

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

EXECUTIVE OFFICER SUMMARY REPORT

March 8, 2022

ITEM 5

SUBJECT

NPDES Permit Amendment: An order amending 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 (Tentative Order No. R9-2023-0009). (*Vicente Rodriguez*)

STAFF RECOMMENDATION

Adoption of the Revised Tentative Order No. R9-2023-0009, Amending Order No. R9-2021-0001 is recommended (Revised Tentative Order; **Supporting Document No. 1**).

KEY ISSUES

- 1. Settlement Agreement** - The Revised Tentative Order proposes to amend Order No. R9-2021-0001 in accordance with the terms of a settlement agreement between the United States Section of the International Boundary and Water Commission (USIBWC) and California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) signed on September 6, 2022.
- 2. Chlorination Status Correction and Sample Type Addition** - The Revised Tentative Order also proposes to amend Order No. R9-2021-2001 to clarify the status of chlorine disinfection and to provide flexibility by adding “24-hr Composite” to the “Sample Type” to seven monitoring parameters.

PRACTICAL VISION

Consistent with the mission of the Strategy for Healthy Waters chapter of the Practical Vision, the proposed amended Order R9-2021-0001 will continue to implement all applicable technology-based requirements, water quality-based effluent limitations, and receiving water quality standards to optimize protection of water quality and beneficial uses in the Pacific Ocean.

DISCUSSION

On May 12, 2021, the San Diego Water Board adopted Order No. R9-2021-0001 establishing waste discharge requirements for the USIBWC to discharge up to 25 million gallons per day (MGD) of secondary-treated effluent from the South Bay International Wastewater Treatment Plant (SBIWTP) into the Pacific Ocean through the South Bay Ocean Outfall (SBOO). **Supporting Document No. 2** contains figures of the SBIWTP.

On October 8, 2021, the USIBWC filed lawsuits challenging certain provisions of Order No. R9-2021-0001. On September 6, 2022, the San Diego Water Board and the USIBWC executed a settlement agreement in which the San Diego Water Board would consider certain amendments to Order No. R9-2021-0001.

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The United States Environmental Protection Agency (USEPA) commented that the Tentative Order include clarification on the use of chlorine for disinfection and the addition of “24-hr Composite” monitoring for seven parameters. This revision adds flexibility to the monitoring requirements.

The proposed amended Order R9-2021-0001 reflects the changes based on the settlement agreement and USEPA’s comments.

The San Diego Water Board received one comment letter on the Tentative Order. On January 6, 2023, USIBWC submitted a comment letter in support of the proposed Tentative Order and amended Order No. R9-2021-0001 (**Supporting Document No. 3**).

The Revised Tentative Order (**Supporting Document No. 1**) displays minor modifications made to correct non-substantive typographical errors in red-underline for added text and red strikeout for deleted text.

PUBLIC NOTICE

On December 7, 2022, the San Diego Water Board provided public notice of the release of the Tentative Order for public review and comment and today’s public hearing. The Notice of Public Hearing and Opportunity to Comment (Notice) and the Tentative Order were posted on the San Diego Water Board website for the duration of the 30-day comment period and sent to all interested parties. The Notice announced a public hearing to be held on March 8, 2023; availability of the Tentative Order for review; and provided instructions for submittal of written comments. A copy of the Notice is provided as **Supporting Document No. 4**. Notice of the public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the March 8, 2023, San Diego Water Board meeting, which is posted on the San Diego Water Board website.

LEGAL CONCERNS

Consistent with the settlement agreement, USIBWC agreed to dismiss the litigation if the San Diego Water Board adopts the Tentative Order.

SUPPORTING DOCUMENTS

1. Revised Tentative Order No. R9-2023-0009 and Attachment 1, proposed amended Order No. R9-2021-0001
2. Location Map
3. Comment letter from USIBWC, January 6, 2023
4. Notice of Public Hearing and Comment Period