance Report, and continuing monthly thereafter, submit a visual depiction of the tasks, progress towards interim goal achievement, and the secondary effluent limitations compliance deadline.

Response: Quarterly Compliance Assurance Reports contain a color-coded spreadsheet indicating status of directives.

- j. Directive:** Submit, in writing, any requests to amend the secondary effluent limitation compliance deadline. Any extension request shall be submitted as soon as a delay beyond the reasonable control of USIBWC is recognized and not later than 45 days prior to the compliance deadline.

Response: 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 2023 TSO states that there may be circumstances beyond the reasonable control of USIBWC leading to a delay in compliance. The San Diego Water Board concluded that the reasons provided in the June 3, 2024, USIBWC letter did not constitute circumstances beyond the reasonable control of USIBWC. 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 2023 TSO. USIBWC achieved compliance with secondary effluent limitations in November 2024.

3. Summary of Directives in CDO No. R9-2021-0107 as Amended:

- a. Directive:** 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 in the 2021 NPDES Permit. The report shall include a schedule for retaining appropriate contractors and designing, installing, and putting into operation the new or modified control measures and estimated project costs. Compliance Assurance Report required by June 30, 2021.

Response: Compliance Assurance Report meeting these requirements submitted on June 30, 2021.

- b. Directive:** Submit revised Compliance Assurance Reports to include information on scheduling and project costs as they are determined, and any additional Facility deficiencies not already included. Revised Compliance Assurance Reports required on a quarterly basis, until requirements of 2021 CDO as amended are satisfied.

Response: Quarterly Compliance Assurance Reports meeting these requirements submitted.

- c. Directive:** Complete SCADA upgrades by December 31, 2021.

Response: Completed December 31, 2021.

- d. Directive:** Replace two influent pumps by October 1, 2021.

Response: Completed May 28, 2021.

- e. Directive:** Complete design for Junction Box 1 repairs by January 31, 2022.

Response: Compliance with this requirement was not achieved by January 31, 2022. However, USIBWC completed its preliminary design of Junction Box 1 and complied with this requirement by June 30, 2022.

- f. Directive:** Complete repairs of Junction Box 1.

Response: Construction of Junction Box 1 completed April 30, 2026.

- g. Directive:** Replace the influent meter, temporarily repaired influent pipe, replace the two valves on the replaced influent pipe. Replacements required by February 13, 2023.

Response: Compliance with this requirement was not achieved by February 13, 2023. However, USIBWC complied with this requirement by September 30, 2024.

- h. Directive:** Replace belt filter press by January 3, 2022.

Response: Compliance with this requirement was not achieved by January 3, 2022. However, USIBWC complied with this requirement by December 18, 2024.

- i. **Directive:** Replace diffusers in secondary aeration tanks.

Response: Replacement of diffusers in the secondary aeration tanks will take place in the progressive-design-build (PDB) project for the expansion of the SBIWTP.

- j. **Directive:** Other needed/planned repairs including, but not limited to, upgrading the secondary treatment process aeration blower, refurbishing bar screens 1, 2, and 3, replacing the unstabilized sludge storage tank (USST) valves and piping, repairing the secondary treatment process main breaker and ground fault, and replacing the conduit and wiring in the solids processing building.

Response: Secondary treatment process aeration blower upgraded October 29, 2021. Bar screen 3 was refurbished January 3, 2022. Bar screens 1 and 2 refurbished July 21, 2022. USST valves and piping complete December 2, 2025. Conduit and wiring in solids processing building completed November 30, 2021. Repair of the secondary treatment process main breaker and ground fault will take place in the PDB project for the expansion of the SBIWTP.

- k. **Directive:** Other needed/planned preventive maintenance including, but not limited to, cleaning the USSTs, improvements to the electrical components for influent pumps 1, 3, and 5, and isolating the switchgear transformer for the headworks treatment process.

Response: USST cleaning was completed together with the replacement of USST valves and piping, by April 30, 2026. Improvements to electrical components for influent pumps 1, 3, and 5 completed on December 31, 2022. New integrated headworks to be constructed in PDB project for the expansion of the SBIWTP.

- l. **Directive:** Achieve consistent compliance with the 2021 NPDES Permit effluent limitations for flow, settleable solids, TSS, turbidity, and CBOD5 by January 3, 2022.

Response: Compliance with this requirement was not achieved by January 3, 2022. However, USIBWC regained compliance with 2021 NPDES Permit effluent limitations for flow, settleable solids, TSS, turbidity, and CBOD5 beginning in November 2024.³

³ In August 2025, the San Diego Water Board issued CDO No. R9-2025-0139 which established interim effluent limitations for USIBWC's accelerated incremental expansion to 35 MGD.

m. Directive: USIBWC shall comply with the transboundary flow reporting requirements in the 2021 NPDES Permit.

Response: Compliance achieved. USIBWC has tabulated and summarized Tijuana River Transboundary Flow Events and dry weather Canyon Collector Transboundary Flow Events in its monthly self-monitoring reports.

n. Directive: USIBWC shall comply with the violation reporting requirements in the 2021 Permit.

Response: Compliance achieved. USIBWC has attached a cover letter to its monthly self-monitoring reports clearly identifying permit violations; discussing corrective actions taken or planned; and the proposed time schedule for corrective actions.

o. Directive: USIBWC shall comply with the 5-Day Report requirements in the 2021 NPDES Permit.

Response: USIBWC has reported to the San Diego Water Board noncompliance which may endanger health or the environment within 24 hours and provided a written documentation within five days of becoming aware of the circumstances, including a description of the noncompliance and its cause; the period of noncompliance; including exact dates and times; if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. As of July 2026, USIBWC is currently in compliance with this ongoing requirement.