California Regional Water Quality Control Board
San Diego Region

David Gibson, Executive Officer

Executive Officer's Report
May 8, 2024

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The May report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions, Agenda Items Requested by Board Members, and the attachments noted above are included at the end of this report.

Part A – San Diego Region Staff Activities

1. Personnel Report

Staff Contact: Dulce Romero

An updated San Diego Water Board staff list is available online at: San Diego Regional Water Quality Control Board Staff List (ca.gov).

Recruitment

We are recruiting for seven positions: one Scientific Aid, one Water Resource Control Engineer and one Environmental Scientist in the Surface Water Protection Branch; one Water Resources Control Engineer in the Healthy Waters Branch; two Water Resources Control Engineers and one Engineering Geologist in the Site Restoration and Groundwater Protection Branch.

Filled Vacancies

The Site Restoration and Groundwater Protection Branch welcomes our new Senior Water Resource Control Engineer, Olufisayo Osibodu. Fisayo worked previously as a Water Resource Control Engineer in the Water Sustainability and Protection Unit.

Information regarding our vacancies is located on the CalCareers and San Diego Water Board websites: https://calcareers.ca.gov/CalHRPublic/Search/AdvancedJobSearch.aspx https://www.waterboards.ca.gov/sandiego/about us/employment/.

2. Response to the Board's Request for Additional Information Related to Fireworks Events

Staff Contact: James Chhor

Summary

At its February 2024 meeting, San Diego Water Board's Board Member Gary Strawn requested staff investigate waste reduction methods that could be used to limit the amount of waste generated at fireworks shows, and asked how much of the waste recovered is toxic. In response to Board Member Strawn's request, San Diego Water Board staff conducted a literature review and revisited the most recent regional fireworks-related receiving water monitoring data. Results of that investigation conclude there is no new information to provide beyond what is currently in the record. Post-event cleanup remains the most reasonable and safest method of minimizing water quality pollution from fireworks events held over waterbodies, and data collected to date continues to support the conclusion that receiving water impacts related to fireworks events are short-lived.

Background

Enrollment under Order R9-2022-0002, NPDES Permit CAG999002, *General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Firework Pollutant Waste Discharges to Waters of the United States in the San Diego Region from the Public Display of Fireworks* (General Order) requires implementation of best management practices (BMPs) to reduce and prevent fireworks related pollution to a practical extent.

Enrollees must include a Fireworks Best Management Practices Plan (FBMPP) as part of their application for enrollment under the General Order.

The General Order requires all enrollees to remove hazardous and pyrotechnics waste immediately after an event. However, enrollees have up to 24 hours after a fireworks event to clear the firing range and adjacent surface waters of debris. When drafting the General Order, the San Diego Water Board contemplated including requirements to remove debris from adjacent surface waters during or immediately after an event and to use a barge with sides or netting to prevent debris from entering surrounding waters. Based on interested parties' comments related to safety and conflicting regulations (such as fire code), the San Diego Water Board removed these requirements prior to permit adoption.

SeaWorld San Diego's 2021 monitoring report stated water quality analyses were similar to historical results and concentrations within the fallout area were below screening levels with the exception of total barium. However, total barium results were within historical ranges. Sediment toxicity for amphipod survival showed "low" toxic conditions but were the same for reference samples. Testing using polychaetae worms showed nontoxic conditions for the fallout area and reference samples.

Big Bay Boom's 2015 sampling stated most of the constituents were below applicable water quality standards and exceedances were typically indistinguishable pre- and post-show. The monitoring report did note that dissolved titanium, dissolved cobalt, dissolved lead, total mercury, and total zinc had decreasing trends relative to barge distance. The pattern was also consistent between the barges.

SeaWorld San Diego's and Big Bay Boom's monitoring results suggest water and sediment quality are generally within historical ranges and that fireworks' debris are not accumulating and creating deleterious effects.

The San Diego Water Board staff are currently unaware of any recent peer reviewed studies directly linking the effects of fireworks debris and pollution to either water quality or aquatic environment. The infrequency of fireworks events at most locations, coupled with the wide dispersion of constituents, makes more conclusive studies difficult.

3. United States and Mexico Border Water Quality Update *(Attachment A-3)*

Staff Contacts: David Gibson and Melissa Corona

Significant updates since April 2024 Executive Officer's Report:

- In late March, the United States Section of the International Boundary and Water Commission (USIBWC) began clean-up of the trash deposited at the West Coast Turf sod farm by transboundary flows in the main channel during the January 22, 2024 storm. USIBWC expects the clean-up will be complete by the end of May 2024. As of April 26, 2024, USIBWC has removed 248 tons of trash and debris.

- On March 29, USIBWC submitted a draft Tijuana River Valley Monitoring Program (TRVMP) Work Plan to the San Diego Water Board. The San Diego Water Board has reviewed the TRVMP Work Plan and will provide comments to USIBWC.
- In early April, USIBWC invited three progressive design-build contractors to submit their technical and cost proposals for the South Bay International Treatment Plant (SBIWTP) expansion from 25 million gallons per day (MGD) to 50 MGD.
- In April, Veolia, the SBIWTP operator, completed clean-out of the grit chamber and put one primary sedimentation tank (PST) back in service. These are critical steps for USIBWC to achieve compliance with secondary treatment standards at the SBIWTP.

Status of Border Infrastructure Repairs and Improvements

When operating properly, the 42-inch PB1A pipeline in the City of Tijuana conveys dry weather flows that are diverted by the Comisión Internacional de Límites y Aguas pump station (PBCILA) from crossing into the United States (U.S.) through the Tijuana River main channel. The PB1A pipeline conveys the flows to a shoreline discharge point at Punta Bandera approximately 4.2 miles south of the international border. On November 30, 2023, USIBWC reported that Mexico completed needed repairs of the PB1A pipeline. The Baja California water utility for the City of Tijuana (CESPT) previously reported that the PB1A pipeline would be fully operational by March 2024. In mid-March, the timeline was extended because CESPT must shut down upstream Mexican pump station PB1 for infrastructure rehabilitation and construction work. CESPT indicated to USIBWC that they expect the shut-down to last ten days. However, CESPT has not indicated the start date to USIBWC or when CESPT expects the PB1A pipeline to be in full service. The PB1 shut-down will likely result in 10-12 MGD of excess flows to the SBIWTP and/or transboundary flows.

Minute 328 of the 1944 U.S.-Mexico treaty, entitled *Utilization of the Colorado and Tijuana Rivers and of the Rio Grande*, approved in July 2022, outlines specific border pollution-related projects planned for 2022-2027 and potential projects for the unspecified future. Minute 328 projects in progress include expanding the SBIWTP, replacing the San Antonio de los Buenos Wastewater Treatment Plant (SABWTP), repairing the International Collector, repairing Los Laureles Pump Station 1, repairing the PB1 pump station, and installing back-up power supply for PB1 in the U.S.Minute 328 projects in progress include expanding the SBIWTP, replacing the San Antonio de los Buenos Wastewater Treatment Plant (SABWTP), repairing the International Collector, repairing Los Laureles Pump Station 1, repairing the PB1 pump station, and installing back-up power supply for PB1 in the U.S.

USIBWC accepted statements of qualifications from interested bidders on the SBIWTP expansion until February 8, 2024. USIBWC accepted statements of qualifications from interested bidders on the SBIWTP expansion until February 8, 2024. In April, the three best qualified bidders were invited to submit their technical and cost proposals by June 14, 2024, for final selection of the design-build contractor. USIBWC expects to select the progressive design-build contractor and award the contract in Summer 2024. Construction is expected to start within one year of the contract award. The SBIWTP average treatment capacity will be expanded from 25 MGD to 50 MGD.

The SBIWTP expansion is a core project of the USIBWC and U.S. Environmental Protection Agency (USEPA) June 2023 Joint Record of Decision (ROD) for projects to reduce transboundary water pollution. The cost of the SBIWTP expansion is expected to be approximately $610 million. In 2020, the U.S. federal government, through USEPA, committed $300 million in the United States-Mexico-Canada Agreement (USMCA). An additional funding request of $310 million was announced by President Biden on October 25, 2023, in response to bipartisan efforts by local representatives to increase available funding to match the expected cost of the SBIWTP expansion. The cost of the SBIWTP expansion is expected to be approximately $610 million. In 2020, the U.S. federal government, through USEPA, committed $300 million in the United States-Mexico-Canada Agreement (USMCA). An additional funding request of $310 million was announced by President Biden on October 25, 2023, in response to bipartisan efforts by local representatives to increase available funding to match the expected cost of the SBIWTP expansion. If Congress authorizes and allocates the needed supplemental funding, USIBWC expects the construction to be completed in 2027.

In March 2024, Congress authorized $156 million for USIBWC projects in the federal Fiscal Year 2024 Appropriations Bill (HR 2882). A portion of this funding will go toward the SBIWTP expansion. USIBWC and USEPA have contingency plans if the remaining funds needed are not authorized. This includes expanding primary treatment to 50 MGD in the first phase and completing the expansion for secondary when full funding is authorized and allocated.

To date, no funding has been identified for any of the other eight projects included in the ROD to address transboundary flows. Without full implementation of the ROD, transboundary flows of polluted water and trash are likely to continue to impact the Tijuana River Valley, Tijuana River Estuary, and coastal waters from the international border to the City of Coronado.Without full implementation of the ROD, transboundary flows of polluted water and trash are likely to continue to impact the Tijuana River Valley, Tijuana River Estuary, and coastal waters from the international border to the City of Coronado.

As of January 11, 2024, the SABWTP is under construction. As of January 11, 2024, the SABWTP is under construction. The project is fully funded by Mexico and will include rehabilitation of the existing plant, treatment upgrades, and a 600-foot coastal outfall. The Mexican Secretariat of National Defense (SEDENA) is leading the construction and has completed the clean-out of one wastewater lagoon at the existing plant. Completion of the project is scheduled for September 2024. The new SABWTP will treat 18 MGD, which will reduce the volume of untreated wastewater that is currently discharged to the shoreline discharge point at Punta Bandera.

Repairs to the damaged 60-inch International Collector pipeline have been completed and it will be relined. The schedule to reline it is contingent upon a Mexican highway construction project, which requires sewage collection pipeline realignments.The schedule to reline it is contingent upon a Mexican highway construction project, which requires sewage collection pipeline realignments.

The rehabilitation of Los Laureles Pump Station 1 is underway. The rehabilitation of Los Laureles Pump Station 1 is underway. When in operation, the pump station conveys sewage from Los Laureles Canyon in Tijuana to the SABWTP. Currently, the SAWBTP does not

provide reliable wastewater treatment and flows are discharged to the shoreline at Punta Bandera. Until the pump station has been repaired, ongoing dry weather transboundary flows will continue to flow to Goat Canyon.

CESPT has completed the design for pump station PB1 rehabilitation and USIBWC has engaged San Diego Gas and Electric (SDG&E) on installation of back-up power supply for PB1 in the U.S. USIBWC reported that contracts for the rehabilitation of PB1 will be awarded in May 2024 with construction to begin in July 2024. The project is expected to take two years.

Status of Compliance at the SBIWTP

Average flows into the SBIWTP varied from approximately 20 MGD to 23 MGD in March and April 2024. While repairs and rehabilitation efforts described below are underway, USIBWC remains out of compliance with Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, National Pollutant Discharge Elimination System 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* (NPDES Permit) and Cease and Desist Order No. R9-2021-0107 as amended by Order No. R9-2021-0220, *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* (CDO. Violations include, but are not limited to, the following:

- Exceedances of secondary treatment effluent standards in the NPDES Permit.
- Re-submittal of at least six self-monitoring reports (SMRs) with reporting errors.

So far, the San Diego Water Board has issued seven notices of violation (NOVs) to USIBWC. The San Diego Water Board intends to continue issuing NOVs until USIBWC has attained compliance with the secondary treatment standards in the NPDES Permit. Copies of the NOVs and exhibits are attached.

On April 1, 2024, USIBWC submitted a draft TRVMP Work Plan to the San Diego Water Board by email. The TRVMP Work Plan was due by September 29, 2021, per Attachment E, Section 4.2.4 of the NPDES Permit. The San Diego Water Board will review the TRVMP Work Plan and provide comments to USIBWC by April 30, 2024.

The San Diego Water Board adopted Time Schedule Order 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* (TSO) on December 18, 2023. The TSO establishes interim reporting requirements and a deadline of August 15, 2024, for return to full compliance with the NPDES Permit and CDO. The TSO establishes interim reporting requirements and a deadline of August 15, 2024, for return to full compliance with the NPDES Permit and CDO.

Board staff are meeting weekly with USIBWC to receive status updates and inspect the SBIWTP. Board staff are meeting weekly with USIBWC to receive status updates and inspect the SBIWTP. The San Diego Water Board has dedicated a full-time Water Resource Control Engineer to these efforts.

The TSO requires USIBWC to present an oral report to the San Diego Water Board within approximately 180 days of the adoption of the TSO. The report must summarize USIBWC's efforts to achieve compliance with the directives in the TSO. The Commissioner of USIBWC, Dr. Maria-Elena Giner, is scheduled to provide the update in person at the May 8, 2024, San Diego Water Board meeting.

Impacts of Winter Storms

The 2023-2024 storm season resulted in excess flows to the SBIWTP and excessive sediment into the plant, the Goat Canyon Collector, and the Smuggler's Gulch Canyon Collector.

Excessive sediment loading consistently rendered components of the SBIWTP headworks inoperable, necessitating time-consuming, costly, and sometimes complicated repairs. The sediment regularly impacted operations downstream of the headworks as well. High influent flows during storm events introduced excessive rags to the SBIWTP, which also impact operations and necessitate unanticipated, sometimes urgent, maintenance and repairs, which can take the SBIWTP operators away from other important (scheduled) maintenance and repairs.

Dry and wet weather transboundary flows have deposited immense volumes of sediment from large construction projects in Tijuana into these two canyon collector basins, rendering them inoperable. Veolia clears sediment and debris from the canyon collector basins between storm events and returns the canyon collectors to service once they are capable of diverting dry weather flows without causing damage to pumps.Veolia clears sediment and debris from the canyon collector basins between storm events and returns the canyon collectors to service once they are capable of diverting dry weather flows without causing damage to pumps.

Winter storms damaged the berm of Smuggler's Channel in the Tijuana River Valley, resulting in flows of wastewater, trash, and sediment onto private property. The flows also drained west, breaching a second berm and flooding the County of San Diego's Tijuana River Valley Regional Park Campground with wastewater.

During a January 22, 2024 large storm event, the main channel of the river flooded the West Coast Turf sod farm. This property is owned by USIBWC, located within the USIBWC Flood Control Channel, and leased by USIBWC to West Coast Turf. The flooding breached the north levee of the USIBWC Flood Control Channel, deposited significant amounts of trash, including on the sod farm, and resulted in significant ponding of wastewater. In March 2024, USIBWC initiated clean-up of the sod farm. As of April 23rd, 126 tons of trash had been removed. USIBWC expects the clean-up will be complete by the end of May 2024.

Figure 1: Sediment retrieved from wastewater influent at headworks. (MC 04/02/2024)

Figure 2: Trash and sediment at Smuggler's Gulch Canyon Collector. Bollards are approximately five feet in height. (Veolia 04/01/2024)

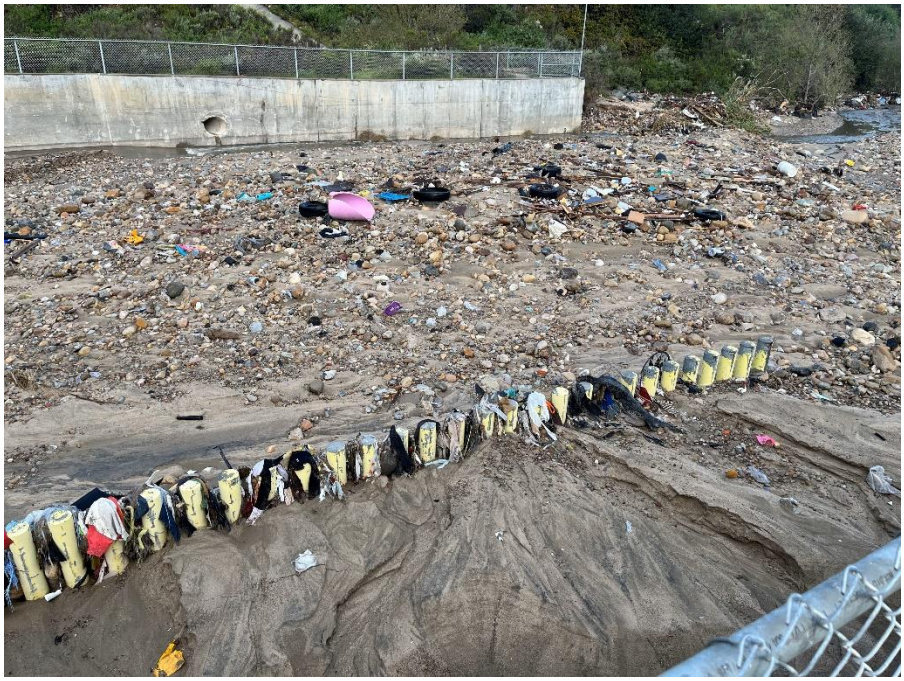


Figure 3: Wastewater and trash at the northwest corner of the sod farm. (MC 04/02/2024)

Status of Repairs to the SBIWTP

USIBWC is working on repairs to the SBIWTP related to deferred maintenance and damage caused by Tropical Storm Hilary in August 2023.

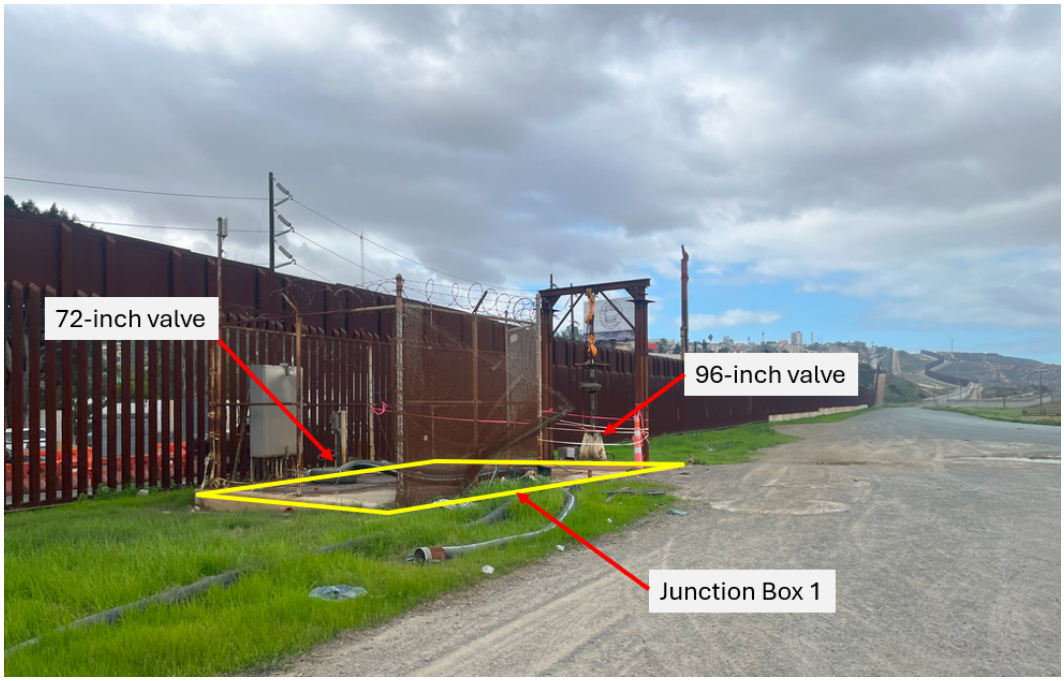
Status of Junction Box 1 (JB1) Repairs/Replacement

When operating properly, JB1 controls flows into the SBIWTP. USIBWC has been unable to control flows through JB1 since October 3, 2020.

JB1 has two inoperable gate valves, a 72-inch gate valve that connects to the International Collector and a 96-inch gate valve that connects to Junction Box 2. The 72-inch gate valve became inoperable on August 28, 2019. The 96-inch gate valve became inoperable on October 3, 2020. Since flows from Mexico to the SBIWTP are regulated at JB1 and the two gate valves are inoperable, USIBWC cannot regulate flows from Mexico and must accept all flows that reach JB1.

JB1 must be completely replaced. USIBWC awarded a contract to replace JB1 to Filanc, a design-build contractor, in August 2023. Filanc is in the process of designing the new junction box. USIBWC provided comments on the 60 percent design on March 28, 2024. Filanc is discussing the comments with USIBWC and working on the 90 percent design. USIBWC estimates that a new junction box will be installed by February 10, 2025.

Figure 4: Junction Box 1. (MC 01/10/2024)



Status of Influent Pump Repairs/Replacements
USIBWC reported that three of the six influent pumps are operational. The other three inoperable influent pumps have been removed. USIBWC received delivery of two new pumps in December 2023. USIBWC has indicated that three pumps are sufficient to meet their current needs. One pump (primary) is adequate for daily flows of 25 MGD, a second pump (peak flow pump) is on standby for peak flows, and a third pump is backup for the primary and peak flow pumps as a failsafe.

The TSO outlines tasks and interim goals related to long-term compliance with secondary effluent limitations. This includes replacement of two influent pumps by February 28, 2024. Veolia has attempted to install the pumps since January 31, 2024. Veolia has not yet been able to install them due to the build-up of sediment and rocks in the pump wet wells. Immense volumes of sediment are present in the wastewater influent from Mexico. The sediment accumulates in the wet wells of the pumps and disrupts treatment operations. USIBWC and Veolia are organizing a plan that would allow Veolia to remove the sediment and install the two influent pumps by July 2024. USIBWC aims to have all the influent pumps operational by the end of 2024.

Figure 5: Influent pumps. (MC 04/03/2024)

Figure 6: Two new influent pumps on the left.
Three inoperable influent pumps on the right that have been removed for replacement.
(MC 01/10/2024)

Figure 7: Closer view of one of the new influent pumps. (USIBWC 12/13/2023)

Status of Grit Chamber Cleaning
Veolia completed clean-out the grit chamber on April 10, 2024. Approximately 1,000 cubic yards of grit were removed, the full capacity of the grit chamber. The grit chamber had to be cleaned out before PST No. 5 was returned to operation.

Status of the PST Cleaning and Repairs
The primary treatment system at the SBIWTP includes five PSTs. Currently, only one is operational.

PST Nos. 1-4 are full of sediment and debris, and influent passes through these PSTs without significant treatment. The chains and flights are not functional and will be replaced. Chains and flights for PST Nos. 1-4 have been delivered.

As of April 15, 2024, PST No. 5 is now in service.

USIBWC has begun to rehabilitate PST Nos. 1 and 2 (replace the chain, flights, and other equipment) and will then rehabilitate PST Nos. 3 and 4.

USIBWC expects to have three PSTs operational by Summer 2024, and all PSTs operational by December 2024. USIBWC states that operation of three PSTs by July 2024 should be adequate to return the SBIWTP to compliance with secondary treatment standards by the compliance date of August 15, 2024, contingent upon the SBIWTP receiving reasonable flows despite JB1 not being operational until 2025.

Figure 8: Rehabilitated PST No. 5. in service (USIBWC 04/17/2024)

Figure 9: Skimmer trough at PST No. 5. prior to resuming service (MC 01/10/2024)

Figure 10: One of four inoperable PSTs. (MC 04/02/2024)

Status of Secondary Treatment Repairs and Replacement
The secondary treatment system at the SBIWTP includes seven aeration tanks and 13 secondary settling tanks. USIBWC plans to replace pumps, motors, mixers, waste activated sludge pumps, and non-potable pumps in the secondary treatment in 2024 as part of its capital improvements project package referred to as the "pumps and motors package," which was awarded to Veolia in April 2024.

Once the PSTs are operational and the flow rate consistently remains below 25 MGD, USIBWC and Veolia expect the SBIWTP to be in compliance with secondary treatment requirements, with a trend towards compliance visible within the first month. Veolia expects the effluent from the primary treatment system not to overload the secondary treatment system, resulting in total suspended solids (TSS) results dropping from 300 mg/L to below 100 mg/L.

Figure 11: A photo of a secondary mixing tank.

Figure 12: Secondary settling tank. (MC 01/10/2024)

Status of Canyon Collector Pump Stations
There are two canyon collector pump stations: Goat Canyon Pump Station and Hollister Pump Station. Both are operational.

The Goat Canyon Pump Station has four pumps, three of which are operational. The Goat Canyon Pump Station moves flows from the Goat Canyon Collector to the Hollister Pump Station. All four pumps at the Goat Canyon Pump Station need to be replaced. USIBWC expects to award a contract to replace the pumps sometime before September 30, 2024.

The Hollister Pump Station moves flows from the Smuggler's Gulch Canyon Collector and from the Goat Canyon Pump Station to the SBIWTP. The Hollister Pump Station has four pumps, three of which are operational. Two of the pumps were replaced with new pumps in 2023, and the other two will be replaced in 2024.

Excessive sediment has been transported by transboundary flows to Smuggler's Gulch due to a large highway construction project in Matadero Canyon. There are ongoing excessive flows due to pump station failure in Matadero Canyon. This severely impedes the operation of the Smuggler's Gulch Canyon Collector and the pumps at the Hollister Pump Station.

Figure 13: Mexican construction project in Matadero Canyon. (MC 01/10/2024)

Status of State of California Projects to Mitigate Transboundary Pollution

Three projects in the Tijuana River Valley were funded by Senate Bill 170 through the State Water Resources Control Board Division of Financial Assistance:

- Tijuana River Flood Control Trash Control Structure ($4.73 million – Rural Community Assistance Center)
- Smuggler's Gulch Dredging Project ($4.25 million – County of San Diego)
- Tijuana River Valley Hydrology and Habitat Restoration ($2 million – County of San Diego)

Each of the three projects are deeply rooted in the 13 years of coordinated federal, State of California, local agency, and non-governmental organization efforts in the Tijuana River Valley Recovery Team to restore and protect water quality. They were originally proposed in the 2012 *Tijuana River Valley Recovery Strategy: Living with the Water* and refined and analyzed in the 2020 *Tijuana River Needs and Opportunities Assessment Report*.

The Tijuana River trash control project involves the design, construction, operation, and maintenance of a floating trash boom system for one storm season in the main channel of the river, immediately downstream of the international border. The Rural Community Assistance Center is in the process of obtaining environmental permits to install the trash boom. Installation is expected to be complete by the beginning of the 2024-2025 storm season. This is a demonstration project. The information gathered will be used to develop permanent trash control infrastructure.

The Smuggler's Gulch dredging project will remove up to 30,000 cubic yards of accumulated sediment, trash, and debris in Smuggler's Gulch and the Tijuana River Pilot Channel. The accumulated sediment, trash, and debris contribute to flooding, which threatens public and private properties and critical habitats. In March 2024, the County of San Diego initiated trash and sediment removal activities, which are ongoing. Current efforts are focused on Smuggler's Gulch, north of Monument Road. The dredging is necessary prior to installation of permanent sediment and trash capture infrastructure at Smuggler's Gulch, which will be funded by a separate grant. The project will be completed by fall 2025.

The Tijuana River Valley habitat and hydrology restoration project will remediate a contaminated seven-acre property adjacent to the Tijuana River and restore it to native upland coastal sage scrub habitat. In January 2024, the County of San Diego started preparing the site for the upcoming demolition and removal of on-site structures containing hazardous materials, such as asbestos and lead. Demolition of on-site structures is complete. Site preparation, debris removal, and irrigation is now underway. The project will be completed by fall 2025.

Status of Advance Restoration Plan (ARP)

The San Diego Water Board developed the draft *Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan for Total Maximum Daily Loads* (draft ARP) to address water quality impairments through an implementation plan with actions to restore and maintain water quality standards. The draft ARP was initially drafted as a total maximum daily load (TMDL) pollution control plan. Waters with an ARP remain on the Clean Water Act section 303(d) List

of Water Quality Limited Segments (303(d) List) until requirements to remove the 303(d) listing are met. If the lower Tijuana River remains on the 303(d) List due to indicator bacteria and trash despite implementation of the ARP, the San Diego Water Board will adopt TMDLs as an amendment to the *Water Quality Control Plan for the San Diego Basin (9)*.

The San Diego Water Board posted the draft ARP on its website for public review and comment on January 10, 2024, and accepted written comments until March 13, 2024. The San Diego Water Board hosted an in-person public workshop and a separate virtual public workshop on February 26 and 28, 2024, respectively. The purpose of the public workshops was for the San Diego Water Board to (1) provide an overview of the draft ARP; (2) receive verbal comments from interested parties on the draft ARP; and (3) in accordance with Assembly Bill 2108, receive verbal comments on any concerns related to environmental justice or potential impacts on water quality for disadvantaged communities and/or Native American Tribes due to the draft ARP's future implementation.

The San Diego Water Board received written comments on the draft ARP from the Mayor of Imperial Beach, San Diego Coastkeeper, and Phase I municipal separate storm sewer systems (MS4) Copermittees of the Tijuana River Watershed Management Area.

San Diego Water Board staff will present the ARP to the San Diego Water Board to consider adoption in 2024. The ARP implementation plan proposes a memorandum of understanding between the San Diego Water Board, USIBWC, USEPA, and possibly the Department of Homeland Security to establish agreements, roles, and responsibilities to control transboundary sources of pollution within specified timeframes, respective jurisdictions, and respective funding allocations.

Minute 320[1]

Minute 320 meetings were convened by the U.S. and Mexican sections of IBWC in Imperial Beach and Tijuana on November 30 and December 1, 2023. Meeting participants proposed projects for further development in both countries to address sediment, trash, and water quality. Following the meetings, the Minute 320 Technical Secretariat and IBWC Commissioners reviewed the proposed projects. On March 19, 2024, the executive-level Minute 320 Binational Core Group met to review the proposed projects, select priorities, discuss project workgroups to advance technical work and financing, and submit invitations to proposed binational workgroup chair and co-chair candidates. The Minute 320 binational workgroups will meet to review the draft Tijuana River Valley Monitoring Plan (TRVMP) Work Plan (required per the NPDES Permit), document the process of addressing other SBIWTP NPDES permit requirements, discuss the status of projects and initiatives that are under development, establish a framework to monitor progress and impacts of proposed projects and initiatives, and establish a process for retaining information and coordinating monitoring efforts.

[1] Minute 320 of the 1944 U.S.-Mexico treaty, entitled *Utilization of the Colorado and Tijuana Rivers and of the Rio Grande*, establishes a framework of binational collaboration to address trash, sediment, and water quality issues.

Part B – Significant Regional Water Quality Issues

1. Nitrate Exceedances in Domestic Wells in the San Diego Region

Staff Contacts: Cailynn Smith and Abigail Pashina

Under the California Safe Drinking Water Act of 1996, the Office of Environmental Health Hazard Assessment (OEHHA) develops Public Health Goals (PHGs) for drinking water contaminants in California based exclusively on public health considerations.[2] The State Water Resources Control Board (State Water Board) uses the PHGs to establish primary drinking water standards (California Maximum Contaminant Levels, or CA MCLs). The CA MCL established by the State Water Board for nitrate is 45 mg/L as NO_3, which is consistent with the PHG developed by OEHHA. The State Water Board Division of Drinking Water (DDW) regulates public drinking water systems and requires drinking water systems to notify their customers when there is an exceedance of CA MCLs, including the CA MCL for nitrate.

Ingesting water containing nitrate above the CA MCL can cause nitrate poisoning as nitrate can inhibit the blood's ability to carry oxygen by turning hemoglobin into methemoglobin.[3] Common symptoms of nitrate poisoning include shortness of breath and blueness of the skin around the eyes and mouth (commonly referred to as "blue-baby syndrome" in infants). Infants under six months of age, pregnant persons, the elderly, and people with heart or lung diseases are particularly susceptible to nitrate poisoning. Due to these risks, it is vital to monitor drinking water for nitrate.

Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region*, and Order No. R9-2016-0005, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region* (collectively, the Ag Orders), require Third-Party Groups, on behalf of their members, and growers enrolled as individuals to monitor on-farm drinking water wells for nitrate. The Ag Orders include this requirement because (1) nitrogen applied to the land as fertilizer is a potential source for nitrate in groundwater and (2) DDW does not have a formal mechanism in place to notify individuals who have a private water system of any exceedances of the nitrate CA MCL. To fill this gap, the Ag Orders require Third-Party Groups or the San Diego Water Board to notify growers with drinking water wells with samples that exceed the nitrate CA MCL of the exceedance and the health risks associated with drinking water contaminated with nitrate.

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[2] Office of Environmental Health Hazard Assessment's Public Health Goals for Nitrate and Nitrite in Drinking Water: https://oehha.ca.gov/media/downloads/water/chemicals/phg/nitratephg051118.pdf.

[3] Groundwater Fact Sheet Nitrate: https://www.waterboards.ca.gov/water_issues/programs/gama/docs/coc_nitrate.pdf.

2. Conditional Waivers of Waste Discharge Requirements Enrollment Update

Staff Contacts: Mahsa Izadmehr and Fisayo Osibodu

The California Water Code allows the San Diego Water Board to conditionally waive waste discharge requirements for a specific discharge or type of discharge, if the waiver is consistent with *the Water Quality Control Plan for the San Diego Basin* (Basin Plan) and is in the interest of the public. Conditional waivers allow the San Diego Water Board to use fewer resources to regulate discharges that pose a low threat to water quality, allowing staff resources to focus on discharges that have a higher potential threat to water quality in the San Diego Region. Dischargers also benefit from fewer regulatory requirements when discharging in compliance with a waiver.

The San Diego Water Board adopted Order No. R9-2024-0001, *Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region* (Order No. R9-2024-0001) in March 2024. The Board's adoption of Order No. R9-2024-0001 revised and renewed ten existing waivers that were set to expire in May 2024. Order No. R9-2024-0001 identifies several types of discharges for which the requirements to file a Report of Waste Discharge and regulation under waste discharge requirements were appropriately waived. Instead of developing waivers for each specific type of discharge, Order No. R9-2024-0001 groups types of waste discharges that are similar in nature or originate from a common setting or operation together into ten "discharge classifications." The discharge classifications are:

1. Discharges from On-site Graywater Disposal Systems
2. Miscellaneous "Low Threat" Discharges to Land
3. Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries
4. Discharges from Silvicultural Operations
5. Discharges from Animal Operations
6. Discharges from Aquatic Animal Production Facilities
7. Discharges of Slurries to Land
8. Discharges/Disposal of Solid Wastes to Land
9. Aerially Discharged Wastes Over Land
10. Discharges of Emergency/Disaster Related Wastes.

Figure 14 illustrates the distribution of waiver enrollments since 2014 and shows the most frequently used waivers continue to be:

- Waiver No. 2 - Miscellaneous "Low Threat" Discharges to Land
- Waiver No. 7 - Discharges of Slurries to Land
- Waiver No. 8 - Discharges/Disposal of Solid Wastes to Land
- Waiver No. 9 - Aerially Discharged Wastes Over Land.

Figure 14: Number of Enrollments in Each Waiver from 2014 to Date

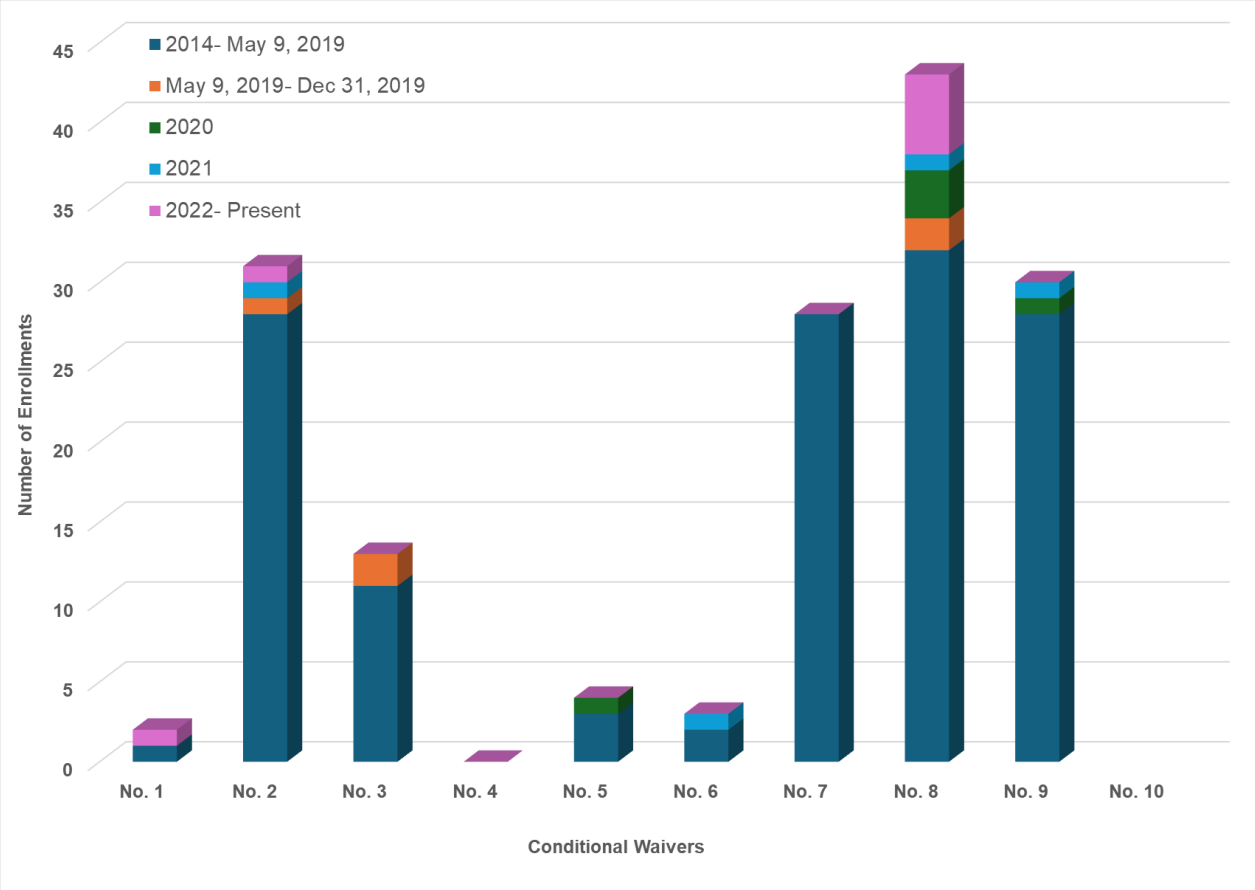
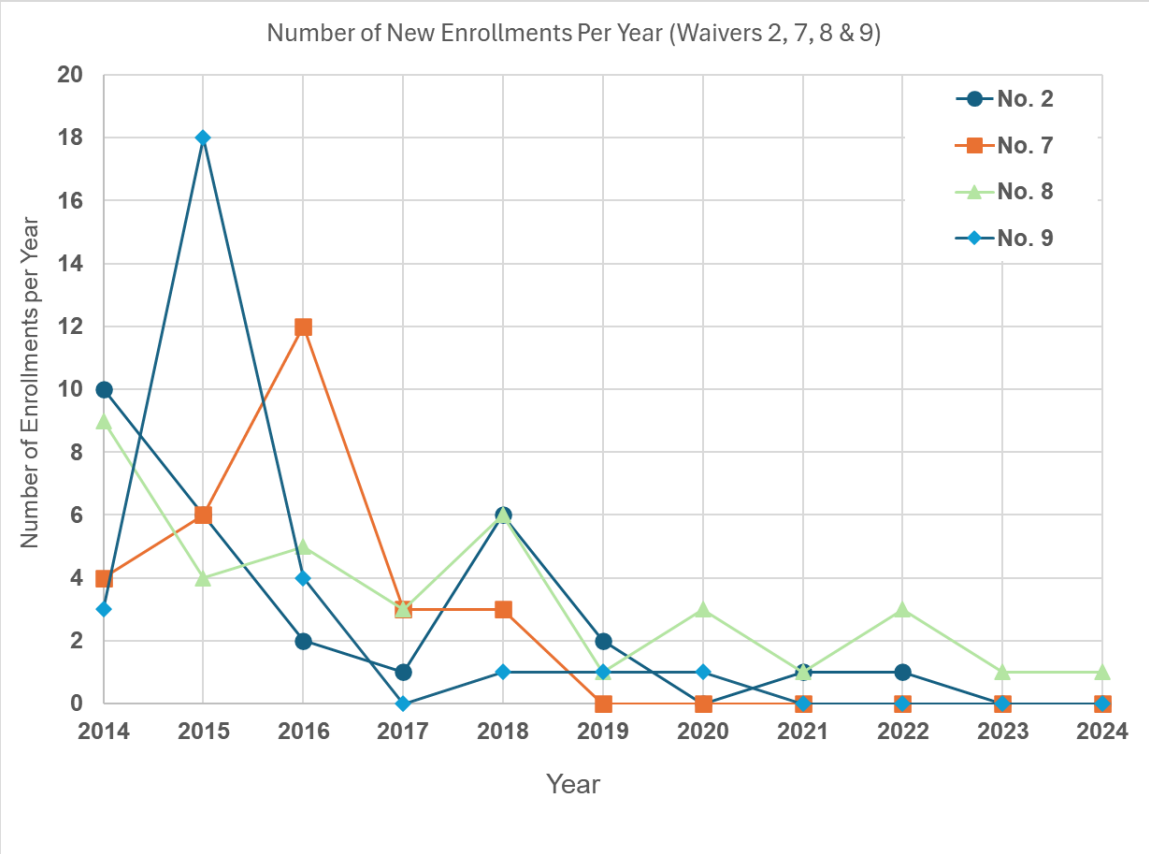


Figure 15 shows the enrollment trends per year for the four most frequently used waivers from 2014 to date. Overall, the number of new enrollments per year for these waivers shows a downward trend, which could be due to fewer development projects in the region.

Figure 15 Number of Waiver Enrollments Per Year from 2014 to March 2024 (For Waivers 2 ,7, 8, and 9)



3. Sanitary Sewer Overflows in the San Diego Region – February 2024 *(Attachment B-3)*

Staff Contacts: James Chhor

Sanitary sewer systems experience periodic failures resulting in sanitary sewer overflow (SSO) discharges that may affect waters of the United States and/or the State of California (State). There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), that can influence the likelihood of an SSO and the volume of the discharge. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station failures, power outages, excessive stormwater inflow or groundwater infiltration, debris blockages, failures due to aging sanitary sewer systems, lack of proper operation and maintenance, insufficient capacity, and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures, and proper operation and maintenance of the sanitary sewer system.

SSO discharges from public sewage collection systems and private laterals in the San Diego Region can contain high levels of suspended solids, pathogens, toxic pollutants, nutrients, and oil and grease. SSO discharges can pollute surface and ground waters, thereby threatening

public health, adversely affecting aquatic life, and impairing the recreational use and aesthetic enjoyment of surface waters. Typical impacts of SSO discharges include closure of beaches and other recreational areas, inundation of property, and pollution of rivers, estuaries, and beaches.

State agencies, municipalities, counties, districts, and other entities (collectively referred to as public entities) that own or operate sewage collection systems report SSO spills through an on-line database system, the *California Integrated Water Quality System* (CIWQS). These SSOs are required to be reported under the Statewide General SSO Order,[4] the San Diego Regional General SSO Order,[5] and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities[6] report this information voluntarily. Most SSO reports are available to the public on a real-time basis at the State Water Board Public SSO Report Database.

Details on the reported SSOs and private lateral sewage discharges (PLSDs) for February 2024 are provided in the following attached tables:

- Table 1: February 2024- Summary of Public and Federal Sanitary Sewer Overflow Events
- Table 2: February 2024 - Summary of Private Lateral Sewage Discharge Events
- Table 3: February 2024 - Summary of Sewage Discharges by Source

A summary view of information on sewage spill trends from February 2023 to February 2024 are provided in the following attached figures:

- Figure 1: Number of Spills per Month
- Figure 2: Volume of Public SSOs per Month
- Figure 3: Volume of Federal SSOs per Month
- Figure 4: Volume of PLSDs per Month

The Statewide General SSO Order which became effective on June 5, 2023, no longer requires agencies to submit electronic spill reports for public SSOs that are less than 50 gallons in volume that do not reach surface waters. Some agencies may still voluntarily report

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[4] State Water Board Order WQ 2022-0103-DWQ, *Statewide General Waste Discharge Requirements General Order for Sanitary Sewer Systems*. State Water Board Order WQ 2022-0103-DWQ was adopted on December 9, 2022, and became effective on June 5, 2023. State Water Board Order WQ 2022-0103-DWQ supersedes Order 2006-0003-DWQ, the previous statewide waste discharge requirements for sanitary sewer systems.

[5] San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

[6] Marine Corp Base Camp Pendleton reports sewage spills to CIWQS as required by its individual NPDES permit, Order No R9-2019-0167, NPDES Permit No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon, Discharge to the Pacific Ocean through the Oceanside Ocean Outfall*. The United States Marine Corps Recruit Depot and the United States Navy voluntarily report sewage spills through CIWQS.

that information. As a result, tables 1 and 3, and figures 1 and 2 may not include information from public SSOs that are less than 50 gallons in volume that did not reach surface waters. Some agencies are still voluntarily submitting electronic spill reports for spills from private laterals less than 50 gallons in volume that do not reach surface waters.

From February 2023 to February 2024, 33 of the 68 collection systems in the San Diego Region reported one or more sewage spills. Thirty-five collection systems did not report any sewage spills. A total of 207 sewage spills were reported with about 30,674,896 gallons of sewage reaching surface waters.

Additional information about the San Diego Water Board sewage overflow regulatory program is available on the San Diego Water Board's SSO Website.

4. Transboundary Flows from Mexico into the San Diego Region – January and February 2024 *(Attachment B-4)*

Staff Contact: Melissa Corona

Water and wastewater in the Tijuana River and from canyons located along the international border ultimately drain from the City of Tijuana, Baja California, Mexico (Tijuana) into the United States (U.S.). The water and wastewater flows are collectively referred to as transboundary flows. The U.S. Section of the International Boundary and Water Commission (USIBWC) built canyon collectors that are intended to capture dry weather transboundary flows for treatment at the South Bay International Wastewater Treatment Plant (SBIWTP) located in U.S. near the U.S.-Mexico border. Dry weather transboundary flows that are not captured by the canyon collectors for treatment at the SBIWTP, such as flows within the main channel of the Tijuana River,[7] are reported by USIBWC pursuant to Order No. R9-2021-0001, the National Pollutant Discharge Elimination System (NPDES) permit for the SBIWTP discharge. These uncaptured flows can enter waters of the U.S. and/or the State of California (State), potentially polluting the Tijuana River Valley and Estuary, and south San Diego beach coastal waters.

According to the 1944 *Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* and stipulations established in IBWC Minute No. 283, the U.S. and Mexican sections of the International Boundary and Water Commission (IBWC) share responsibility for addressing border sanitation problems, including transboundary flows. Efforts on both sides of the border have led to the construction and ongoing operation of several pump stations and treatment plants to reduce the frequency, volume, and pollutant levels of transboundary flows. This infrastructure includes, but is not limited to, the following:

- The SBIWTP, located just north of the U.S.-Mexico border, which provides secondary treatment for a portion of the sewage from Tijuana and dry weather transboundary flows conveyed from canyon collectors located in Stewart's Drain, Silva Drain, Canyon del Sol,

[7] Tijuana River transboundary flows typically consist of a mixture of groundwater, urban run-off, storm water, treated sewage wastewater, and untreated sewage wastewater from infrastructure deficiencies and other sources in Mexico.

Smugglers Gulch, and Goat Canyon. The treated wastewater is discharged to the Pacific Ocean through the South Bay Ocean Outfall. The discharge is regulated by USIBWC's NPDES permit, Order No. R9-2021-0001.

- Several pump stations and wastewater treatment plants (WWTPs) in Mexico, including the San Antonio de los Buenos WWTP, the La Morita WWTP, and the Arturo Herrera WWTP.
- The River Diversion Structure and Pump Station CILA in Tijuana are intended to divert dry weather transboundary flows in the main channel of the Tijuana River. The flows are diverted to a discharge point at the Pacific Ocean shoreline, approximately 4.2 miles south of the U.S.-Mexico border; or the flows can be diverted to the SBIWTP or the San Antonio de los Buenos WWTP, depending on how the Baja California water utility for the City of Tijuana (CESPT) directs the flow. The River Diversion Structure is not designed to collect wet weather river flows of any dry weather flows over 1,000 liters per second (35.3 cubic feet per second, 22.8 million gallons per day).

In January 2024, there were a total of two new dry weather transboundary flows reported by USIBWC, resulting in approximately 24,070 gallons of contaminated water flowing from Mexico into the U.S. This includes one spill from the Goat Canyon Pump Station. In February 2024, USIBWC reported that there were no new dry weather transboundary flows.

Wastewater has been flowing through the main channel since October 2023 due to ongoing storm water runoff that exceeds the dry weather diversion capacity.

Details on the transboundary flows reported for January and February 2024 are provided in the attached tables:

- Table 1: January and February 2024 - Summary of Transboundary Flows from Mexico by Event
- Table 2: January and February 2024 - Summary of Transboundary Flows from Mexico

A summary view of information on transboundary flow trends are provided in the following attached figures:

- Figure 1: Number of Transboundary Flows per Month
- Figure 2: Tijuana River Transboundary Flow Volume per Month
- Figure 3: Canyon Collector Transboundary Flow Volume per Month

These figures show the number and volume of transboundary flows per month from January 2023 through February 2024. During this period, there were a total of 27 reported transboundary flows resulting in approximately 32 billion gallons of contaminated water flowing from Mexico into the United States.

Part C – Statewide Issues of Importance to the San Diego Region

1. Data Solicitation Notice for the 2028 California Integrated Report

Staff Contact: Chad Loflen

The State Water Board is soliciting data and information for water bodies in the San Diego Region to inform the compilation of the 2028 Integrated Report. Data and information received will be evaluated and, if appropriate, used to assess the overall surface water quality conditions including identifying impaired waters (i.e., waters not meeting water quality standards). See the solicitation notice here.

For the 2028 California Integrated Report, the Central Coast Regional Water Quality Control Board, Sacramento-San Joaquin River Delta and the Tulare Lake Basin of the Central Valley Regional Water Quality Control Board, and the San Diego Regional Water Quality Control Board will evaluate all readily available data from surface waters within their regional boundaries.

To be considered for the 2028 California Integrated Report:

- Data and information can be submitted via the California Environmental Data Exchange Network (CEDEN), or the Integrated Report Upload Portal webpage for datasets incompatible with CEDEN. Guidance on how to submit data and information is detailed on the Submitting Data and Information for the Integrated Report webpage.
- Submittals must include the data elements required for assessment. Required data elements and instructions for submitting data are detailed in the solicitation notice.

Data and information submissions must be received by the State Water Board no later than 12:00 p.m. on October 23, 2024.

The 2028 Integrated Report satisfies two of the state's reporting requirements under the Clean Water Act (CWA). One is the CWA section 303(d) requirement to identify impaired waterbodies that are not meeting or not expected to meet water quality standards (commonly called the "303(d) list of impaired waters" or the "303(d) list"). The 303(d) list is used to identify that a total maximum daily load or other regulatory control action is needed to address an impairment and restore water quality standards. The other is the CWA section 305(b) requirement to report on water quality conditions (commonly called the "305(b) report").

Questions regarding data or information submittals, or about other information included in this notice, should be directed to WQAssessment@waterboards.ca.gov.

The solicitation notice and information specific to the 2028 California Integrated Report are available on the 2028 Integrated Report webpage: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2028-integrated-report.html.

Additional information about the California Integrated Report is available on the Surface Water Quality Assessment webpage: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Significant NPDES Permits, WDRs, and Actions of the San Diego Water Board

May 8, 2024
APPENDED TO EXECUTIVE OFFICER'S REPORT

TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRs, AND ACTIONS
OF THE SAN DIEGO WATER BOARD

June 12, 2024
Meeting Cancelled

July 2024
No Meeting Scheduled

August 14, 2024
San Diego Water Board

Action Agenda Item	Action Type	Written Comments Due
Tentative Resolution for FY 2024-2025 Operational Plan	Informational Item	NA

Agenda Items Requested by Board Members

March 10, 2021

Requested Agenda Item	Board Member	Status
Region-wide workshop regarding the water quality issues in the Tijuana River Valley, including a discussion of water quality objectives and steps needed to achieve them.	Abarbanel	2024

May 11, 2022

Requested Agenda Item	Board Member	Status
Environmental Justice outreach event	Warren	2024

March 8, 2023

Requested Agenda Item	Board Member	Status
Update regarding the Southern California ROMS-BEC coastal water-quality model	Abarbanel	June 2024

May 10, 2023

Requested Agenda Item	Board Member	Status
Information regarding agricultural water quality best practices that are working in other regions and other topics raised during the agricultural workshop	Olson, Warren	Complete September 2023

June 14, 2023

Future	Board Member	Status
A tour of the Harbor Island Living Shoreline Project	Warren	June 2024

October 11, 2023

Requested Agenda Item	Board Member	Status
Look for duplicative monitoring in San Diego Bay and identify opportunities to reduce monitoring as a result of this assessment.	Warren	Ongoing

December 13 and 18, 2023

Requested Agenda Item	Board Member	Status
Information regarding the affordability and operational and capital costs of General Atomics' Industrial Supercritical Water Oxidation (iSCWO) technology system used to treat PFAS and the energy needs associated with the system.	Warren, Olson	May 2024
Information regarding "Blue Baby Syndrome" and how it is related to nitrogen in drinking water and groundwater such as private wells.	Cantú	Complete May 2024
Updates on the status of all upgrades at the South Bay International Wastewater Treatment Plant, especially when USIBWC will not meet estimated completion dates provided in previous Executive Officer Reports	Olson	Ongoing

February 14, 2024

Requested Agenda Item	Board Member	Status
Information on waste reduction methods that could be used to limit the amount of waste generated at the fireworks shows and how much of the waste is toxic.	Strawn	Complete May 2024
Update regarding the annual homeless populations surveys that occur in many watersheds in our Region, including information regarding the water quality impacts in the areas of identified homeless populations	Strawn, Cantú	Summer 2024

California Water Boards

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

San Diego Regional Water Quality Control Board

September 5, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water
Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: **Notice of Violation No. R9-2023-0162 to the United States International Boundary and Water Commission for Violations of 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***

Dr. Maria-Elena Giner:

As detailed in the attached Notice of Violation (NOV) No. R9-2023-0162, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) alleges that the United States International Boundary and Water Commission (USIBWC or Discharger) has violated 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* (Order).

The San Diego Water Board appreciates USIBWC's transparency and open communication regarding the state of the South Bay International Wastewater Treatment Plant (SBIWTP). The San Diego Water Board acknowledges the operational challenges presented in treating wastewater from a collection system in Mexico outside the USIBWC's direct control or authority and appreciates the efforts to coordinate operations and improvements with agencies in Mexico through Minute 320 and Minute 328. During our meeting with USIBWC staff on August 16, 2023, the pathway to return to compliance with the Order and Cease and Desist Order R9-2021-0709 (CDO) was described in detail.

Tropical Cyclone Hilary (Hilary) brought significant inflow and infiltration with excessive sedimentation and debris into the SBIWTP. Throughout the storm itself and in the day following, USIBWC staff kept the San Diego Water Board informed regarding operations and impacts. The damage to the SBIWTP is extensive and serious throughout the

treatment plant. The San Diego Water appreciates the detailed plans USIBWC shared on August 31, 2023, to make emergency repairs and restore operations.

Nonetheless, it is imperative that USIBWC take note of the secondary exceedances pre- and post-Hilary and overdue reports and continue to make every possible effort to restore the SBIWTP to operational status and compliance with the Order and CDO in the shortest possible time. It should be noted that at other, non-federal facilities, the 86 Chronic Violations and 125 Serious Violations reported would constitute 211 Minimum Mandatory Penalty Violations and would result in assessment of Administrative Civil Liabilities of $633,000. Implementation of the plan shared on August 16, 2023, to restore compliance with the Order and CDO in the shortest possible time is a critical environmental responsibility.

Regarding the overdue submission of the Tijuana River Valley Monitoring Program Work Plan (Att. E, section 4.2.4 (pp.E-62,E-63), it has been indicated that this is planned as a binational project being developed as a Minute 320 project. In the interest of the most useful and informative monitoring and assessment of water quality in the Tijuana River watershed, please work with the Minute 320 Secretariats and Commissioner Resendez of the Comisión International de Limites y Aguas (CILA, the Mexican Section of the IBWC) to expedite completion of the draft plan and a schedule for implementation to achieve compliance with the Order at the soonest date.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

David W. Gibson
Executive Officer

Attachment: Notice of Violation (NOV) No. R9-2023-0162

Copies to:

Laurie Walsh, San Diego Water Board, Laurie.Walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, Brandi.Outwin-Beals@waterboards.ca.gov

Morgan Rogers, Commissioner, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2023-0162)	453821
WDID	9 000000732

Tech Staff Info & Use (continued)	
Violation IDs	1095194, 1095195, 1095939, 1095941, 1095942, 1095943, 1098935, 1098937, 1100628, 1103622, 1103623, 1103624, 1103625, 1103626, 1103628, 1103629, 1103630, 1103631, 1103632, 1103633, 1103634, 1103635, 1103636, 1103637, 1103638, 1103943, 1103944, 1103945, 1103947, 1103948, 1103949, 1103950, 1103951, 1103952, 1103953, 1103954, 1103955, 1103956, 1103957, 1103958, 1104355, 1104356, 1104357, 1104358, 1104359, 1104360, 1104361, 1104362, 1104363, 1104364, 1104365, 1104366, 1104368, 1104369, 1105851, 1105852, 1105853, 1105854, 1105855, 1105856, 1105857, 1105858, 1105860, 1105861, 1105862, 1105863, 1105864, 1105865, 1106693, 1108811, 1108812, 1108814, 1108815, 1108816, 1108817, 1108819, 1108820, 1108821, 1108822, 1109623, 1109624, 1109625, 1109626, 1109627, 1109628, 1109630, 1109631, 1109632, 1109633, 1110722, 1110723, 1110724, 1110725, 1110726, 1110727, 1110729, 1110731, 1110732, 1110733, 1110734, 1110735, 1110736, 1111588, 1111589, 1111590, 1111591, 1111592, 1111593, 1111595, 1111597, 1111598, 1111599, 1111600, 1111601, 1112867, 1112868, 1112869, 1112870, 1112871, 1112872, 1112873, 1112874, 1112875, 1112877, 1112878, 1112879, 1112881, 1112882, 1112883, 1113382, 1114378, 1114380, 1114381, 1114382, 1114383, 1114384, 1114385, 1114386, 1114387, 1114388, 1114390, 1114391, 1114392, 1114393, 1114394, 1114947, 1114948, 1114949, 1114950, 1114951, 1114953, 1114954, 1114955, 1114956, 1114957, 1114959, 1114960, 1114961, 1114962, 1114963, 1114964, 1115867, 1115868, 1115869, 1115870, 1115871, 1115872, 1115873, 1115874, 1115875, 1115876, 1115877, 1115879, 1115880, 1117391, 1117392, 1117393, 1117394, 1117395, 1117396, 1117397, 1117398, 1117399, 1117400, 1117401, 1117402, 1117403, 1118212, 1118213, 1118215, 1118216, 1118217, 1118218, 1118219, 1118220, 1118221, 1118222, 1118223, 1118224, 1118225, 1118890, 1118892, 1118893, 1118894, 1118895, 1118896, 1118897, 1118898, 1118899, 1118900, 1118901, 1118902, 1118903, 1118904

Notice of Violation No. R9-2023-0162

to the United States International Boundary and Water Commission for Violations of 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*

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0162 to the United States International Boundary and Water Commission (USIBWC or Discharger) for violations of 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* (Order). These violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to maintain and operate the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between September 30, 2021, and June 30, 2023, the Discharger self-reported 208 violations, and the San Diego Water Board identified six missing or late reports. The Discharger reported that most of the violations were caused by the inflow of sewage from Tijuana, Mexico exceeding the design flow capacity of the SBIWTP.

2. Summary of Alleged Violations the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1.

Observation: The Discharger self-reported 208[1] exceedances of the effluent limitations in the California Integrated Water Quality System (CIWQS) database.

2.2. Section 6.3.2.1 of the Order: The Discharger was required to submit an Updated Flow Prevention/Response Plan Section 6.3.2.1.2 by December 28, 2021.

Observation: This Discharger submitted the Updated Flow Prevention/Response Plan Section 6.3.2.1.2 on December 15, 2022.

2.3. Section 6.3.2.5.1 of the Order: The Discharger was required to submit an Asset Management Plan by December 28, 2021.

Observation: This Discharger submitted the Asset Management Plan on December 5, 2022.

2.4. Section 6.3.3.2.5 of the Order: The Discharger was required to submit a Pollutant Minimization Program Annual Status Report by February 1, 2022.

[1] Exhibit 1, List of Violations

Observation: This Discharger submitted the Pollutant Minimization Program Annual Status Report on December 15, 2022.

2.5. Section 6.3.3.2.5 of the Order: The Discharger was required to submit a Pollutant Minimization Program Annual Status Report by February 1, 2023.

Observation: This Discharger submitted the Pollutant Minimization Program Annual Status Report on February 21, 2023.

2.6. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger had 214 violations of the Order.

2.7. Attachment E, Section 4.2.4 of the Order: The Discharger was required to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021.

Observation: This Discharger has not submitted the TRVMP Work Plan.

2.8. Attachment E, Section 3.3.6 of the Order: The Discharger was required to submit an Initial Investigation TRE Work Plan by September 29, 2021.

Observation: This Discharger submitted the Initial Investigation TRE Work Plan on March 8, 2022.

3. Potential Enforcement Actions

The alleged violations may potentially subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Resources Control Board (State Water Board). The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
1	1095939	09/05/21 through 09/11/21	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 milliliters per liter (ml/L) with a result of 1.8 ml/L.
2	1095943	9/8/2021	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 3.4 ml/L.
3	1095941	9/9/2021	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 4 ml/L.
4	1095942	9/10/2021	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 4 ml/L.
5	1095194	09/30/21 through ongoing	Late Report	Tijuana River Valley Work Plan (Doc ID:2523482), due 09/29/2021, has not been submitted.
6	1095195	09/30/21 through 03/08/22	Late Report	Initial Investigation TRE Work Plan (Doc ID:2523481), due 09/29/2021, was submitted on 3/8/2022.
7	1098935	12/29/21 through 12/15/22	Late Report	Updated Flow Prevention/Response Plan Section 6.3.2.1.2 (Doc ID:2528203), due 12/28/2021, was submitted on 12/15/2022.
8	1098937	12/29/21 through 12/05/22	Late Report	Asset Management Plan (Doc ID:2528204), due 12/28/2021, was submitted on 12/5/2022.
9	1103943	02/01/22 through 02/28/22	CAT1	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 milligram per liter (mg/L) with a result of 55 mg/L.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
10	1103945	02/01/22 through 02/28/22	CAT1	Total Suspended Solids (TSS) percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.59%.
11	1103951	02/01/22 through 02/28/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 100 mg/L.
12	1103952	02/01/22 through 02/28/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 pounds per day (lb/day) with a result of 14,151 lb/day.
13	1103954	02/01/22 through 02/28/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 26,591 lb/day.
14	1103955	02/01/22 through 02/28/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85 % with a result of 76.21 %
15	1103958	02/01/22 through 02/28/22	OEV	Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 2.68 ml/L.
16	1100628	02/02/22 through 12/15/22	Late Report	Pollutant Minimization Program Annual Status Report (Doc ID:2528201), due 02/01/2022, was submitted on 12/15/2022.
17	1103948	02/13/22 through 02/19/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L.
18	1103956	2/16/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L.
19	1103944	02/20/22 through 02/26/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 142.09 mg/L.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
20	1103947	02/20/22 through 02/26/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 264 mg/L.
21	1103949	02/20/22 through 02/26/22	OEV	Turbidity concentration exceeded the weekly average effluent limitation of 100 Nephelometric Turbidity Units (NTU) with a result of 169.6 NTU.
22	1103950	02/20/22 through 02/26/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 79,454 lb/day.
23	1103953	02/20/22 through 02/26/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 41,591 lb/day.
24	1103957	2/23/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 800 NTU.
25	1104360	02/27/22 through 03/05/22	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 146.33 NTU.
26	1103622	03/01/22 through 03/31/22	OEV	Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.78 ml/L.
27	1103624	03/01/22 through 03/31/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 57.1%.
28	1103629	03/01/22 through 03/31/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 143 mg/L.
29	1103631	03/01/22 through 03/31/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 33,887 lb/day.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
30	1103636	03/01/22 through 03/31/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 48 mg/L.
31	1103637	03/01/22 through 03/31/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 82.06%.
32	1103638	03/01/22 through 03/31/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 11,102 lb/day.
33	1103625	03/06/22 through 03/12/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.94 ml/L.
34	1103630	03/13/22 through 03/19/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 40,701 lb/day.
35	1103632	03/13/22 through 03/19/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 194 mg/L.
36	1103634	03/13/22 through 03/19/22	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 124.19 NTU.
37	1103623	03/27/22 through 04/02/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 13,722 lb/day.
38	1103633	03/27/22 through 04/02/22	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 75 NTU with a result of 83.4 NTU.
39	1103635	03/27/22 through 04/02/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 65.29 mg/L.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
40	1104358	03/27/22 through 04/02/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.51 ml/L.
41	1103626	3/29/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 38 ml/L.
42	1103628	3/29/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 797 NTU.
43	1104355	04/01/22 through 04/30/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 62.39%.
44	1104356	04/01/22 through 04/30/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 128 mg/L.
45	1104357	04/01/22 through 04/30/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 77.91%.
46	1104359	04/01/22 through 04/30/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 25,897 lb/day.
47	1104364	04/01/22 through 04/30/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 61 mg/L.
48	1104366	04/01/22 through 04/30/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 12,351 lb/day.
49	1104363	4/16/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 5 ml/L.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
50	1104361	04/24/22 through 04/30/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 267 mg/L.
51	1104362	04/24/22 through 04/30/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 65,429 lb/day.
52	1104368	04/24/22 through 04/30/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 135.29 mg/L.
53	1104369	04/24/22 through 04/30/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 27,819 lb/day.
54	1104365	4/26/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 227 NTU.
55	1105852	05/01/22 through 05/31/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 77 mg/L.
56	1105853	05/01/22 through 05/31/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 45 mg/L.
57	1105854	05/01/22 through 05/31/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 14,442 lb/day.
58	1105857	05/01/22 through 05/31/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 82.3%.
59	1105860	05/01/22 through 05/31/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 8,325 lb/day.

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No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
60	1105862	05/01/22 through 05/31/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 76.87%.
61	1105851	05/08/22 through 05/14/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.67 ml/L.
62	1105856	05/08/22 through 05/14/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 173 mg/L.
63	1105861	05/08/22 through 05/14/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 18,794 lb/day.
64	1105863	05/08/22 through 05/14/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 31,258 lb/day.
65	1105864	05/08/22 through 05/14/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 104 mg/L with a result of 40 mg/L.
66	1105865	05/08/22 through 05/14/22	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 113.84 NTU.
67	1105855	5/10/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 286 NTU.
68	1105858	5/10/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 11 ml/L.
69	1106693	06/05/22 through 06/11/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 45.57 mg/L.

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70	1108811	08/01/22 through 08/31/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 32 mg/L.
71	1108814	08/01/22 through 08/31/22	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 31.31 MGD.
72	1108815	08/01/22 through 08/31/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 15,890 lb/day.
73	1108820	08/01/22 through 08/31/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 8,327 lb/day.
74	1108821	08/01/22 through 08/31/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 78.78%.
75	1108822	08/01/22 through 08/31/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 62 mg/L.
76	1108812	08/21/22 through 08/27/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 49.4 mg/L.
77	1108819	08/21/22 through 08/27/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 12,175 lb/day.
78	1108816	08/28/22 through 09/03/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 45 mg/L with a result of 82 mg/L.
79	1108817	08/28/22 through 09/03/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 9,383 lb/day with a result of 20,267 lb/day.
80	1109623	09/01/22 through 09/30/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 84.37%.

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81	1109624	09/01/22 through 09/30/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 39 mg/L.
82	1109627	09/01/22 through 09/30/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 72 mg/L.
83	1109628	09/01/22 through 09/30/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 19,365 lb/day.
84	1109631	09/01/22 through 09/30/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 76.7%.
85	1109633	09/01/22 through 09/30/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 10,372 lb/day.
86	1109625	09/25/22 through 10/01/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 54.46 mg/L.
87	1109626	09/25/22 through 10/01/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 15,122 lb/day.
88	1109630	09/25/22 through 10/01/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 27,487 lb/day.
89	1109632	09/25/22 through 10/01/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 99 mg/L.
90	1110722	10/01/22 through 10/31/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 46 mg/L.
91	1110724	10/01/22 through 10/31/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 12,355 lb/day.

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92	1110725	10/01/22 through 10/31/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 70.5%.
93	1110727	10/01/22 through 10/31/22	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 32.17 MGD.
94	1110731	10/01/22 through 10/31/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 88 mg/L.
95	1110735	10/01/22 through 10/31/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 23,519 lb/day.
96	1110736	10/01/22 through 10/31/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 80.46%.
97	1110723	10/30/22 through 11/05/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 81.81 mg/L.
98	1110729	10/30/22 through 11/05/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 151 mg/L.
99	1110732	10/30/22 through 11/05/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 21,821 lb/day.
100	1110733	10/30/22 through 11/05/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 40,368 lb/day.
101	1110734	10/30/22 through 11/05/22	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 104.51 NTU.
102	1111591	10/30/22 through 11/05/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 159 mg/L.

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103	1111593	10/30/22 through 11/05/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 41,982 lb/day.
104	1111595	10/30/22 through 11/05/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 88.43 mg/L.
105	1110726	10/31/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 389 NTU.
106	1111588	11/01/22 through 11/30/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 130 mg/L.
107	1111589	11/01/22 through 11/30/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 36,536 lb/day.
108	1111590	11/01/22 through 11/30/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 19,647 lb/day.
109	1111592	11/01/22 through 11/30/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 70 mg/L.
110	1111597	11/01/22 through 11/30/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 72.08%.
111	1111598	11/01/22 through 11/30/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 61.1%.
112	1111600	11/06/22 through 11/12/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 2.51 ml/L.
113	1111601	11/06/22 through 11/12/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 23,468 lb/day.

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114	1111599	11/9/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 mg/L with a result of 17 mg/L.
115	1112868	12/01/22 through 12/31/22	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 67 mg/L.
116	1112869	12/01/22 through 12/31/22	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 17,511 lb/day.
117	1112871	12/01/22 through 12/31/22	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 28.64 MGD.
118	1112877	12/01/22 through 12/31/22	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 77.07%.
119	1112878	12/01/22 through 12/31/22	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 68.06%.
120	1112879	12/01/22 through 12/31/22	OEV	Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.39 ml/L.
121	1112882	12/01/22 through 12/31/22	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 117 mg/L.
122	1112883	12/01/22 through 12/31/22	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 31,147 lb/day.
123	1112867	12/25/22 through 12/31/22	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 31,849 lb/day.
124	1112870	12/25/22 through 12/31/22	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 121.91 mg/L.

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125	1112872	12/25/22 through 12/31/22	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 184 mg/L.
126	1112873	12/25/22 through 12/31/22	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 49,021 lb/day.
127	1112875	12/25/22 through 12/31/22	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L.
128	1112874	12/28/2022	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 283 NTU.
129	1112881	12/28/2022	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L.
130	1114378	01/01/23 through 01/31/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 37 mg/L.
131	1114380	01/01/23 through 01/31/23	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 27.46 MGD.
132	1114381	01/01/23 through 01/31/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 75 mg/L.
133	1114382	01/01/23 through 01/31/23	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 86.86%.
134	1114386	01/01/23 through 01/31/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 78.31%.
135	1114387	01/01/23 through 01/31/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 21,856 lb/day.

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136	1114388	01/01/23 through 01/31/23	OEV	Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.6 ml/L.
137	1114392	01/01/23 through 01/31/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 10,748 lb/day.
138	1114383	01/15/23 through 01/21/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 9,383 mg/L with a result of 39,877 mg/L.
139	1114384	01/15/23 through 01/21/23	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.51 ml/L.
140	1114391	01/15/23 through 01/21/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 54.61 mg/L.
141	1114385	01/29/23 through 02/04/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 19,840 lb/day.
142	1114393	01/29/23 through 02/04/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 112 mg/L.
143	1114951	01/29/23 through 02/04/23	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 3.74 ml/L.
144	1114390	1/31/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 314 NTU.
145	1114394	1/31/2023	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 25 ml/L.
146	1114948	02/01/23 through 02/28/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 47.94%.

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147	1114949	02/01/23 through 02/28/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 39,243 lb/day.
148	1114954	02/01/23 through 02/28/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 146 mg/L.
149	1114959	02/01/23 through 02/28/23	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 28.83 MGD.
150	1114960	02/01/23 through 02/28/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 84 mg/L.
151	1114961	02/01/23 through 02/28/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 22,471 lb/day.
152	1114963	02/01/23 through 02/28/23	OEV	Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 87.99 NTU.
153	1114964	02/01/23 through 02/28/23	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.25%.
154	1113382	02/02/23 through 02/21/23	Late Report	Pollutant Minimization Program Annual Status Report (Doc ID:2528232), due 02/01/2023, was submitted on 2/21/23.
155	1114947	02/12/23 through 02/18/23	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 167.09 NTU.
156	1114950	02/12/23 through 02/18/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 242 mg/L.
157	1114953	02/12/23 through 02/18/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 123 mg/L.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
158	1114955	02/12/23 through 02/18/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 35,298 lb/day.
159	1114962	02/12/23 through 02/18/23	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 70,259 lb/day.
160	1114957	2/13/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 620 NTU.
161	1114956	2/23/2023	OEV	Settleable Solids concentration exceeded the instantaneous maximum 3 ml/L with a result of 5 ml/L.
162	1115870	02/26/23 through 03/04/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 20,801 lb/day.
163	1115871	02/26/23 through 03/04/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 84.54 mg/L.
164	1115867	03/01/23 through 03/31/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 63 mg/L.
165	1115868	03/01/23 through 03/31/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 14,957 lb/day.
166	1115872	03/01/23 through 03/31/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 145 mg/L.
167	1115873	03/01/23 through 03/31/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 34,885 lb/day.
168	1115877	03/01/23 through 03/31/23	OEV	Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.82 ml/L.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
169	1115879	03/01/23 through 03/31/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 44.17%.
170	1115869	03/05/23 through 03/11/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 174 mg/L.
171	1115876	03/05/23 through 03/11/23	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 47,873 lb/day.
172	1115880	3/11/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 279 NTU.
173	1115874	03/12/23 through 03/18/23	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L.
174	1115875	3/15/2023	OEV	Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L.
175	1117403	04/01/23 through 04/30/23	OEV	Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 93.35 NTU.
176	1117393	04/01/23 through 04/30/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 198 mg/L.
177	1117395	04/01/23 through 04/30/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 116 mg/L.
178	1117398	04/01/23 through 04/30/23	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 34.41%.
179	1117399	04/01/23 through 04/30/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 19.81%.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
180	1117400	04/01/23 through 04/30/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 20,602 lb/day.
181	1117401	04/01/23 through 04/30/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 35,389 lb/day.
182	1117396	04/09/23 through 04/15/23	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 115.43 NTU.
183	1117397	4/21/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 236 NTU.
184	1117391	04/23/23 through 04/29/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 142.29 mg/L.
185	1117392	04/23/23 through 04/29/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 25,628 lb/day.
186	1117394	04/23/23 through 04/29/23	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 41,825 lb/day.
187	1117402	04/23/23 through 04/29/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 232 mg/L.
188	1118212	04/30/23 through 05/06/23	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 125.86 NTU.
189	1118220	04/30/23 through 05/06/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 188 mg/L.
190	1118221	04/30/23 through 05/06/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 26,431 lb/day.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
191	1118222	04/30/23 through 05/06/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 108.86 mg/L.
192	1118225	04/30/23 through 05/06/23	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 42,864 lb/day.
193	1118215	05/01/23 through 05/31/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 130 mg/L.
194	1118216	05/01/23 through 05/31/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 29,778 lb/day.
195	1118217	05/01/23 through 05/31/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 53.36%.
196	1118218	05/01/23 through 05/31/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 17,513 lb/day.
197	1118219	05/01/23 through 05/31/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 76 mg/L.
198	1118223	05/01/23 through 05/31/23	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 26.89 MGD.
199	1118224	05/01/23 through 05/31/23	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.17%.
200	1118213	5/1/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 409 NTU.
201	1118892	06/01/23 through 06/30/23	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 29.43 MGD.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
202	1118894	06/01/23 through 06/30/23	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 161 mg/L.
203	1118895	06/01/23 through 06/30/23	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 20,850 lb/day.
204	1118896	06/01/23 through 06/30/23	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 40,187 lb/day.
205	1118898	06/01/23 through 06/30/23	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 65.07%.
206	1118901	06/01/23 through 06/30/23	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 83 mg/L.
207	1118903	06/01/23 through 06/30/23	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 44.71%.
208	1118904	06/01/23 through 06/30/23	OEV	Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 80.94 NTU.
209	1118893	06/11/23 through 06/17/23	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 25,202 lb/day.
210	1118897	06/11/23 through 06/17/23	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 199 mg/L.
211	1118899	06/11/23 through 06/17/23	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 49,968 lb/day.
212	1118900	06/11/23 through 06/17/23	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 107.78 NTU.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
213	1118902	06/11/23 through 06/17/23	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 101.29 mg/L.
214	1118890	6/13/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 278 NTU.

Notice of Violation R9-2023-0162
Exhibit 1, List of Violations

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
Occurrence Date(s)	Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

October 27, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: Notice of Violation No. R9-2023-0205 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0205 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between July 1, 2023, and August 30, 2023, the Discharger self-reported 27 effluent limitation exceedances. The Discharger reported that most of the effluent limitation exceedances were caused by the inflow of sewage from Tijuana, Mexico exceeding the design flow capacity of the SBIWTP. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported 27[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

2.2. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger self-reported 27 exceedances of effluent limitations.

2.3 Attachment E, Section 7.2 of the Order: The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

Observation: The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

[1] Exhibit 1, List of Violations

Respectfully,

Laurie A. Walsh, P.E.
Supervising Water Resource Control Engineer
Surface Water Protection Branch

Attachment: Exhibit 1, List of Violations

Copies to:

Brandi Outwin-Beals, San Diego Water Board, Brandi.Outwin-Beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, Vicente.Rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2023-0205)	454744
WDID	9 000000732
Violation IDs	1119739, 1119743, 1119745, 1119746, 1119747, 1119749, 1119750, 1119751, 1119740, 1119744, 1119748, 1119752, 1119753, 1120606, 1120607, 1120608, 1120609, 1120610, 1120611, 1120613, 1120614, 1120601, 1120602, 1120604, 1120612, 1120603, 1120605, 1121285, 1121286, 1121287, 1121288, 1121289

Notice of Violation R9-2023-0205
Exhibit 1

Table 1 – List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
1	1119739	07/01/2023 through 07/31/2023	OEV	Turbidity cloudiness exceeded the monthly average effluent limitation of 75 Nephelometric Turbidity Units (NTU) with a result of 86 NTU.
2	1119743	07/01/2023 through 07/31/2023	CAT1	Total Suspended Solids (TSS) mass emission rate exceeded the monthly average of effluent limitation of 6,255 pounds per day (lb/day) with a result of 49,323 lb/day.
3	1119745	07/01/2023 through 07/31/2023	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 51%.
4	1119746	07/01/2023 through 07/31/2023	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 30 milligram per liter (mg/L) with a result of 174 mg/L.
5	1119747	07/01/2023 through 07/31/2023	CAT1	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) mass emission rate exceeded the monthly average of effluent limitation of 5,213 lb/day with a result of 23,975 lb/day.
6	1119749	07/01/2023 through 07/31/2023	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 33 MGD.
7	1119750	07/01/2023 through 07/31/2023	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 69%.
8	1119751	07/01/2023 through 07/31/2023	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 85 mg/L.

Notice of Violation R9-2023-0205
Exhibit 1

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
9	1119740	07/09/2023 through 07/15/2023	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 114 NTU.
10	1119744	07/09/2023 through 07/15/2023	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 101 mg/L.
11	1119748	07/09/2023 through 07/15/2023	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 27,804 lb/day.
12	1119752	07/09/2023 through 07/15/2023	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 62,306 lb/day.
13	1119753	07/09/2023 through 07/15/2023	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 227 mg/L.
14	1120606	08/01/2023 through 08/31/2023	OEV	Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 27 MGD.
15	1120607	08/01/2023 through 08/31/2023	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 67%.
16	1120608	08/01/2023 through 08/31/2023	CAT1	CBOD mass emission rate exceeded the monthly average of effluent limitation of 5,213 lb/day with a result of 18,013 lb/day.
17	1120609	08/01/2023 through 08/31/2023	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 52%.
18	1120610	08/01/2023 through 08/31/2023	CAT1	TSS mass emission rate exceeded the monthly average of effluent limitation of 30 lb/day with a result of 142 lb/day.

Notice of Violation R9-2023-0205
Exhibit 1

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
19	1120611	08/01/2023 through 08/31/2023	CAT1	TSS mass emission rate exceeded the monthly average of effluent limitation of 6,255 lb/day with a result of 34,835 lb/day.
20	1120613	08/01/2023 through 08/31/2023	OEV	Turbidity cloudiness exceeded the monthly average of effluent limitation of 75 NTU with a result of 83 NTU.
21	1120614	08/01/2023 through 08/31/2023	CAT1	CBOD concentration exceeded the monthly average of effluent limitation of 25 mg/L with a result of 73 mg/L.
22	1120601	08/06/2023 through 08/12/2023	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 110 mg/L.
23	1120602	08/06/2023 through 08/12/2023	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 275,415 lb/day.
24	1120604	08/06/2023 through 08/12/2023	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 45,716 lb/day.
25	1120612	08/06/2023 through 08/12/2023	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 184 mg/L.
26	1120603	08/20/2023 through 08/26/2023	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 126 NTU.
27	1120605	08/21/2023	OEV	Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 708 NTU.

Notice of Violation R9-2023-0205
Exhibit 1

Table 2 - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
Occurrence Date(s)	Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.

San Diego Regional Water Quality Control Board

November 16, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: Notice of Violation No. R9-2023-0216 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0216 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between September 1, 2023, and September 30, 2023, the Discharger self-reported ten effluent limitation exceedances.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported ten[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

[1] Exhibit 1, List of Violations

2.2. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger self-reported 10 exceedances of effluent limitations.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals, P.E.
Senor Water Resource Control Engineer
Source Control Regulation Unit

Attachment: Exhibit 1, List of Violations

Copies to:

Laurie A. Walsh, San Diego Water Board, Laurie.Walsh@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, Vicente.Rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2023-0216)	455044
WDID	9 000000732
Violation IDs	1121385, 1121387, 1121388, 1121389, 1121392, 1121386, 1121390, 1121393, 1121394, 1121391

Notice of Violation R9-2023-0216
Exhibit 1

Table 1 – List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
1	1121385	09/01/2023 through 09/30/2023	CAT1	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 29 mg/L.
2	1121387	09/01/2023 through 09/30/2023	CAT1	Total Suspended Solids (TSS) percent removal did not meet the monthly average minimum requirement of 85% with a result of 76%.
3	1121388	09/01/2023 through 09/30/2023	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 60 mg/L.
4	1121389	09/01/2023 through 09/30/2023	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 13,035 lb/day.
5	1121392	09/01/2023 through 09/30/2023	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 6,268 lb/day.
6	1121386	09/17/2023 through 09/23/2023	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 60 lb/day.
7	1121390	09/17/2023 through 09/23/2023	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 32,230 lb/day.
8	1121393	09/17/2023 through 09/23/2023	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 13,650 lb/day.
9	1121394	09/17/2023 through 09/23/2023	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 141 mg/L.
10	1121391	09/20/2023	OEV	Turbidity cloudiness exceeded the instantaneous effluent limitation of 225 NTU with a result of 405 NTU.

Notice of Violation R9-2023-0216
Exhibit 1

Table 2 - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
Occurrence Date(s)	Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

December 21, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: Notice of Violation No. R9-2023-0222 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0222 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between October 1, 2023, and October 31, 2023, the Discharger self-reported 16 effluent limitation exceedances. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported 16[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

2.2. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger had 22 violations of the Order.

2.3. Attachment E, Section 7.2 of the Order: The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

Observation: The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Kelly Dorsey
Assistant Executive Officer

[1] Exhibit 1, List of Violations

Attachment: Exhibit 1, List of Violations

Copies to:

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2023-0222)	455365
WDID	9 000000732
Violation IDs	1122285, 1122286, 1122276, 1122277, 1122281, 1122282, 1122287, 1122288, 1122289, 1122290, 1122275, 1122280, 1122283, 1122284, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290, 1122278, 1122279

Notice of Violation R9-2023-0222
Exhibit 1

Table 1 – List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
1	1122285	10/01/2023	OEV	Turbidity cloudiness exceeded the instantaneous effluent limitation of 225 NTU with a result of 653 NTU.
2	1122286	10/01/2023	OEV	Settleable Solids concentration exceeded the instantaneous effluent limitation of 3 mg/L with a result of 21 mg/L.
3	1122276	10/01/2023 through 10/31/2023	CAT1	Total Suspended Solids (TSS) concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 233 mg/L.
4	1122277	10/01/2023 through 10/31/2023	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 51,038 lb/day.
5	1122281	10/01/2023 through 10/31/2023	CAT1	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 89 mg/L.
6	1122282	10/01/2023 through 10/31/2023	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 19,520 lb/day.
7	1122287	10/01/2023 through 10/31/2023	OEV	Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 144 NTU.
8	1122288	10/01/2023 through 10/31/2023	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 20%.
9	1122289	10/01/2023 through 10/31/2023	OEV	Flowrate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 25.41 MGD.
10	1122290	10/01/2023 through 10/31/2023	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 59%.

Notice of Violation R9-2023-0222
Exhibit 1

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
11	1122275	10/08/2023 through 10/14/2023	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 79,055 lb/day.
12	1122280	10/08/2023 through 10/14/2023	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 31,994 lb/day.
13	1122283	10/08/2023 through 10/14/2023	OEV	Settleable Solids concentration exceeded the weekly average effluent limitation of 2 mg/L with a result of 3 mg/L.
14	1122284	10/08/2023 through 10/14/2023	OEV	Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 235 NTU.
15	1121285	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for April 2022 - Not Submitted. Doc ID: 2528323
16	1121286	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for May 2022 - Not Submitted. Doc ID: 2528324
17	1121287	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for June 2022 - Not Submitted. Doc ID: 2528325
18	1121288	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for July 2022 - Not Submitted. Doc ID: 2528326
19	1121289	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for August 2022 - Not Submitted. Doc ID: 2528327
20	1121290	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for September 2022 - Not Submitted. Doc ID: 2528328

Notice of Violation R9-2023-0222
Exhibit 1

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
21	1122278	10/29/2023 through 10/31/2023	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 327 mg/L.
22	1122279	10/29/2023 through 10/31/2023	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 134 mg/L.

Table 2 - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
Occurrence Date(s)	Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.

California Water Boards

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

San Diego Regional Water Quality Control Board

January 18, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water
Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: Notice of Violation No. R9-2024-0026 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2024-0026 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between November 1, 2023, and November 30, 2023, the Discharger self-reported 11 effluent limitation exceedances. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported 11[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

2.2. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger had 17 violations of the Order.

2.3. Attachment E, Section 7.2 of the Order: The Discharger is required to submit self-monitoring reports to CIWQS consistent with the Order.

Observation: The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the self-monitoring reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals
Senior Water Resource Control Engineer
Source Control Regulation Unit

[1] Exhibit 1, List of Violations

Attachment: Exhibit 1, List of Violations

Copies to:

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Isela Canava, International Boundary and Water Commission, U.S. Section, isela.canava@ibwc.gov

Rebecca Rizzuti, International Boundary and Water Commission, U.S. Section, rebecca.rizzuti@ibwc.gov

David Gibson, San Diego Water Board, david.gibson@waterboards.ca.gov

Kelly Dorsey, San Diego Water Board, kelly.dorsey.gibson@waterboards.ca.gov

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2024-0026)	455560
WDID	9 000000732
Violation IDs	1122951, 1122952, 1122953, 1122954, 1122956, 1122957, 1122959, 1122950, 1122955, 1122958, 1122960, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290

Notice of Violation R9-2024-0026
Exhibit 1

Table 1 – List of Violations

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
1	1122951	11/01/2023 through 11/30/2023	OEV	Flowrate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 26.22 MGD.
2	1122952	11/01/2023 through 11/30/2023	CAT1	CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 74%.
3	1122953	11/01/2023 through 11/30/2023	CAT1	CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 69 mg/L.
4	1122954	11/01/2023 through 11/30/2023	CAT1	CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 15,900 lb/day.
5	1122956	11/01/2023 through 11/30/2023	CAT1	TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 53%.
6	1122957	11/01/2023 through 11/30/2023	CAT1	TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 168 mg/L.
7	1122959	11/01/2023 through 11/30/2023	CAT1	TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 39,390 lb/day.
8	1122950	11/12/2023 through 11/18/2023	CAT1	CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 26,180 lb/day.
9	1122955	11/12/2023 through 11/18/2023	CAT1	CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 110 mg/L.
10	1122958	11/12/2023 through 11/18/2023	CAT1	TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 69,648 lb/day.

Notice of Violation R9-2024-0026
Exhibit 1

No.	Violation ID	Occurrence Date(s)	Violation Type	Violation Description
11	1122960	11/12/2023 through 11/18/2023	CAT1	TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 292 mg/L.
12	1121285	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for April 2022 - Not Submitted. Doc ID: 2528323
13	1121286	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for May 2022 - Not Submitted. Doc ID: 2528324
14	1121287	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for June 2022 - Not Submitted. Doc ID: 2528325
15	1121288	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for July 2022 - Not Submitted. Doc ID: 2528326
16	1121289	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for August 2022 - Not Submitted. Doc ID: 2528327
17	1121290	10/18/2023	Late Report	Failure to re-submit report following withdrawal. Monthly self-monitoring report for September 2022 - Not Submitted. Doc ID: 2528328

Notice of Violation R9-2024-0026
Exhibit 1

Table 2 - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
Occurrence Date(s)	Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

February 14, 2024

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:VRodriguez

Subject: Notice of Violation No. R9-2024-0045 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2024-0045 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between December 1, 2023, and December 31, 2023, the Discharger self-reported 16 effluent limitation exceedances, and the San Diego Water Board identified a missing report. In addition, the Discharger has not re-submitted 18 self-monitoring reports with appropriate units and values consistent with the Order.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported 16[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

2.2. Attachment E, Section 4.2.4 of the Order: The Discharger was required to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021.

Observation: This Discharger has not submitted the TRVMP Work Plan.

2.3. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger had 35 violations of the Order.

2.4. Attachment E, Section 7.2 of the Order: The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

Observation: The Discharger submitted 18 self-monitoring reports for the months of April 2022 through March 2023, August 2023, November 2023, and quarters Q2 2022, Q3 2022, Q4 2022, Q1 2023. (CIWQS Document IDs 2528323, 2528324, 2528227, 2528325, 2528326, 2528327, 2528328, 2528228, 2528329, 2528330, 2528229, 2528331, 2528332, 2528333, 2528249, 2528334, 2528339, 2528342).

The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew six of the submitted reports (April 2022 through September 2022) and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

On January 18, 2024, the Discharger requested that self-monitoring reports for the months of May 2022 through November 2023 and all quarters listed above be withdrawn, so the Discharger could re-submit with corrected values.

The Discharger has not re-submitted the self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

[1] Exhibit A, List of Violations

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals
Senior Water Resource Control Engineer
Source Control Regulation Unit

Attachment: Exhibit A, Record of Violations

Copies to:

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Isela Canava, International Boundary and Water Commission, U.S. Section, Isela.canava@ibwc.gov

Rebecca Rizzuti, International Boundary and Water Commission, U.S. Section, rebecca.rizzuti@ibwc.gov

David Gibson, San Diego Water Board, david.gibson@waterboards.ca.gov

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2024-0045)	455817

Tech Staff Info & Use	
WDID	9 000000732
Violation IDs	1095311, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290, 1123495, 1123496, 1123497, 1123498, 1123499, 1123500, 1123501, 1123502, 1123503, 1123504, 1123505, 1123506, 1123507, 1123508, 1123509, 1123510, 1123930, 1123931, 1123932, 1123933, 1123934, 1123935, 1123936, 1123937, 1123938, 1123939, 1123940, 1123941

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION R9-2024-0026

United State International Boundary and Water Commission
South Bay International Wastewater Treatment Plant
RECORD OF VIOLATIONS (December 1, 2023 – December 31, 2023)
Data reported under Monitoring and Reporting Programs R9-2021-0001

Table A. Effluent Violations[2]

Item	Date	Parameter	Units	Permit Limit	Measured / Calculated	Period	Violation Type	CIWQS Violation ID
1	12/08/2023	Turbidity	NTU	225	483	Instantaneous Maximum	OEV	1123502
2	12/09/2023	TSS	mg/L	45	363	Average Weekly	CAT1	1123497
3	12/09/2023	TSS	lb/day	9,383	105,325	Average Weekly	CAT1	1123501
4	12/09/2023	Turbidity	NTU	100	269	Average Weekly	OEV	1123506
5	12/09/2023	CBOD	mg/L	40	159	Average Weekly	CAT1	1123507
6	12/09/2023	CBOD	lb/day	8,340	46,431	Average Weekly	CAT1	1123510
7	12/22/2023	Settleable Solids	ml/L	3	23	Instantaneous Maximum	OEV	1123504
8	12/23/2023	Settleable Solids	ml/L	2	3	Average Weekly	OEV	1123498
9	12/31/2023	CBOD	lb/day	521	25,987	Average Monthly	CAT1	1123495
10	12/31/2023	Flow	MGD	25	29	Average Monthly	OEV	1123496
11	12/31/2023	TSS	%	85	24	Average Monthly	CAT1	1123499
12	12/31/2023	TSS	mg/L	30	242	Average Monthly	CAT1	1123500
13	12/31/2023	TSS	lb/day	6,255	62,599	Average Monthly	CAT1	1123503
14	12/31/2023	Turbidity	NTU	75	172	Average Monthly	OEV	1123505
15	12/31/2023	CBOD	mg/L	25	98	Average Monthly	CAT1	1123508
16	12/31/2023	CBOD	%	85	60	Average Monthly	CAT1	1123509

[2] See Exhibit A, Table C for definitions of abbreviations.

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION R9-2024-0026

Table B. Reporting Violations

Item	Report	Document ID	Due Date	Date Submitted	Date Withdrawn	CIWQS Violation ID
1	Tijuana River Valley Monitoring Program Work Plan	2528207	09/29/2021	--	Not Applicable	1095311
2	April 2022 Monthly	2528323	06/01/2022	05/23/2022	12/1/2022	1121285
3	May 2022 Monthly	2528324	07/01/2022	06/30/2022	12/1/2022	1121286
4	Q2 2022 Quarterly	2528227	08/01/2022	07/30/2022	1/18/2024	1123930
5	June 2022 Monthly	2528325	08/01/2022	07/30/2022	12/1/2022	1121287
6	July 2022 Monthly	2528326	09/01/2022	08/31/2022	12/1/2022	1121288
7	August 2022 Monthly	2528327	10/01/2022	09/30/2022	12/1/2022	1121289
8	Q3 2022 Quarterly	2528228	11/01/2022	10/31/2022	1/18/2024	1123931
9	September 2022 Monthly	2528328	11/01/2022	10/31/2022	12/1/2022	1121290
10	October 2022 Monthly	2528329	12/01/2022	11/30/2022	1/18/2024	1123932
11	November 2022 Monthly	2528330	01/01/2023	12/30/2022	1/18/2024	1123933
12	December 2022 Monthly	2528331	02/01/2023	01/31/2023	1/18/2024	1123934
13	Q4 2022 Quarterly	2528229	02/01/2023	01/31/2023	1/18/2024	1123935
14	January 2023 Monthly	2528332	03/01/2023	03/08/2023	1/18/2024	1123936
15	February 2023 Monthly	2528333	04/01/2023	03/28/2023	1/18/2024	1123937
16	Q1 2023 Quarterly	2528249	05/01/2023	04/26/2023	1/18/2024	1123938
17	March 2023 Monthly	2528334	05/01/2023	04/27/2023	1/18/2024	1123939
18	August 2023 Monthly	2528339	10/01/2023	09/27/2023	1/18/2024	1123940
19	November 2023 Monthly	2528342	01/01/2024	12/28/2023	1/18/2024	1123941

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION R9-2024-0026

Table C - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CBOD	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
lb/day	pounds per day
mg/L	milligrams per liter
MGD	million gallons per day
ml/L	milliliters per liter
NTU	Nephelometric Turbidity Units
Date	Date that a violation occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
TSS	Total Suspended Solids
Violation ID	Identification number assigned to a violation in CIWQS.

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

April 23, 2024

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa Street
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

Sent by Email Only

In reply refer to:
257821:MCorona

Subject: Notice of Violation No. R9-2024-0084 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2024-0084 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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* (Order). These alleged violations are a result of the Discharger's failure to comply with the Order.

1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between January 1, 2024, and February 29, 2024, the Discharger self-reported 34 effluent limitation exceedances. In addition, the Discharger has not re-submitted 18 self-monitoring reports with appropriate units and values consistent with the Order.

In accordance with Attachment E, Section 4.2.4 of the Order, the Discharger was required to submit a Tijuana River Valley Monitoring Program (TRVMP) Work Plan by September 29, 2021. The Discharger did not submit the TRVMP Work Plan by the due date, which was noted as a violation in Notice of Violation No. R9-2024-0026, issued by the San Diego Water Board to the Discharger on January 18, 2024. The Discharger subsequently submitted a draft TRVMP Work Plan on March 29, 2024.

2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

2.1. Section 6.3.3 of the Order: The Discharger is required to submit a Pollutant Minimization Program (PMP) Annual Status Report on February 1 each year.

Observation: The Discharger submitted the PMP Annual Status Report to the California Integrated Water Quality System database (CIWQS) on February 27, 2024.

2.2. Section 4 of the Order: The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

Observation: The Discharger self-reported 34[1] exceedances of effluent limitations in CIWQS for the period of January 1, 2024, through February 29, 2024. Three of the CIWQS violation entries contain errors.

2.3. Attachment D, Section 1.1 of the Order: The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action, including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

Observation: The Discharger had 35 violations of the Order.

2.4. Attachment E, Section 7.2 of the Order: The Discharger is required to submit self-monitoring reports to CIWQS consistent with the Order.

Observation: The Discharger submitted 18 self-monitoring reports for the months of April 2022 through March 2023, August 2023, November 2023, and quarters Q2 2022, Q3 2022, Q4 2022, Q1 2023. (CIWQS Document IDs 2528323, 2528324, 2528227, 2528325, 2528326, 2528327, 2528328, 2528228, 2528329, 2528330, 2528229, 2528331, 2528332, 2528333, 2528249, 2528334, 2528339, 2528342).

The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew six of the submitted reports (April 2022 through September 2022) and directed the Discharger to re-submit the self-monitoring reports with the corrected units and values.

On January 18, 2024, the Discharger requested that self-monitoring reports for the months of May 2022 through November 2023 and all quarters listed above be withdrawn, so the Discharger could re-submit with corrected values.

[1] Exhibit A, List of Violations

The self-monitoring report violations were included in Notice of Violation No. R9-2024-0045, which the San Diego Water Board issued to the Discharger on February 14, 2024.

The Discharger has not re-submitted the self-monitoring reports to CIWQS with appropriate units and values consistent with the Order. However, the Discharger is currently working with the San Diego Water Board in correcting the reports.

3. Potential Enforcement Actions

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Melissa Corona by phone at 619-521-8921 or by email at melissa.corona@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:MCorona.

Respectfully,

Brandi Outwin-Beals, P.E.
Senior Water Resource Control Engineer
Source Control Regulation Unit

Attachment: Exhibit A, Record of Violations

Copies to:

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Isela Canava, International Boundary and Water Commission, U.S. Section, Isela.canava@ibwc.gov

Rebecca Rizzuti, International Boundary and Water Commission, U.S. Section, rebecca.rizzuti@ibwc.gov

David Gibson, San Diego Water Board, david.gibson@waterboards.ca.gov

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

Tech Staff Info & Use	
Technical Information	Number
Order No.	R9-2021-0001
NPDES No.	CA0108928
CW Place ID (South Bay International WTP)	CW-257821
CW Party/Organization ID (IBWC-US & Mexico Section)	21523
CW Party/Person ID (Dr. Maria-Elena Giner)	634777
CW Regulatory Measure (Order No. R9-2021-0001)	442331
CW Regulatory Measure (NOV R9-2024-0084)	456626
WDID	9 000000732
Violation IDs	1125379, 1125376, 1125382, 1125387, 1125389, 1125386, 1125385, 1125378, 1125390, 1125377, 1125375, 1125388, 1125380, 1125374, 1125383, 1125381, 1124276, 1125384, 1124534, 1124527, 1124535, 1124528, 1124522, 1124532, 1124525, 1124526, 1124521, 1124519, 1124533, 1124523, 1124530, 1124531, 1124529, 1124520, 1124524

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION NO. R9-2024-0084

United State International Boundary and Water Commission
South Bay International Wastewater Treatment Plant
RECORD OF VIOLATIONS (January 1, 2024 – February 29, 2024)
Data reported under Monitoring and Reporting Program No. R9-2021-0001

Table A. Effluent Violations[2,3]

Item	Date	Parameter	Units	Permit Limit	Reported Value	Period	Violation Type	CIWQS Violation ID
1	1/11/2024	Settleable Solids	ml/L	3	55	Instantaneous Maximum	OEV	1124524
2	1/12/2024	Turbidity	NTU	225	719	Instantaneous Maximum	OEV	1124520
3	1/13/2024	Turbidity	NTU	100	270.76	Average Weekly	OEV	1124519
4	1/13/2024	Settleable Solids	ml/L	9.5	1.5	Average Weekly	OEV	1124523
5	1/13/2024	CBOD	mg/L	40	138.86	Average Weekly	CAT1	1124529
6	1/13/2024	CBOD	lb/day	8,340	31,283	Average Weekly	CAT1	1124530
7	1/13/2024	TSS	lb/day	9,383	74,527	Average Weekly	CAT1	1124531
8	1/13/2024	TSS	mg/L	45	330	Average Weekly	CAT1	1124533
9	1/13/2024	CBOD	lb/day	5,213	23,362	Average Monthly	CAT1	1124535
10	1/31/2024	TSS	mg/L	30	251	Average Monthly	CAT1	1124521
11	1/31/2024	CBOD	%	85	64.45	Average Monthly	CAT1	1124522
12	1/31/2024	Turbidity	NTU	75	186.6	Average Monthly	OEV	1124525
13	1/31/2024	Flow	MGD	25	26.57	Average Monthly	OEV	1124526
14	1/31/2024	TSS	%	85	34.46	Average Monthly	CAT1	1124527
15	1/31/2024	Settleable Solids	ml/L	1	3.12	Average Monthly	OEV	1124528

[2] See Exhibit A, Table C for definitions of abbreviations.
[3] The CIWQS violation entries corresponding to Items 4, 10, and 24 are incorrect.

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION NO. R9-2024-0084

Item	Date	Parameter	Units	Permit Limit	Reported Value	Period	Violation Type	CIWQS Violation ID
16	1/31/2024	TSS	lb/day	6,255	59,386	Average Monthly	CAT1	1124532
17	1/31/2024	CBOD	mg/L	25	100	Average Monthly	CAT1	1124534
18	2/2/2024	Turbidity	NTU	225	579	Instantaneous Maximum	OEV	1125384
19	2/21/2024	Settleable Solids	ml/L	3	55	Instantaneous Maximum	OEV	1125381
20	2/24/2024	TSS	mg/L	45	287	Average Weekly	CAT1	1125374
21	2/24/2024	Settleable Solids	ml/L	1.5	7.94	Average Weekly	OEV	1125380
22	2/24/2024	Turbidity	NTU	100	197.27	Average Weekly	OEV	1125383
23	2/24/2024	CBOD	mg/L	40	90.46	Average Weekly	CAT1	1125388
24	2/29/2024	Flow	%	25	26.57	Average Monthly	OEV	1125375
25	2/29/2024	CBOD	%	85	73.95	Average Monthly	CAT1	1125376
26	2/29/2024	TSS	mg/L	30	210	Average Monthly	CAT1	1125377
27	2/29/2024	CBOD	mg/L	25	67	Average Monthly	CAT1	1125378
28	2/29/2024	CBOD	lb/day	5,213	17,091	Average Monthly	CAT1	1125379
29	2/29/2024	Turbidity	NTU	75	136.25	Average Monthly	OEV	1125382
30	2/29/2024	TSS	lb/day	9,383	70,150	Average Weekly	CAT1	1125385
31	2/29/2024	Settleable Solids	ml/L	1	3.33	Average Monthly	OEV	1125386
32	2/29/2024	TSS	%	85	50.32	Average Monthly	CAT1	1125387
33	2/29/2024	CBOD	lb/day	8,340	25,298	Average Weekly	CAT1	1125389
34	2/29/2024	TSS	lb/day	6,255	54,123	1-Hour Average	CAT1	1125390

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION NO. R9-2024-0084

Table B. January 1, 2024 – February 29, 2024 Reporting Violation

Item	Report	Document ID	Due Date	Date Submitted	Date Withdrawn	CIWQS Violation ID
1	Pollutant Minimization Program Annual Status Report	2528255	02/01/2024	02/27/2024	Not Applicable	1124276

EXHIBIT A
RECORD OF VIOLATIONS
NOTICE OF VIOLATION NO. R9-2024-0084

Table C - Definitions

TERM	DEFINITION
CAT1	Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant.
CAT2	Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant.
CBOD	Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C
CIWQS	California Integrated Water Quality System database.
GROUP	The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations.
lb/day	pounds per day
mg/L	milligrams per liter
MGD	million gallons per day
ml/L	milliliters per liter
NTU	Nephelometric Turbidity Units
Date	Date that a violation occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
TSS	Total Suspended Solids
Violation ID	Identification number assigned to a violation in CIWQS.

Table 1: February 2024 – Summary of Public and Federal Sanitary Sewer Overflow Events[1]

Responsible Collection System Agency	Total Volume (Gallons)[2]	Total Recovered (Gallons)[3]	Total Reaching Surface Waters (Gallons)[4]	Total Reaching Separate Storm Drain and Recovered (Gallons)[5]	Total Discharged to Land (Gallons)[6]	Surface Water Body Affected[7]	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area[8]
City of Carlsbad	341	341	0	17	0	Not Applicable	3.9	282.00	85,000
City of Chula Vista	350	300	0	0	0	Not Applicable	3.0	515.00	277,220
City of Coronado	38,250	0	38,250	0	0	San Diego Bay	8.5	42.80	20,627
City of Coronado	589,305	0	589,305	0	0	San Diego Bay	8.5	42.80	20,627
City of San Diego	420	0	420	0	0	Chollas Creek	112.2	2944.92	2,380,000

[1] Table 1 may not include information on public SSOs that were less than 50 gallons in volume and that did not reach surface waters.
[2] Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.
[3] Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.
[4] Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.
[5] Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.
[6] Total Discharged to Land = total amount reaching land.
[7] Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach a surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."
[8] As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

Responsible Collection System Agency	Total Volume (Gallons)[1]	Total Recovered (Gallons)[2]	Total Reaching Surface Waters (Gallons)[3]	Total Reaching Separate Storm Drain and Recovered (Gallons)[4]	Total Discharged to Land (Gallons)[5]	Surface Water Body Affected[6]	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area[7]
City of San Diego	1,350	0	1,350	0	0	Switzer Creek	112.2	2944.92	2,380,000
City of San Diego	77,050	4,400	72,650	0	0	San Diego Bay & River	112.2	2944.92	2,380,000
City of Vista	360	0	360	0	0	Not Reported	0.3	214.50	90,000
Eastern Municipal Water District	810	0	0	0	810	Not Applicable	30.0	609.00	258,132
City of Carlsbad	341	341	0	17	0	Not Applicable	3.9	282.00	85,000

Table 2: February 2024 – Summary of Private Lateral Sewage Discharge Events

Responsible Collection System Agency	Total Volume (Gallons)[1]	Total Recovered (Gallons)[2]	Total Reaching Surface Waters (Gallons)[3]	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land (Gallons)[4]	Surface Water Body Affected[5]	Population in Service Area[6]	Number of Lateral Connections
City of Carlsbad	91	Not Reported	0	0	Not Applicable	85,000	24,025
City of Coronado	50	Not Reported	0	0	Not Applicable	20,627	10,000
City of El Cajon	5	Not Reported	0	0	Not Applicable	101,709	17,100
City of El Cajon	45	Not Reported	Not Reported	0	Forester Creek	101,709	17,100
City of National City	175	Not Reported	0	0	Not Applicable	58,967	8,000
City of San Diego	8	Not Reported	0	0	Not Applicable	2,380,000	267,188
City of San Diego	60	60	0	0	Not Applicable	2,380,000	267,188

[1] Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.
[2] Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.
[3] Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.
[4] Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.
[5] Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."
[6] As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

Responsible Collection System Agency	Total Volume (Gallons)[1]	Total Recovered (Gallons)[2]	Total Reaching Surface Waters (Gallons)[3]	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land (Gallons)[4]	Surface Water Body Affected[5]	Population in Service Area[6]	Number of Lateral Connections
Eastern Municipal Water District	25	Not Reported	0	0	Not Applicable	258,132	57,153
Padre Dam Municipal Water District	22,370	0	0	22,370	Not Applicable	69,641	15,568

Table 3: February 2024 – Summary of Sewage Discharges by Source[7]

Spill Type	Month/Year	Number of Spills	Total Volume (Gallons)[8]	Total Recovered (Gallons)[9]	Total Reaching Surface Waters (Gallons)[10]	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land (Gallons)[11]
Public Spills	February 2024	9	708,236	5,041	702,335	827
Federal Spills	February 2024	0	0	0	0	0
Private Spills	February 2024	9	22,829	60	0	22,370
All Spills	February 2024	18	731,065	5,101	702,335	23,197

[7] Information displayed may not include public SSOs that were less than 50 gallons in volume that did not reach surface waters.
[8] Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.
[9] Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.
[10] Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.
[11] Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

***Figure 1**: The number of public, federal, and private sewage spills per month from February 2023 through February 2024. Note total number of spills per month may not include public SSOs that were less than 50 gallons in volume that did not reach surface waters.*

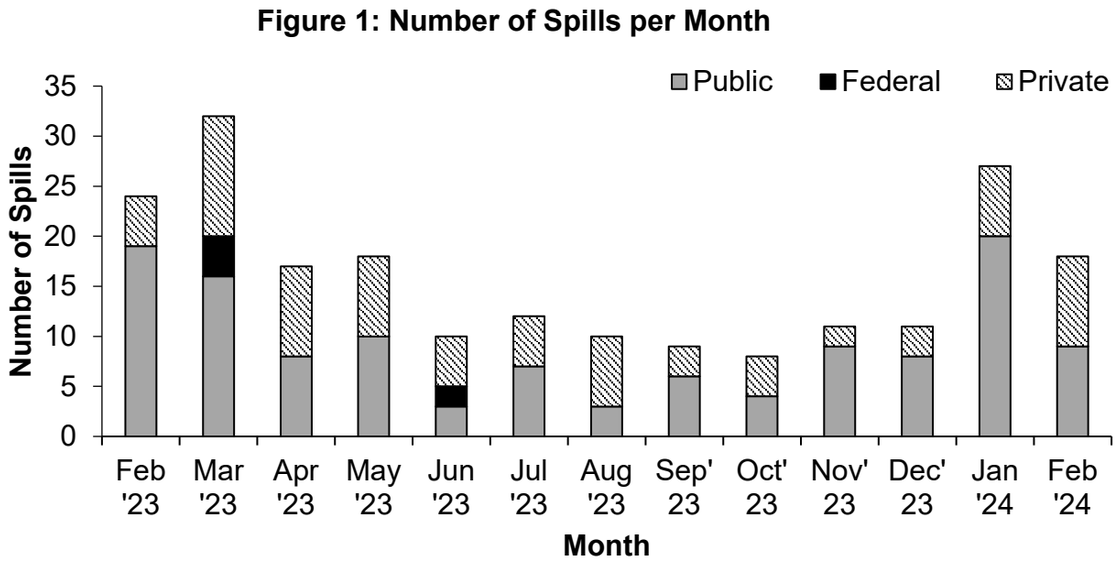

Figure 2: *The volume of SSOs from public agencies per month from February 2023 through February 2024. Note, spill totals may not include public SSOs that were less than 50 gallons in volume that did not reach surface waters. Also, note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.*

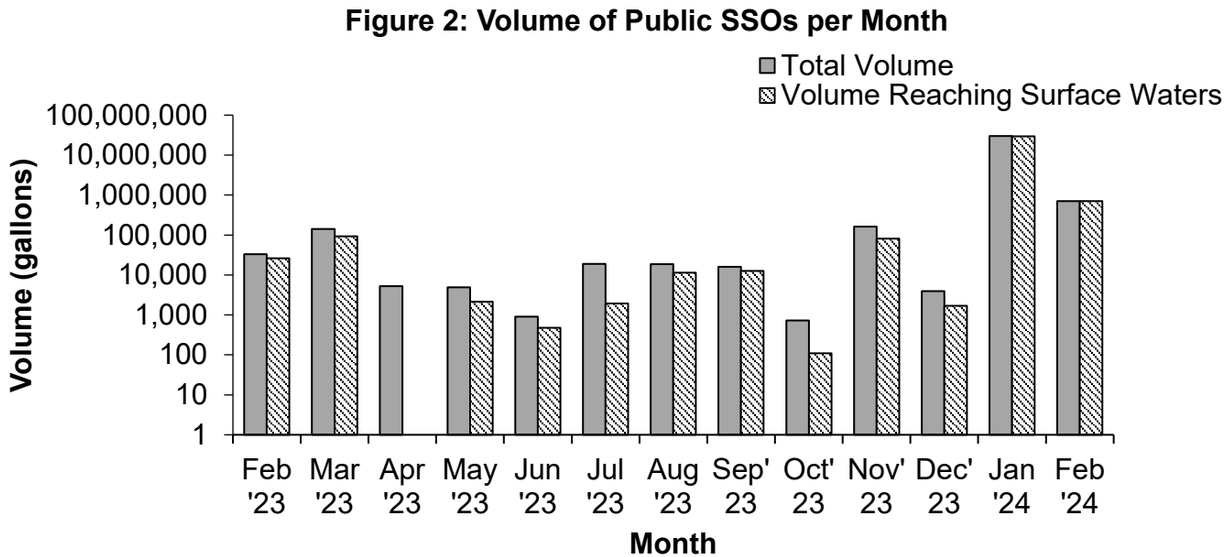

Figure 3: *The volume of SSOs from federal agencies per month from February 2023 through February 2024. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.*

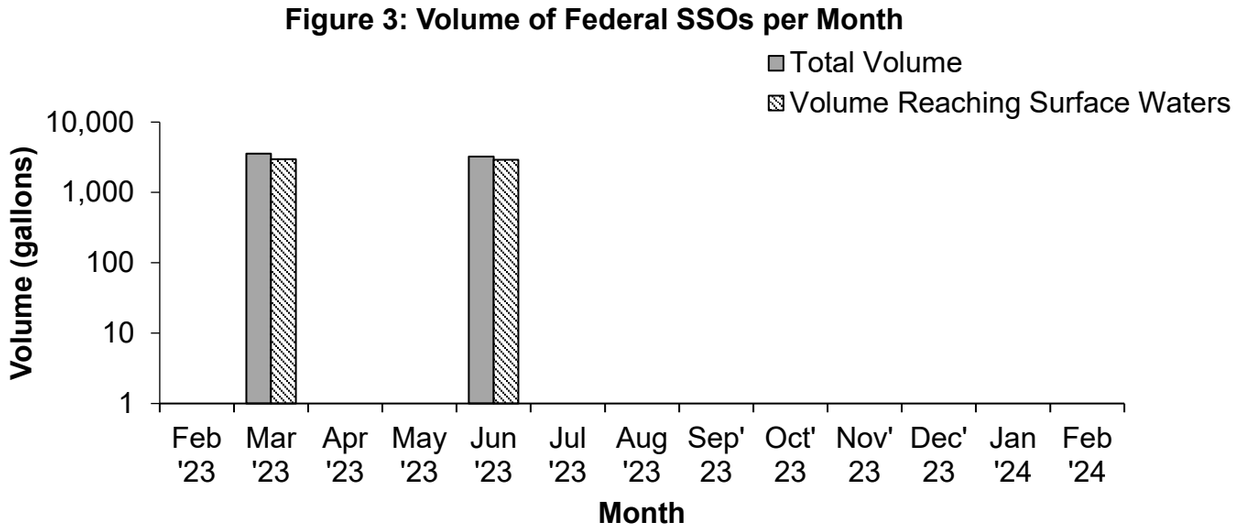

Figure 16: *The volume of PLSDs per month from February 2023 through February 2024. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.*

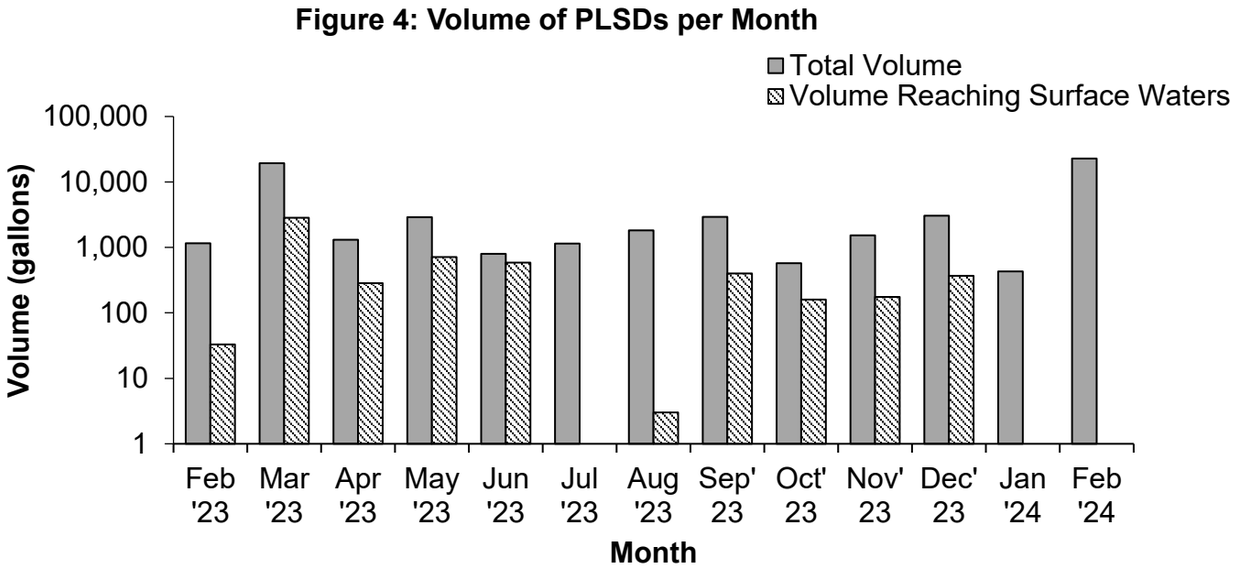

Table 1: January and February 2024 – Summary of Transboundary Flows from Mexico by Event[1]

Location	Transboundary Flow Start Date	Transboundary Flow End Date	Weather Condition[2]	Total Volume (Gallons)[3]	Total Volume Recovered (Gallons)[3]	Total Volume Reaching Surface Waters (Gallons)[3]	Additional Details Reported By USIBWC
Tijuana River Main Channel	10/11/2023	02/29/2024 (ongoing)	Wet	22.7 billion gallons	0	22.7 billion gallons	Wet and dry weather flows from various sources in Mexico.
Smugglers Gulch	01/18/2024	01/18/2024	Dry	22,500	0	0	Back-up of flow from Hollister pump station due to shutdown of overheated pump. Infiltrated into soil.
Goat Canyon Pump Station	01/19/2024	01/19/2024	Dry	1,570	0	0	Back-up of flow from Hollister pump station due to shutdown of overheated pump. Infiltrated into soil.

[1] Transboundary flow volumes are obtained from self-monitoring reports submitted by USIBWC pursuant to Order No. R9-2021-0001.

[2] Order No. R9-2021-0001 defines wet weather as the period of time when a storm event produces 0.1 inches or greater within a 24-hour period plus 72 hours after, based on the Goat Canyon Pump Station rain gauge. USIBWC reported that there was precipitation of 2.84 inches and 1.58 inches as recorded at Marron Valley for the months of January and February 2024, respectively. The rain gauges at Goat Canyon and Smugglers Gulch were not operable and are scheduled for maintenance and repair.

[3] Total transboundary flow volume, total volume recovered, and total volume reaching surface waters is an estimate provided by USIBWC.

Table 2: January and February 2024 - Summary of Transboundary Flows from Mexico[1]

Location	Month/Year	Number of Transboundary Flows	Total Volume (Gallons)	Total Volume Recovered (Gallons)	Total Volume Reaching Surface Waters (Gallons)
Tijuana River Main Channel	October 2023 through February 2024 (ongoing)	1	22.7 billion gallons	0	22.7 billion gallons
Canyon Collectors	January 2024	1	22,500	0	0 (infiltrated into soil)
Goat Canyon Pump Station	January 2024	1	0	0	0 (infiltrated into soil

[1] For transboundary flows that start and end in different months, Table 2 includes the transboundary flow in the month the transboundary flow started.

Figure 1: Number of reported new transboundary flows per month from January 2023 through February 2024 at the canyon collector systems and the Tijuana River main channel. ***For transboundary flows that start and end in different months, the figure includes the transboundary flow in month the transboundary flow started.*** *For example, the main channel flow in February 2024 that started in October 2023 is only shown in October 2023.*

Figure 1: Number of Transboundary Flows

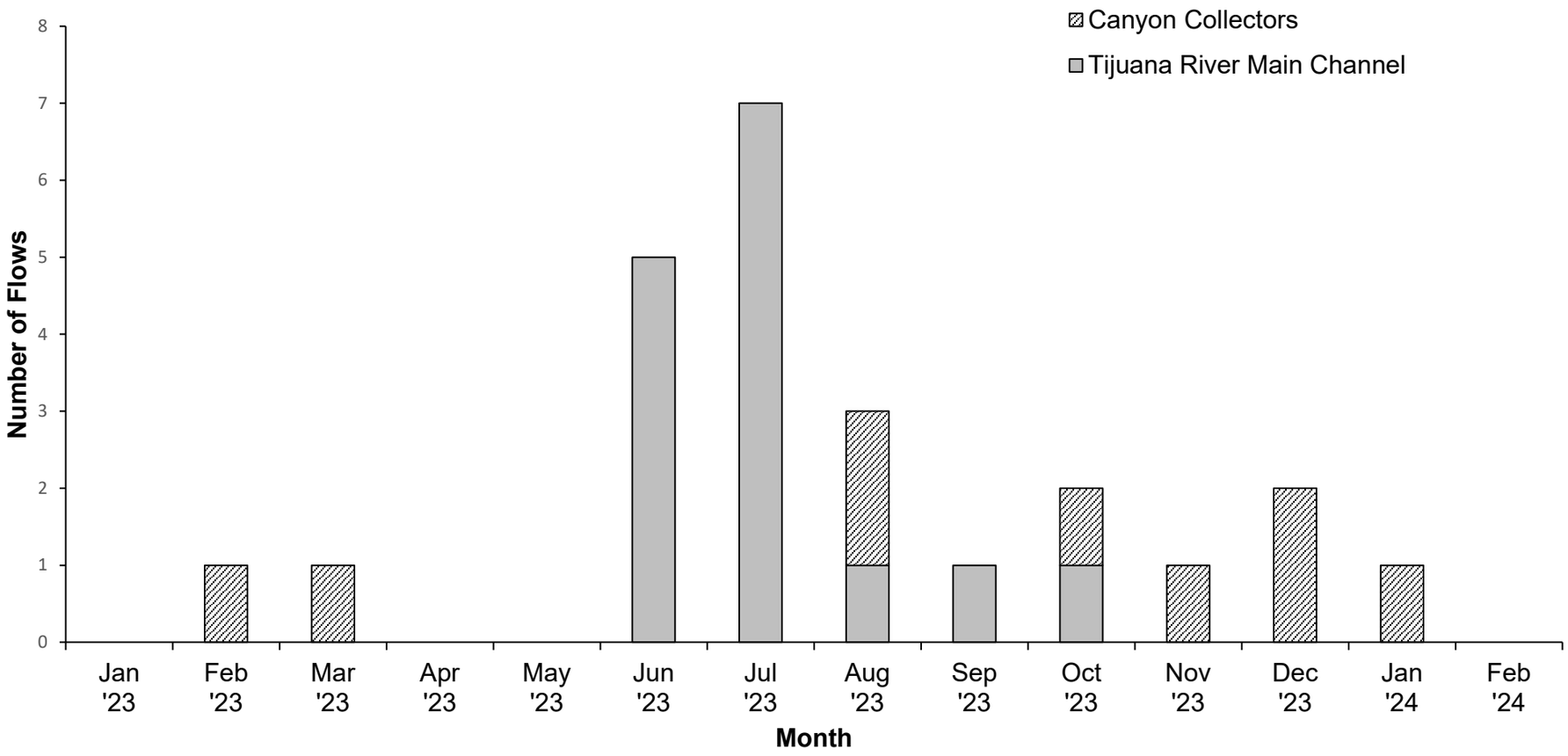

Figure 2: Volume of reported transboundary flows per month from January 2023 through February 2024 at the Tijuana River main channel. ***For transboundary flows that start and end in different months, the figure includes the total volume of the transboundary flow in the month the transboundary flow started.*** *For example, the main channel flow in February 2024 that started in October 2023 is only shown in October 2023. Note the logarithmic scale on the vertical axis to accommodate the variation in transboundary flow volumes.*

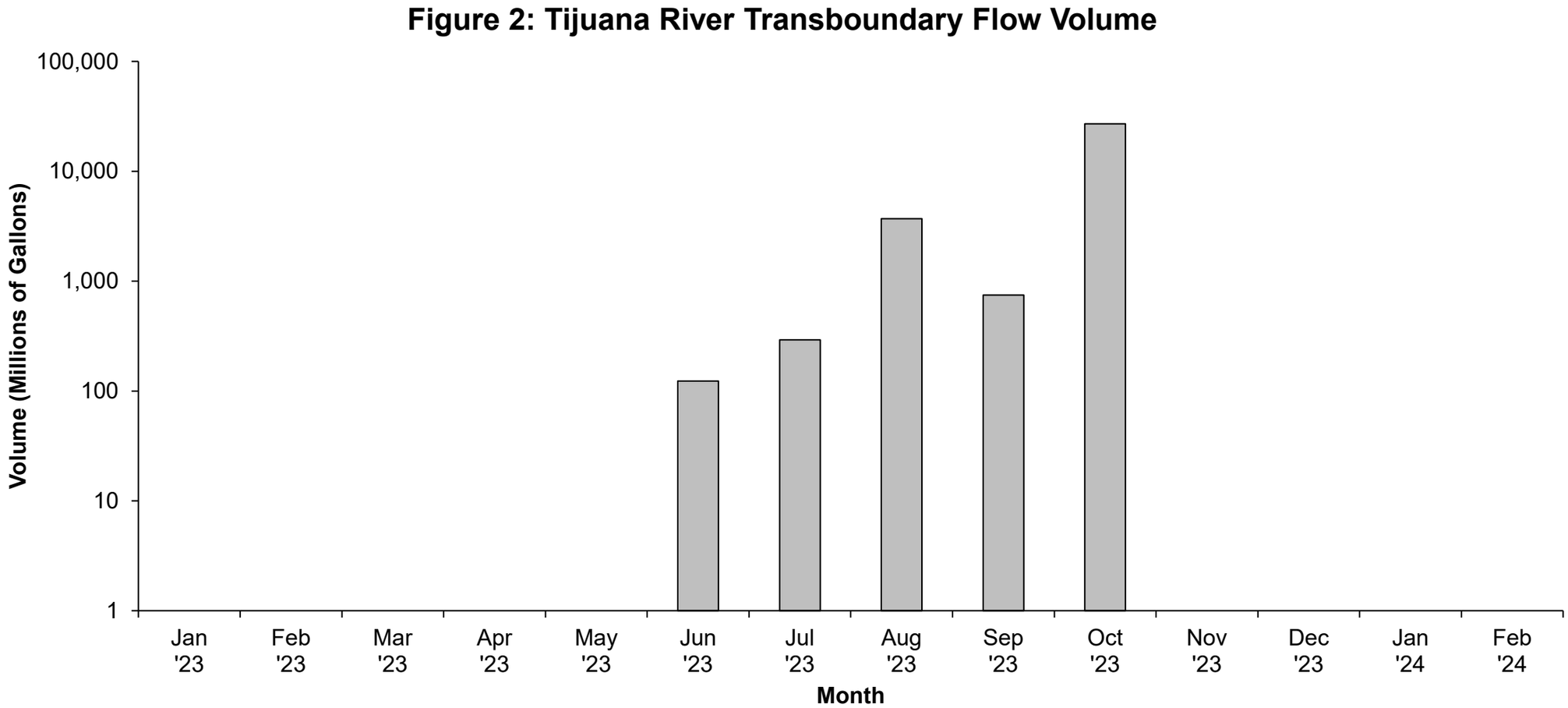

Figure 1: Volume of reported transboundary flows per month from January 2023 through February 2024 at the canyon collector systems. Note the logarithmic scale on the vertical axis to accommodate variation in transboundary flow volumes.