

**California Regional Water Quality Control Board  
San Diego Region**

**David Gibson, Executive Officer**



**Executive Officer's Report  
December 13, 2023**

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**The December 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. Border Water Quality Update (*Attachment A-1*)

*Staff Contact: David Gibson*

#### Minute 328 Infrastructure Repairs and Rehabilitation in Mexico

On November 22, 2023, the International Boundary and Water Commission (IBWC) reported that repairs to the 42" PB1A pipeline that conveys wastewater and Tijuana River diversion flows to the coast are complete. Initial pressure testing found leaks that are repaired and flow to the restored pipeline are being ramped up. The Mexican section of IBWC (CILA) is clearing the intakes of PBCILA Tijuana River diversion system. If no additional faults in the restored pipeline are found when fully pressurized, CILA plans to restart the capture and diversion of up to 30mgd of polluted Tijuana River flows to Punta Bandera on the coast during the first week of December. This will end the daily flow of sewage to the Tijuana River Valley and Estuary.

U.S. EPA held a public meeting on the status of the USMCA and Minute 328 projects. Work on the International Collector, damaged in 2022, and Los Laureles Pump Station and the treatment plant replacement at San Antonio de los Buenos were shared with the public. Repairs on the damaged 60" International Collector pipeline are approximately 25% complete and the North American Development Bank will consider approval of additional funding to upgrade the pump station and pipeline. The Los Laureles Pump Station is planned for repair in early 2024; until then, IBWC is able to capture the daily flows of sewage in Goat Canyon and pump it to the International Wastewater Treatment Plant (ITP) for treatment.

#### Status of Compliance at the ITP

Daily flows into the ITP have been below 25mgd in October and November. While repairs and rehabilitation efforts described below are underway, IBWC remains out of compliance with the NPDES Permit and Cease and Desist Order R9-2021-0107 adopted by the Regional Board in 2021. Two Notices of Violation have been issued to IBWC and will be repeated each month until compliance with the NPDES Permit secondary treatment standards is achieved. Violations include exceedances of secondary effluent standards in the South Bay Ocean Outfall discharge (NOV and Exhibits attached).

In addition to multiple exceedances of secondary effluent limitations, the following plan is the only NPDES Permit plan requirement not yet met by IBWC:

- Attachment E, Section 4.2.4 of the Order: IBWC was required to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021. IBWC is preparing the TRVMP Work Plan through the ongoing binational Minute 320 Water Quality Workgroup. The workplan was discussed on November 30, 2023 by U.S. and Mexico agencies working on the Minute 320 Workgroup. The draft Tijuana River Valley Monitoring Plan will be submitted in the first quarter of 2024.

In addition, six self-monitoring reports of effluent compliance will be resubmitted by IBWC to correct laboratory method detection limit reporting errors.

A tentative Time Schedule Order (TSO) R9-2023-0189 was released by the San Diego Regional Water Quality Control Board on October 30, 2023, for a 30-day public review and comment period. It establishes timeframes and interim reporting requirements and a compliance date of August 15, 2024, for return to full compliance with the NPDES Permit and Cease and Desist Order. IBWC has stated they intend to achieve compliance with the tentative TSO and NPDES Permit effluent limitations by the deadline and anticipate reporting incremental reductions of solids and turbidity as the Primary Sedimentation Basins are repaired and returned to full operation in early 2024. Two comment letters on the tentative TSO were received (Attachments A-1a and A-1b). A special Board Meeting will be scheduled in December for the Regional Board to consider issuing the tentative TSO.

The Regional Board has dedicated one full time Water Resource Control Engineer to the ITP for inspections, enforcement actions, and participation in the interagency design team for the USMCA funded expansion of the ITP from 25mgd to 50mgd. The Regional Board is meeting with IBWC weekly to receive status updates and inspect the facility.

#### Status of Repairs to the ITP

IBWC is working on repairs to the ITP for pre and post Tropical Cyclone Hilary deferred maintenance and repairs.

1. Status of Junction Box 1 repairs

IBWC has built a temporary structure to allow them to operate JB1 while permanent replacement is pending. The temporary fix will allow the gate to be adjusted as needed to regulate flow during rain events until the permanent JB1 replacement construction is completed. IBWC staff from El Paso, Texas is working on this temporary fix (see photo 01) and if the weather permits, they will finish this temporary fix this week. IBWC had a "kick-off" meeting with Filanc, the design/build contractor. Filanc will provide IBWC a schedule within the next two weeks for full replacement of JB1 in 2024. Once USIBWC approves the schedule, the design will begin, and construction should be completed by summer 2024.



*Figure 1: JB1 Interim Repairs in place (DWG 11-22-23).*

## 2. Bar Racks

Repairs to the three damaged bar racks are underway. Two bar racks have been restored to service and the third should be operational in mid-December. In the meantime, Veolia staff are continuing to manually clear the racks to keep them in operation.



Figure 2: Bar Racks: Note bags of hand pulled rags from 5 days of manual operation (DWG 11-22-23).

### 3. Influent Pumps

IBWC reported that 3 of the 6 Influent Pumps are fully operational. The other three failed influent pumps have been removed. IBWC received delivery of the first of two new pumps. Delivery of the new influent pump will require assembly; it was shipped in parts to expedite delivery given the urgency of the order. The second new pump should be delivered fully assembled in January 2024. At present one pump (primary) is adequate for daily flows of 25 mgd and the second pump (peak flow pump) is on standby for peak flows. The third pump is a backup for the primary and peak flow pumps in standby mode as failsafe. If all goes as planned, then the IBWC expects to have fully operational influent pumps by the end of January 2024 and all 6 influent pumps operational by the end of 2024.





Figure 3: Three ITP Influent Pumps in Operation (DWG 11-22-23).



Figure 4: Three failed influent pumps pulled for replacement (DWG 11-22-23).

#### 4. Grit Chamber

The grit chamber is no longer removing grit from the influent. Veolia (operations contractor) has submitted a proposal to the IBWC to clean the grit chamber. The grit chamber should be cleaned and operational in February 2024. A second grit chamber will be proposed in the ITP expansion to allow bypass capacity for maintenance.

## 5. Primary Treatment

The primary treatment at the SBIWTP has five primary sedimentation tanks (PSTs), none of which are currently operational.

### Status of the PSTs

PST No. 5 is not operational, but it has been completely drained and cleaned. The IBWC began demolition of failed equipment in this PST on November 14, 2023, and will begin the installation of the drive chain and other equipment. A new skimmer trap is expected to be delivered by April 2024; however, IBWC plans to evaluate if the skimmer can be rehabilitated in the meantime. Filanc will be investigating this option and will have an update next week. If the skimmer can be rehabilitated for interim use rather than replaced, IBWC estimates that PST 5 may be operational by February 2024.

PSTs No. 1-4 are not operational. They are full of sediment and debris and the influent passes through these PSTs without significant treatment. The chain and flights are not functional and will be replaced. The equipment for PSTs No. 1-4 has already been ordered, and delivery is expected in February 2024. Once PST No. 5 is fully operational, IBWC plans to clean and rehabilitate PSTs No. 1 and 2, followed by PSTs No. 3 and 4.

IBWC expects to have three PSTs operational by July 2024, and all five of the PSTs to be operational by December 2024. Operation of 3 PSTs by July should be adequate to return the ITP to compliance with secondary treatment standards by the compliance date of August 15, 2024.



*Figure 5: PST 5 Under Repair (DWG 11-22-23).*





*Figure 6: PST 4 Nonoperational (DWG 11-22-23).*

#### 6. Secondary Treatment

The secondary treatment at the SBIWTP has seven aeration tanks and 13 secondary sedimentation tanks. IBWC planned to replace all the equipment for secondary treatment in 2024 as part of its routine maintenance. The scope of maintenance and rehabilitation of the secondary treatment is being determined and will commence in coordination with the primary treatment rehabilitation. Short term repairs for damage from Tropical Cyclone Hilary are underway.

#### 7. Canyon Collector Pump Stations

There are two canyon collector pump stations: Goat Canyon Pump Station and Hollister Pump Station. The Goat Canyon Pump Station, fully operational, moves the flows from the Goat Canyon Collector to the Hollister Pump Station. The Hollister Pump Station

moves the flows from the Smuggler's Gulch Canyon Collector and from the Goat Canyon Pump Station to the ITP.

The Hollister Pump Station has four pumps to convey flows captured and diverted to the ITP from Goat Canyon and Smuggler's Gulch. A minimum of two are necessary for full operation. Excessive sediment and high flows during Tropical Cyclone Hilary, however, destroyed all four pumps and resulted in a 20,000-gallon spill onto Hollister Ave in August. As of November 28, 2023, IBWC and Veolia have installed 3 new pumps. A fourth pump has been ordered. In addition, IBWC has assessed the two pumps in the Goat Canyon Pump Station. They are fully operational, but they are scheduled for replacement in 2024.



*Figure 7: New pump being delivered to Hollister Ave. Pump Station (IBWC 10-16-23)*

### Status of USMCA Record of Decision Funding and Projects

On October 20, 2023, IBWC posted the [Pre-Solicitation Notice](#) for the design-build of the South Bay International Wastewater Treatment Plant Expansion Project. Concurrent design and construction are expected to start in 2024. The expansion is expected to reduce transboundary flows of sewage by 90% with a design for 50 mgd with peak flows up to 75 mgd and cost about \$610 million dollars. The current plan does not include anaerobic digestion of sludge, which would have resulted in costs exceeding \$910 million. 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 ITP expansion. U.S. EPA and IBWC have contingency plans in the event the requested \$310 million are not authorized and allocated by Congress. To date, funding has

not been identified for any of the other eight projects included in the June 2023 [Record of Decision](#) to address transboundary flows of sewage, trash, and industrial wastes. Without full implementation of the Record of Decision, transboundary flows of polluted water and trash are likely to continue to impact the Tijuana River Valley, Estuary and Coastal Waters from the U.S.-Mexico International Border to Coronado.

#### Status of State of California Projects to Mitigate Transboundary Pollution

Including the SB170 funding (below), California has invested \$32.3 million in transboundary pollution mitigation projects implemented by state and local agency members of the Tijuana River Valley Recovery Team since 2019.

Three projects in the Tijuana River Valley were funded in 2021 by SB170 through the State Water Resources Control Board Division of Financial Assistance. These include:

- Tijuana River Flood Control Trash Control Structure (\$4.7 million – Rural Community Assistance Center)
- Smuggler's Gulch Improvement Project (\$4.3 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, 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 Tijuana River Valley Recovery Strategy: Living with the Water* (2012) and refined and analyzed in the Tijuana River Needs and Opportunities Assessment Report (2020). The trash control projects will be important components in the plan to address transboundary trash pollution to sensitive habitats and disadvantaged communities. One option to expedite trash control per Project J of the ROD may be for IBWC to adopt the state-funded pilot project at the conclusion of the state funding in 2026. All three projects are being encumbered and will be completed on schedule by June 2026. Long-term operations and maintenance are presently unfunded beyond the term of the grants.





*Figure 8: Trash in Tijuana River at Dairy Mart Rd (DWG 11-22-23)*

### Status of Total Maximum Daily Loads

Since 2019, the San Diego Water Board has developed Total Maximum Daily Loads (TMDLs) for bacteria (i.e., sewage) and trash. The draft TMDLs are in peer review and will be updated and released for public comment in January 2024. The San Diego Water Board has conferred with U.S EPA on the draft TMDLs and implementation plan options including using a TMDL Alternative approach, which has proven successful with federal and local agencies in other watersheds in the region including the Santa Margarita River Estuary, Loma Alta Slough, and Famosa Slough. A total of 10 TMDLs may be needed to address the 55 listed impairments on the Clean Water Act section 303(d) List of Impaired Waters. To restore ocean water quality and address the 630 days of beach closures in Imperial Beach, however, will require the fullest implementation of the Holistic Preferred Alternative, including diversion and treatment of Tijuana River flows, approved in the ROD on June 9, 2023.



Minute 320

The U.S. and Mexico sections of IBWC held a two-day meeting in Imperial Beach and Tijuana on November 30<sup>th</sup> and December 1<sup>st</sup> to review projects identified for further development in both countries to address sediment, trash, and water quality. Most of the projects being discussed are source control or management projects.

**2. Alumni Participation in MESA STEM Conference**

*Staff Contacts: Mireille Lecourtois and Michelle Santillan*

San Diego Water Board staff, Mireille Lecourtois and Michelle Santillan, participated in the 2023 Mathematics, Engineering, Science Achievement (MESA) Student Leadership Conference (SLC) held October 20-21, 2023, in San Diego. The MESA program supports underserved students seeking degrees in Science, Technology, Engineering, and Mathematics (STEM) by providing academic resources and personal development opportunities. MESA's annual SLC brings together engineering, computer science and other STEM undergraduate students with industry professionals to develop the next generation of diverse leaders. More than 200 students and 23 industry professionals attended this year's MESA SLC. Staff participated in the MESA SLC for the second year in a row as Team Captains, leading groups of up to ten students through a design project and team-building exercises. For the 2023 MESA SLC, students were required to design a product or service whose purpose would address a problem within the United Nations Sustainable Development goals. Staff facilitated student group discussions and served as mentors during the two days of the conference. Staff also sponsored a table during the MESA SLC Career Fair and informed interested students about career opportunities within the San Diego Water Board and the State Water Resources Control Board. Both Mireille (Stormwater Management Unit) and Michelle (Restoration and Protection Planning Unit) are San Diego State University and MESA alumni.



Figure 9 Michelle Santillan (left) and Mireille Lecourtois (right) representing the San Diego Water Board during the 2023 MESA SLC Career Fair

## Part B – Significant Regional Water Quality Issues

### 1. Commercial Agriculture Program Update

*Staff Contacts: Cailynn Smith and Abigail Pashina*

San Diego Water Board staff (Staff) continue to work on revisions to General Agricultural Order Nos. R9-2016-0004<sup>1</sup> and R9-2016-0005<sup>2</sup> (collectively, Ag Orders). The most recent revision efforts are intended to improve regulatory accessibility and address racial inequities, both of which support the goals of State Water Board's Resolution No. 2021-0050, *Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism* (Racial Equity Resolution).<sup>3</sup>

To address inequities and accessibility, Staff are working with the State Water Resources Control Board's Office of Public Participation's Translation Services to translate the tentative Ag Orders into Spanish prior to releasing the documents for public review and comment. Staff

<sup>1</sup> *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.*

<sup>2</sup> *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region.*

<sup>3</sup> Link to the State Water Board's Racial Equity Resolution:  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2021/rs2021\\_0050.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf).

also plan to create a series of Ag Order attachments summarizing the requirements in English, Spanish, and other commonly spoken languages in the region based on data from the Census Bureau.<sup>4</sup> Once the translated documents are prepared, Staff will schedule a Board Workshop for the tentative Ag Orders, which is anticipated to occur in the spring of 2024.

Staff continue to meet with stakeholders to discuss the renewal of the Ag Orders and how to implement the precedential requirements from State Water Board's Order No. WQ 2018-0002, *In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group, Issued by the California Regional Water Quality Control Board, Central Valley Region* (WQ 2018-0002).<sup>5</sup>

As part of Staff's outreach efforts, Cailynn Smith attended the 3rd Annual Gathering for San Diego Food Vision 2030 on October 19, 2023. The San Diego Food System Alliance organized this event as a follow up to the Carbon Sink Mini Convergence event that Staff participated in back in March 2023.<sup>6</sup> The theme of this event was "kinship." Staff heard presentations from:

- Alyssa Senturk from San Diego Coastkeeper,
- Dr. Stanley Rodriguez from the Lipay Nation of Santa Ysabel and a professor at Kumeyaay Community College,
- Jamie Fanous from Community Alliance with Family Farmers,
- Consuelo Martinez with San Diego Food System Alliance and an Escondido Councilmember, and
- Local growers.

The presentations focused on how to create a more sustainable society as climate change threatens our infrastructure and our environment. The presenters urged the attendees to change our mindset from viewing our environment as a "resource" and instead think of it as a "relative." They emphasized that society should adapt the mindset of the Tribal Nations that have lived in California since time immemorial. The mindset to work with what our environment can provide naturally instead of forcing the environment to provide more than it

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<sup>4</sup> Data taken from Census Bureau website:

<https://data.census.gov/table/ACSDT1Y2022.B16001?q=languages+spoken+in+San+Diego+County,+California&t=Language+Spoken+at+Home>.

<sup>5</sup> Link to WQ 2018-0002:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2018/wqo2018\\_0002\\_with\\_data\\_fig1\\_2\\_appendix\\_a.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf).

<sup>6</sup> Link to April 12, 2023, Executive Officer's Report that includes information on the Carbon Sink Mini Convergence event:

[https://www.waterboards.ca.gov/sandiego/publications\\_forms/publications/docs/executive\\_officer\\_reports/2023/eor\\_04\\_12\\_2023.pdf](https://www.waterboards.ca.gov/sandiego/publications_forms/publications/docs/executive_officer_reports/2023/eor_04_12_2023.pdf).

can sustainably offer. Staff will consider this perspective when evaluating and revising the Ag Orders.

## **2. General Atomics PFAS Destruction Technology Costs**

*Staff Contact: Brian McDaniel*

San Diego Water Board staff provided a briefing regarding the Industrial Supercritical Water Oxidation (iSCWO) technology system developed by General Atomics in collaboration with the U.S. Environmental Protection Agency in the November 8, 2023, Executive Officer's Report<sup>7</sup> (Report). During the November 8, 2023, San Diego Water Board meeting, Vice Chair Dr. Betty Olson requested details regarding the cost of the iSCWO system discussed in the Report.

Staff contacted John Follin, Director of Strategic Development for iSCWO and Demilitarization Technologies at General Atomics, in response to Vice Chair Olson's inquiry. John Follin indicated the cost of a basic iSCWO system is \$2,400,000. The system cost may be lower provided the client assumes some or all of the associated ancillary costs (operation, maintenance, and management) or purchases additional systems. Additionally, system costs will vary depending on the client's needs and requirements.

The iSCWO system process makes most organic materials, oxidation reactants, and oxidation products miscible in water, which allows for complete oxidation reactions to take place at a high rate. The result of the treatment process is the creation of carbon dioxide, water, and salts, all of which can be released into the environment or reused for other industrial purposes without any post-treatment or disposal costs.

Staff will provide the Board with additional updates on PFAS and PFAS-related destruction technologies, including a presentation from John Follin regarding the iSCWO system, at a future Board meeting.

## **3. Stuart Mesa Agricultural Fields, Marine Corps Base Camp Pendleton Update**

*Staff Contact: Tanya Clark*

The United States Marine Corps Base Camp Pendleton (Marine Corps) is addressing pesticide contamination at the Stuart Mesa Agricultural Fields (SMAFs) at Marine Corps Base Camp Pendleton (Camp Pendleton). The San Diego Water Board worked with the Marine Corps to develop a Memorandum of Understanding (MOU) in July 2019 to address environmental concerns regarding legacy pesticides at the SMAFs and potential discharges to Cockleburr Creek and the Santa Margarita Estuary (Figure 1). In connection with this work, the Department of the Navy (Navy) is completing its soil removal activities at Installation Restoration Site 1120 (IR Site 1120) and investigations at Cockleburr Creek. A summary of each project is provided below.

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<sup>7</sup> [Executive Officer's Report for November 8, 2023](#)





Figure 10 Location Map for Stuart Mesa Agricultural Fields

### Installation Restoration Site 1120

The Navy completed soil removal activities at 15 subsites located within IR Site 1120 in 2021 and found legacy pesticides and petroleum products in the soil at all 15 locations. The Navy is currently conducting additional step out excavations at subsite areas that do not meet cleanup levels. The Navy anticipates the additional step-out excavations will be completed in 2024.

### Cocklebur Creek

The Navy completed an environmental investigation of Cocklebur Creek in 2021. The Navy's investigation focused on determining if storm water discharges, containing pesticide contaminated sediment from IR Site 1120, affected the ecological receptors in the Creek. The Navy's Final Sediment Report showed that storm water run-off from IR Site 1120 is not a threat to ecological receptors in the Creek.

### Santa Margarita River Estuary

As part of the MOU, the Marine Corps agreed to investigate the potential discharge threat of legacy pesticides at the SMAFs to the Santa Margarita River (Figure 2). The Marine Corps' efforts to sample for pesticides in the Santa Margarita River and in groundwater and soil pore water at the SMAF is ongoing. Initial sample results indicate that pesticides are below reporting limits in sediment, surface water, and groundwater samples. The Marine Corps is currently completing an additional year of sampling and will submit a Final Report in 2024. If the data from the sampling indicates that there is no threat of discharge of legacy pesticides, Board staff will prepare a no further action letter for the Executive Officer's consideration.



Figure 11 Location Map for Stuart Mesa Agricultural Fields

### Next Steps:

Staff will continue to provide the Board with annual updates regarding these projects.

## 4. Sanitary Sewer Overflows in the San Diego Region – September 2023 (Attachment B-4)

*Staff Contact: 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](#),<sup>8</sup> the [San Diego Regional General SSO Order](#),<sup>9</sup> and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities<sup>10</sup> 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 September 2023 are provided in the following attached tables:

- Table 1: September 2023- Summary of Public and Federal Sanitary Sewer Overflow Events
- Table 2: September 2023 - Summary of Private Lateral Sewage Discharge Events
- Table 3: September 2023 - Summary of Sewage Discharges by Source

A summary view of information on sewage spill trends from September 2022 to September 2023 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 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 September 2022 to September 2023, 37 of the 68 collection systems in the San Diego Region reported one or more sewage spills. Thirty-one collection systems did not report any

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<sup>8</sup> 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.

<sup>9</sup> San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

<sup>10</sup> 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.

sewage spills. A total of 236 sewage spills were reported with about 10,273,659 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](#).

## **5. Transboundary Flows from Mexico into the San Diego Region – September 2023 (Attachment B-5)**

*Staff Contact: Vicente Rodriguez*

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. The water and wastewater flows are collectively referred to as transboundary flows. The United States Section of the International Boundary and Water Commission (USIBWC) has built canyon collectors that capture dry weather transboundary flows for treatment at the South Bay International Wastewater Treatment Plant (SBIWTP) located at the United States/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,<sup>11</sup> are reported by the 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 United States 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 USIBWC and the Comisión Internacional de Límites y Aguas (CILA)<sup>12</sup> 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 United States/Mexico border, which provides secondary treatment for a portion of the sewage from Tijuana and transboundary flows conveyed from canyon collectors located in Smuggler's Gulch, Goat Canyon, Canyon del Sol, Stewart's Drain, and Silva Drain. The secondary-treated wastewater is discharged to the Pacific Ocean through the South Bay Ocean Outfall, in accordance with USIBWC's NPDES permit, Order No. R9-2021-0001.
- Several pump stations and wastewater treatment plants (WWTPs) in Tijuana, including the San Antonio de los Buenos WWTP, the La Morita WWTP and the Arturo Herrera WWTP.

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<sup>11</sup> 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.

<sup>12</sup> The Mexican section of the IBWC.



- The River Diversion Structure and Pump Station CILA in Tijuana which diverts dry weather transboundary flows from the Tijuana River. The flows are diverted to a discharge point at the Pacific Ocean shoreline, approximately 5.6 miles south of the United States/Mexico border; or the flows can be diverted to SBIWTP or another wastewater treatment plant in Tijuana, depending on how Tijuana's public utility department (CESPT) directs the flow into the collection system. The River Diversion Structure is not designed to collect wet weather river flows and any river flows over 1,000 liters per second (35.3 cubic feet per second, 22.8 million gallons per day).

In September 2023, there was a total of 1 reported transboundary flow resulting in 748 million gallons of contaminated water flowing from Mexico into the United States.

Details on the transboundary flows reported in September are provided in the attached tables:

- Table 1: September 2023 - Summary of Transboundary Flows from Mexico by Event
- Table 2: September 2023 - 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 September 2022 through September 2023. During this period, there were a total of 28 reported transboundary flows resulting in more than 43.54 billion gallons of contaminated water flowing from Mexico into the United States.

The 42-inch pipeline from the pump station PB1A in Tijuana, Mexico has been out of service since July 30, 2022, due to a piping rupture in Matadero Canyon. As a result, PB1 pumping capacity remains reduced and excess flows are being diverted to the SBIWTP. The excess flows include sand, trash, and debris that have overwhelmed all five primary sedimentation tanks (PSTs) and rendered them out of service pending cleaning and rehabilitation. The lack of solids removal in the primary treatment system has resulted in biological overloading of the secondary treatment system, solids washout within the effluent, and non-compliance with the NPDES Permit. Excess flows are expected to continue until pipeline PB1A repairs are completed in November 2023.

The 72-inch and 96-inch valves at Junction Box 1 (JB1) remain inoperable. The contract for final design and construction has been awarded. Construction completion of JB1 is estimated to be in February 2025. Temporary repairs to make JB1 operational are being considered.

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

### **1. Groundwater Sustainability Plans in the San Diego Water Board Region**

*Staff Contact: Tanya Clark*

#### ***Groundwater Sustainability Plans in the San Diego Water Board Region***

The California Department of Water Resources (DWR) released determinations for 17 non-critical overdraft groundwater basin on October 26, 2023, which included the approval of the groundwater sustainability plan (GSP) for the San Pasqual Valley Basin. DWR based the determinations on the assessment of GSPs developed by local groundwater sustainability agencies (GSAs) to meet the requirements of the Sustainable Groundwater Management Act (SGMA) and the GSP regulations found in California Code of Regulations title 23, section 350 et seq. The San Pasqual Valley GSA is a multi-agency GSA comprised of the County and City of San Diego.

GSAs are required to implement their respective GSPs upon submitting the plans to DWR. Once DWR approves the GSP, a GSA has 20 years to achieve sustainability within the groundwater basin. If a GSP is determined to be inadequate by DWR, it will be referred to the State Water Resources Control Board (State Water Board) for possible State Intervention. GSPs for medium-priority groundwater basins, such as the San Diego Region's San Pasqual Valley Basin and Upper San Luis Rey Subbasin, were due to DWR by January 31, 2022. The Pauma Valley GSA<sup>13</sup> manages groundwater for portions of the Upper San Luis Rey Basin. However, there are five unmanaged areas in the Upper San Luis Rey Basin where the State Water Board has required groundwater extraction reports by February 2024.

More information regarding SGMA and the GSPs is available on the following DWR website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainability-Plans>.

#### **Next Steps**

San Diego Water Board staff anticipate DWR will make a determination on the GSP for the Upper San Luis Rey Subbasin by January 2024. If DWR determines the GSP is "inadequate" the County of San Diego must address the GSP deficiencies within 180 days. The GSP will also be referred to the State Water Board for possible State Intervention, which authorizes the State Water Board to manage the groundwater basin.

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<sup>13</sup> The Pauma Valley GSA is a multi-agency GSA that comprises the following agencies with water supply, water management, or land use responsibilities within the San Luis Rey Valley Groundwater Basin. Pauma Municipal Water District, Pauma Valley Community Services District, San Luis Rey Municipal Water District, Yuima Municipal Water District, Upper San Luis Rey Resource Conservation District.

Board staff will continue to attend the Water Board's statewide SGMA Roundtable meetings and provide an annual update to the Board.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

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

December 13, 2023  
APPENDED TO EXECUTIVE OFFICER'S REPORT



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

**January 2024  
No Meeting Scheduled**

**February 14, 2024  
San Diego Water Board Meeting Room**

Action Agenda Item	Action Type	Written Comments Due
Amendment of Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall (Tentative Order No. R9-2024-0005, NPDES No. CAA0107417). <i>(Joann Lim)</i>	NPDES Permit Amendment	TBD
Cease and Desist Order for the Las Pulgas Landfill (Tentative Order No. R9-2024-0008). <i>(Frank Melbourn)</i>	Cease and Desist Order	TBD

**March 13, 2024  
San Diego Water Board Meeting Room**

Action Agenda Item	Action Type	Written Comments Due
Reissuance of Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region (Tentative Order No. R9-2024-0001). <i>(Mahsa Izadmehr and Brandon Bushnell)</i>	Conditional Waivers of WDRs Reissuance	NA
Cleanup and Abatement Order for Lake San Marcos and San Marcos Creek (Tentative Order No. R9-2024-0009). <i>(Lara Quetin)</i>	Cleanup and Abatement Order	24-Oct-2023

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
An Order Requiring Designated Responsible Permittees to Comply with Bacteria TMDL Requirements Prescribed in the Regional Municipal Separate Storm Sewer Systems Permit for the San Diego Region (Tentative Time Schedule Order No. R9-2024-0010). <i>(Mireille Lecourtois and Laurie Walsh)</i>	Time Schedule Order Issuance	17-Feb-2023
Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of San Diego E.W. Blom Point Loma Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall (Tentative Order No. R99-2024-0004, NPDES No. CA90107409). <i>(Joann Lim &amp; USEPA Staff)</i>	NPDES Permit Reissuance	TBD

**Agenda Items Requested by Board Members****March 10, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
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**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Environmental Justice outreach event	Warren	Winter 2023-24

**November 9, 2022**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on monitoring and debris removal associated with the NPDES permit for discharges from fireworks	Various	February 2024

**March 8, 2023**

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

**May 10, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Information regarding agricultural water quality best practices that are working in other regions and other topics raised during the agricultural workshop	Olson, Warren	February 2024



**June 14, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
A tour of the Harbor Island Living Shoreline Project	Warren	Fall 2023

**August 9, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on the status of the Lake Cuyamaca fish advisory signs	Warren	February 2024

**October 11, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Look for duplicative monitoring in San Diego Bay and identify opportunities to reduce monitoring as a result of this assessment.	Warren	February 2024

**November 8, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Information regarding the cost of the Per- and Polyfluoroalkyl Substances (PFAS) Destruction Demonstration system at General Atomics that was mentioned in the November 2023 Executive Officer's Report.	Olson	Complete December 2023



November 30, 2023

Vicente Rodriguez  
California Regional Water Quality Control Board, San Diego Region  
2375 Northside Drive, Suite 100  
San Diego California 92108

**Subject: Comment Letter – Tentative Time Schedule Order No. R9-2023-0189 on the U.S. Section of the International and Boundary Water Commission South Bay International Wastewater Treatment Plant Discharge Through the South Bay Ocean Outfall**

Dear Mr. Rodriguez:

The San Diego Unified Port District (District) appreciates the opportunity to comment on the San Diego Regional Water Quality Control Board's (Regional Board) Tentative Time Schedule Order (Tentative Order) No. R9-2023-0189 for the South Bay International Boundary and Water Commission (IBWC) International Wastewater Treatment Plant (ITP). The Tentative Order serves as an escalated enforcement of the Cease-and-Desist Order previously issued by the Regional Board requiring USIBWC to comply with secondary effluent limitations, per Order No. R9-2021-0107.

As an environmental champion and the state-designated trustee for beach and submerged lands in Imperial Beach, the District is committed to continue working with its regional, state, and local partners to solve this public health and environmental crisis and to stop the discharge of sewage and trash to the Tijuana River Valley and Pacific Ocean. To that end, the District supports the Regional Board's efforts to correct and prevent further permit requirement violations at ITP by requiring the USIBWC to 1) submit a detailed time schedule of the specific actions they will implement to correct the facility's permit violations and 2) demonstrate completion of the specified actions. Compliance with Order No. R9-2023-0189 should be a priority to ensure ITP operations are, at minimum, functioning effectively to treat its current design capacity of 25 million gallons per day (mgd). The tasks and proposed interim goals identified in the Tentative Order appear to be reasonable for USIBWC to achieve timely compliance, especially since the goals were based on self-reported approximations by USIBWC in its quarterly Compliance Assurance Reports or through other written correspondence to the Regional Board. Once completed, the required tasks will not only aid to achieve compliance with Order No. R9-2021-0107, but will also facilitate expansion projects at the ITP as identified in EPA's Comprehensive Solution for addressing the current transboundary pollution crisis in the Tijuana River Valley watershed.

The District looks forward to continuing to work cooperatively with the Regional Board and the coalition of local stakeholders on this issue. If you have any comments or questions on the information above, please do not hesitate to contact me at (619) 686-6473 or via email at [jgiffen@portofsandiego.org](mailto:jgiffen@portofsandiego.org) or Stephanie Bauer at (619) 400-4719 or via email at [sbauer@portofsandiego.org](mailto:sbauer@portofsandiego.org).

Sincerely,

Jason H. Giffen  
Vice President, Planning & Environment



November 30, 2023

San Diego Regional Water Quality Control Board  
Attn: Vicente Rodriguez  
2375 Northside Drive, Suite 100  
San Diego, CA 92108-2700

*Via Email to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov)*

**Re: CERF and San Diego Coastkeeper Comments on Tentative Time Schedule  
Order No. R9-2023-0189**

To Chair Cantú and the Members of the San Diego Regional Water Quality Control Board:

Please accept these comments regarding Tentative Time Schedule Order No. R9-2023-0189 (Tentative TSO) on behalf of the Coastal Environmental Rights Foundation (CERF) and San Diego Coastkeeper (Coastkeeper). CERF is a nonprofit environmental organization founded by surfers in 2008 for the protection and enhancement of California's coastal resources. The purposes of CERF are to aid the enforcement of environmental laws, raise public awareness about coastal environmental issues, encourage environmental activism, and generally act to defend natural resources in coastal areas. Coastkeeper is likewise a nonprofit environmental organization dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of San Diego County watersheds. To further these goals, Coastkeeper and CERF actively seek federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiate enforcement actions on behalf of themselves and their members.

The South Bay International Wastewater Treatment Plant (SBIWTP) and the associated infrastructure (Facility), owned and/or operated by the International Boundary and Water Commission, United States Section (IBWC), has long been out of compliance with its operative National Pollutant Discharge Elimination System (NPDES) Permit No. CA0108928 (Permit). As recognized by this Regional Board, IBWC has a well-documented "pattern of failing" to comply with numerous Permit requirements, which has led to devastating consequences to human health and the environment.<sup>1</sup>

The magnitude of the international transboundary sewage and wastewater crisis cannot be overstated. Over the past five years, over 100 billion gallons of transboundary flows, containing untreated sewage, chemicals, trash, and other debris have flowed from Mexico into Southern California via the Tijuana River Valley, with over 33 billion gallons of which occurred during just

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<sup>1</sup> See Cease & Desist Order R9-2021-0107.

the first half of 2023.<sup>2</sup> These same pollutants are routinely discharged into our marine environment via the Facility's South Bay Ocean Outfall. This human health, environmental justice, and ecological disaster is directly impacting public health due to highly contaminated coastal waters leading to chronic beach closures and health advisories, as well as recent studies confirming that aerosolized sewage pollutants are making people sick in Imperial Beach and nearby communities.<sup>3</sup> Polluted flows contaminated with chemical-laden sediment are also severely degrading the Tijuana River Estuary and offshore marine habitat, which in turn harm local businesses and tourism. South San Diego Bay communities have now faced over 700 consecutive days of beach closures, dating back to December 2021.<sup>4</sup>

The San Diego Regional Water Quality Control Board (Regional Board) has taken several enforcement actions against IBWC in recent years, including:

- Filing a citizen suit against USIBWC alleging violations of the federal Clean Water Act in September 2018;
- A Compliance Evaluation Inspection conducted on December 24, 2020;
- A Notice of Violation issued on February 5, 2021 (NOV R9-2021-0035);
- A Cease and Desist Order (CDO) issued on May 12, 2021 (CDO R9-2021-0107).
- An Amended CDO issued on December 8, 2021 (Amended CDO R9-2021-0220);
- Entering into a Settlement Agreement to resolve the citizen suit litigation in April of 2022, covering (1) Transboundary Flow Events, (2) IBWC failures to properly mitigate or report Transboundary Flow Events as required, and/or (3) IBWC's failure to properly operate and maintain the canyon collectors or the FCC.

Unfortunately, despite these prior enforcement actions, IBWC's rampant Permit violations have continued. On September 5, 2023 the Regional Board issued another NOV (R9-2023-0162) for approximately 208 exceedances of Permit Effluent Limitations, required reports submitted after deadlines, missing reports, and approximately 214 other violations of the 2021 Permit's Standard Provisions.<sup>5</sup> Notably, the Facility's recent exceedances encompass chemicals that have been prohibited in the United States owing to their exceptionally hazardous characteristics, such as DDT and PCBs. There have been at least 130 instances of violations involving extremely dangerous, banned chemicals within the United States. Facility discharges not only exceed the Permit's Effluent Limitations, but frequently do so by orders of magnitude. For example, a recent PCB discharge in 2023 exceeded the Permit limit by 22,122%. Likewise, a 2023 Benzidine discharge exceeded the Permit limit by 15,052%.

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<sup>2</sup> State Land Commission, Staff Report (Nov. 20, 2023).

<sup>3</sup> Courthouse News Service, *California Coastal Commissioners call for action to clean up sewage polluted Tijuana River Valley* (Oct. 11, 2023) <https://www.courthousenews.com/california-coastal-commissioners-call-for-action-to-clean-up-sewage-polluted-tijuana-river-valley/>.

<sup>4</sup> California Coastal Commission Memorandum, *Tijuana River Pollution Crisis in San Diego County* (Sept. 29, 2023); California Environmental Protection Agency, *Letter RE: Additional Resources for the Rehabilitation of the IBWC South Bay International Treatment Plant* (June 19, 2023).

<sup>5</sup> See also, Tentative TSO at Paragraph 12.



Furthermore, despite the Regional Board's prior NOV's and CDOs, the Facility remains in a shocking state of disrepair. According to IBWC's update to the Regional Board, as of September, 2023:

- Only 1 of 6 influent pumps is operable, leading to 25 MGD of untreated sewage flowing into the Tijuana River leading to permit violations and extreme contamination of the estuary;
- Only 2 of 7 Activated Sludge Tanks (ASTs) are operable, negatively impacting the quality of the effluent discharged through the Facility's ocean outfall, which fails to meet permit standards, leading to violations;
- Only 1 of 2 Waste Activated Sludge (WAS) Pumps is running (and it is running inefficiently), also resulting in partially treated sewage being discharged through ocean outfall and contributing to permit violations;
- Only 1 of 2 Unstabilized Sludge Storage Tanks (USST) are operating (and it is operating at 50% capacity), also resulting in partially treated sewage being discharged through ocean outfall and contributing to permit violations;
- 0 of 4 pumps are operable at the Hollister canyon collector pumping station, resulting in the surge tank filling with sediment, and transboundary untreated sewage flows through the canyons into the Tijuana River and Estuary, leading to permit violations;
- 1 of 5 pumps at the primary non-potable water pump station are operable, and 0 of 4 pumps are operable at the secondary pump station, hindering the ability of Facility to pump treated effluent to other plant processes, which negatively impacts all plant processes and components.<sup>6</sup>

IBWC has also failed to repair/replace Junction Box 1 (JB1), a critical piece of infrastructure that regulates flow into the SBIWTP. Because two gate valves are not operating, the SBIWTP cannot regulate the flow from Mexico and must accept all flow that is received through JB1.<sup>7</sup> The 72-inch gate valve became non-operational on August 28, 2019, and the 96-inch gate valve became non-operational on October 3, 2020. The Regional Board has been aware of this problem since at least October 2020. "Compliance with the 2021 Permit effluent limitations is unlikely until the sluice gates in Junction Box 1 have been repaired and flows into the SBIWTP are reduced to a monthly average of 25.0 MGD."<sup>8</sup>

Recognizing the criticality of repairs to JB1, the May 2021 CDO required IBWC to repair JB1 (and both sluice gates) and the influent meter by January 3, 2022. IBWC failed to meet this deadline and the December 2021 Amended CDO required repairs to JB1 to be completed

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<sup>6</sup> IBWC Presentation, *South Bay International Wastewater Treatment Plant, Plant Status Post-Tropical Storm Hilary*.

<sup>7</sup> Regional Board, *Response to Letter Dated August 2, 2023, Regarding the Tijuana River Pollution Crisis and Discharge Violations at the South Bay International Wastewater Treatment Plant (SBIWTP)* (Aug. 10, 2023).

<sup>8</sup> CDO R9-2021-0107.

“forthwith” and the influent meter to be replaced by February 13, 2023. To date, IBWC has failed to complete these repairs.

IBWC’s failure to timely repair JB1 for well over three years and counting, and the resulting excess flows into the SBIWTP, have not only caused hundreds of Permit violations, but has also contributed to the degradation and destruction of multiple pumps and tanks at the SBIWTP, as described *supra*. IBWC’s inability to control flows into the SBIWTP are a significant culprit causing the rapid degradation of multiple critical Facility components. The Facility now teeters on the brink of complete collapse – a crisis of IBWC’s own making due in significant part to its slow response to repair JB1. The costs of repairs to bring the Facility back into Permit compliance are now escalating rapidly. While the Final Programmatic Environmental Impact Statement for the USMCA Mitigation of Contaminated Transboundary Flows Project, dated November 2, 2022, did not identify any required costs for repairs at the Facility, IBWC recently estimated the cost of repairs to be around \$190 million.<sup>9</sup>

Like the preceding May 2021 CDO, and December 2021 Amended CDO, the Tentative TSO is inadequate in this time of crisis. The timelines in Table 2 of the Tentative TSO once again provide additional time for IBWC to fix problems that should have been solved years ago. In particular, Table 2 allows for the replacement of JB1 by February 10, 2025, and repairs to the influent meter by September 30, 2024. Meanwhile, the IBWC’s ongoing Permit violations are contributing to a human health and ecological catastrophe. The SBIWTP is on the brink of collapse. Numerous government agencies and interested parties have written to the President of the United States asking to declare a state of emergency. As such, the timelines in the Tentative TSO are unacceptable given the ongoing human health risk and ecological devastation. The Regional Board must use the full extent of its enforcement authority to require expedited action on the part of the IBWC to bring the Facility into full compliance with the Permit immediately.

The Tentative TSO claims that “USIBWC was unable to comply with the time schedule contained in the CDO for the repair of Junction Box 1 and the replacement of the influent meter and associated piping and valves.”<sup>10</sup> However, the Tentative TSO provides no further details or reasoning, nor does it point to any authority supporting this claim. Was IBWC *completely* unable to comply with these deadlines? If so, why was IBWC unable to do so? Could IBWC have taken a different approach to achieve the CDO deadlines? Could IBWC have required a more strict timeline from the JB1 design contractor? Again, emphasizing the ongoing crisis, IBWC must pursue all expedited actions to the limits of its authority to complete all tasks set forth in Table 2 of the Tentative TSO *immediately*, and much sooner than the interim goals currently enumerated in Table 2.

Finally, IBWC has continued to violate Permit reporting requirements without consequence.<sup>11</sup> There is no excuse for IBWC continuously missing these deadlines. Rather than require a handful

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<sup>9</sup> IBWC Presentation to the Regional Board (Sept. 13, 2023).

<sup>10</sup> Tentative TSO, Paragraph 5.

<sup>11</sup> NOV.

CERF & SDCK Comments  
*Tentative Time Schedule Order No. R9-2023-0189*  
November 30, 2023  
Page 5

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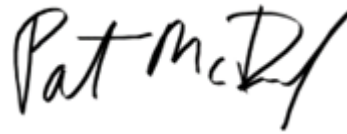
of additional updates, as proposed in the Tentative TSO, an approach which has been ineffective in past enforcement efforts, CERF and Coastkeeper request this Regional Board pursue other enforcement mechanisms to ensure IBWC's immediate compliance with the Permit.

CERF and Coastkeeper appreciate the opportunity to provide comments regarding the Tentative TSO. Please contact us if you have any questions or would like to discuss the preceding comments.

Sincerely,



Livia Borak Beaudin  
Attorney  
Coastal Environmental Rights Foundation



Patrick McDonough  
Attorney  
San Diego Coastkeeper

**Table 1: September 2023 – Summary of Public and Federal Sanitary Sewer Overflow Events<sup>1</sup>**

Responsible Collection System Agency	Total Volume (Gallons) <sup>2</sup>	Total Recovered (Gallons) <sup>3</sup>	Total Reaching Surface Waters (Gallons) <sup>4</sup>	Total Reaching Separate Storm Drain and Recovered (Gallons) <sup>5</sup>	Total Discharged to Land (Gallons) <sup>6</sup>	Surface Water Body Affected <sup>7</sup>	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area <sup>8</sup>
City of El Cajon	982	982	0	982	0	Not Applicable	0	195	101,709
City of El Cajon	55	55	0	7	0	Not Applicable	0	195	101,709
City of Poway	1,543	1,543	0	1,543	0	Not Applicable	3.5	185	43,216
City of San Diego	382	363	0	0	0	Not Applicable	112.2	2,945	2,380,000

<sup>1</sup> Table 1 may not include information on public SSOs that were less than 50 gallons in volume and that did not reach surface waters.

<sup>2</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>4</sup> 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.

<sup>5</sup> Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

<sup>6</sup> Total Discharged to Land = total amount reaching land.

<sup>7</sup> 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."

<sup>8</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.



<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>2</sup></b>	<b>Total Recovered (Gallons)<sup>3</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>4</sup></b>	<b>Total Reaching Separate Storm Drain and Recovered (Gallons)<sup>5</sup></b>	<b>Total Discharged to Land (Gallons)<sup>6</sup></b>	<b>Surface Water Body Affected<sup>7</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>8</sup></b>
City of San Diego	37	37	0	0	0	Not Applicable	112.2	2,945	2,380,000
Padre Dam Municipal Water District	12,900	264	12,636	0	0	Forrester Creek	4.6	164	69,641

**Table 2: September 2023 – Summary of Private Lateral Sewage Discharge Events**

<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain &amp; Recovered and/or Discharged to Land (Gallons)<sup>4</sup></b>	<b>Surface Water Body Affected<sup>5</sup></b>	<b>Population in Service Area<sup>6</sup></b>	<b>Number of Lateral Connections</b>
City of Lemon Grove	2,000	1,600	400	0	Not Reported	25,800	0
City of San Diego	688	688	0	0	Not Applicable	2,380,000	267,188
City of San Diego	230	225	0	0	Not Applicable	2,380,000	267,188

<sup>1</sup> Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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."

<sup>6</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

**Table 3: September 2023 – Summary of Sewage Discharges by Source<sup>1</sup>**

<b>Spill Type</b>	<b>Month/Year</b>	<b>Number of Spills</b>	<b>Total Volume (Gallons)<sup>2</sup></b>	<b>Total Recovered (Gallons)<sup>3</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>4</sup></b>	<b>Total Reaching Separate Storm Drain &amp; Recovered and/or Discharged to Land (Gallons)<sup>5</sup></b>
Public	September 2023	5	15,899	3,244	12,636	2,532
Federal	September 2023	0	0	0	0	0
Private	September 2023	3	2,918	2,513	400	0
<b>All Spills</b>	<b>September 2023</b>	<b>8</b>	<b>18,817</b>	<b>5,757</b>	<b>13,036</b>	<b>2,532</b>

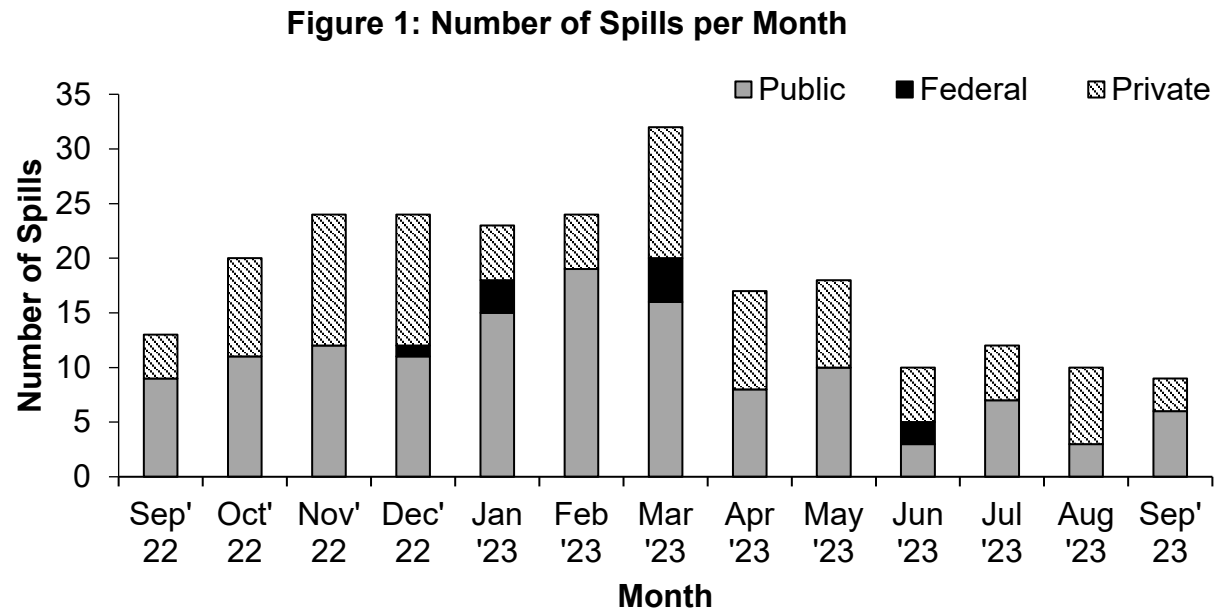
<sup>1</sup> Information displayed may not include public SSOs that were less than 50 gallons in volume that did not reach surface waters.

<sup>2</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>4</sup> 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.

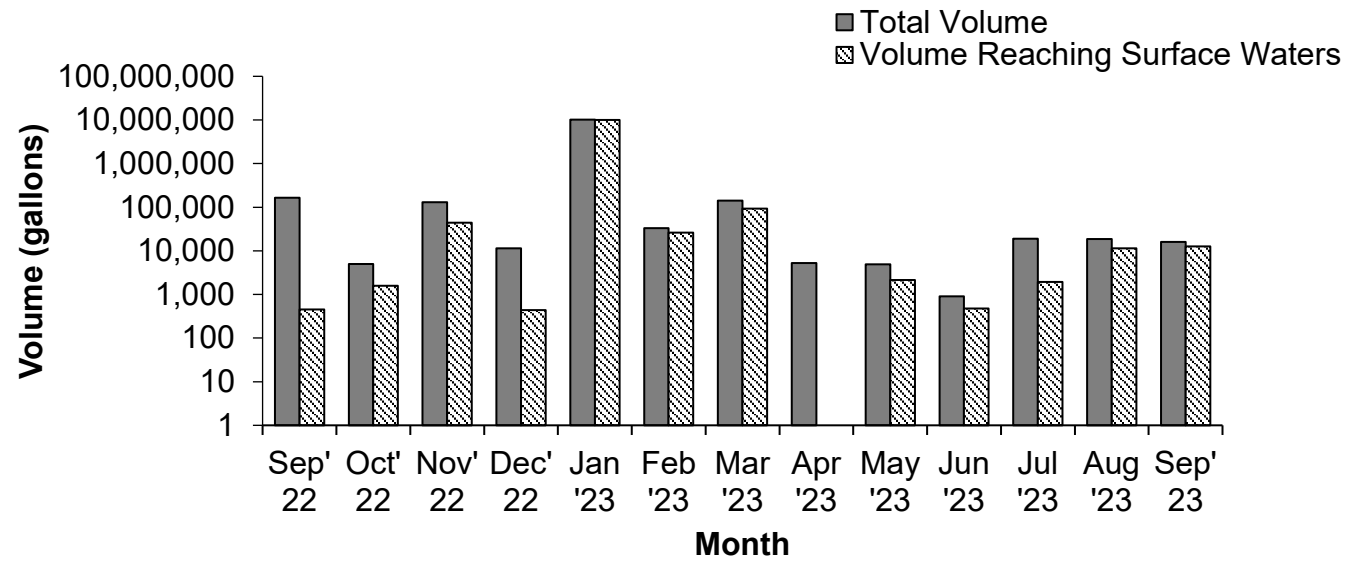
<sup>5</sup> Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.



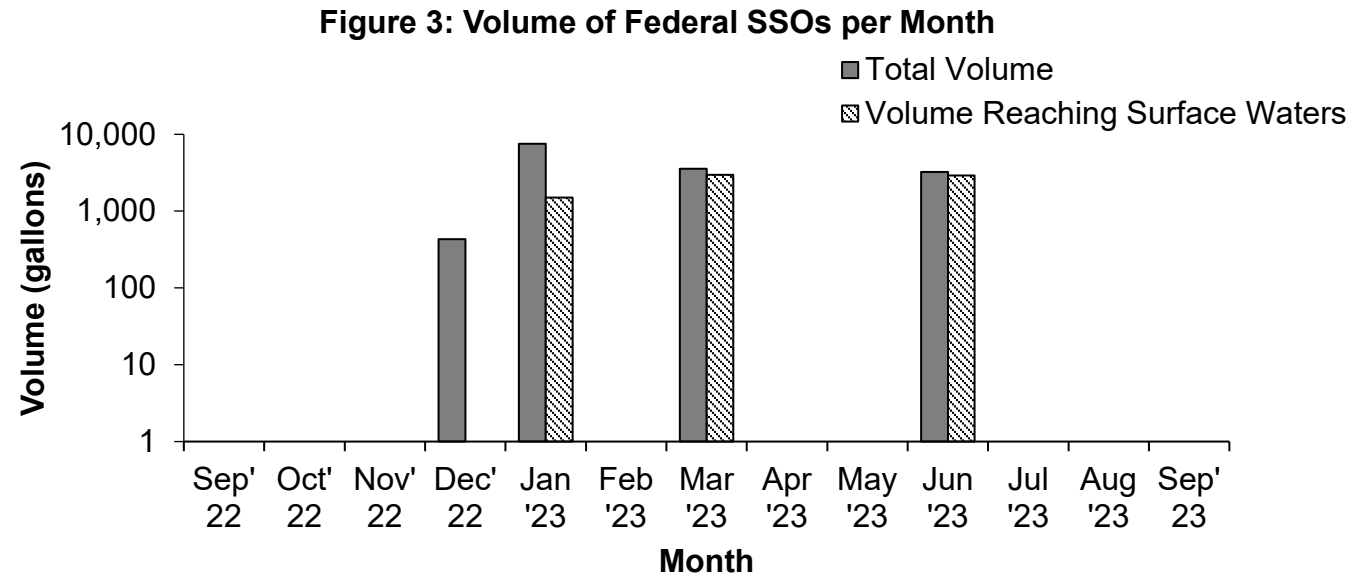
**Figure 1:** The number of public, federal, and private sewage spills per month from September 2022 through September 2023. Note total number of spills per month may not include public SSOs that were less than 50 gallons in volume that did not reach surface waters.



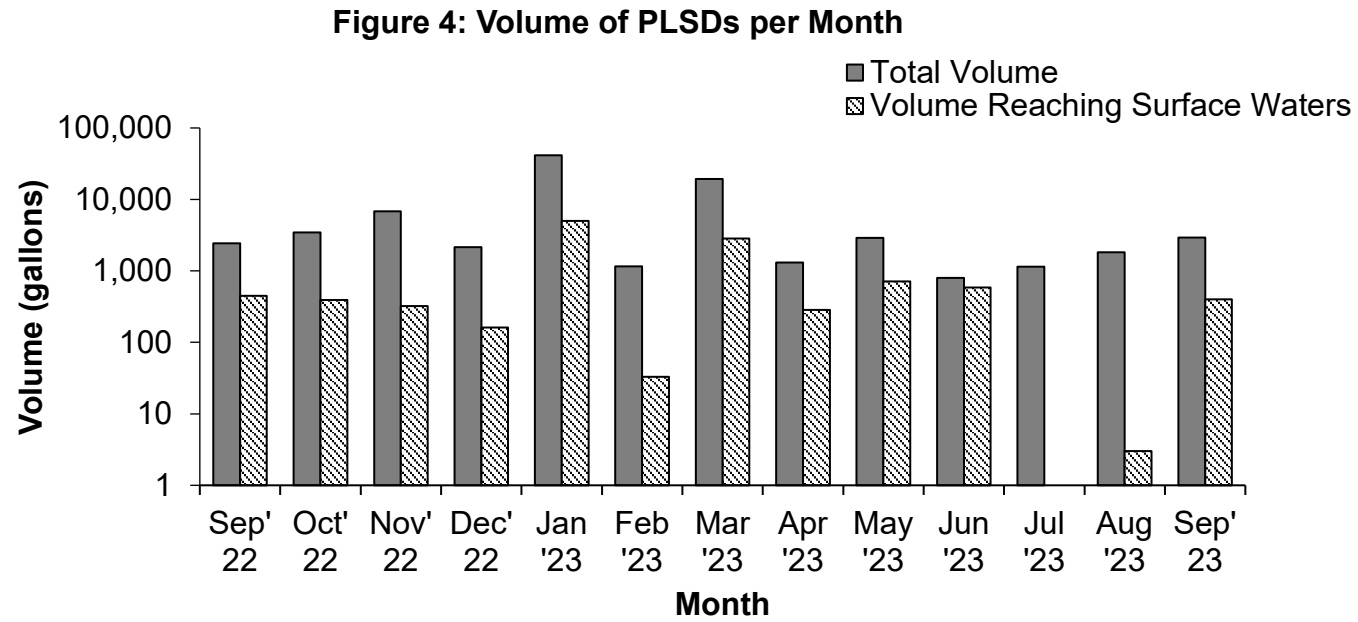
**Figure 2: Volume of Public SSOs per Month**



**Figure 2:** The volume of SSOs from public agencies per month from September 2022 through September 2023. 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.

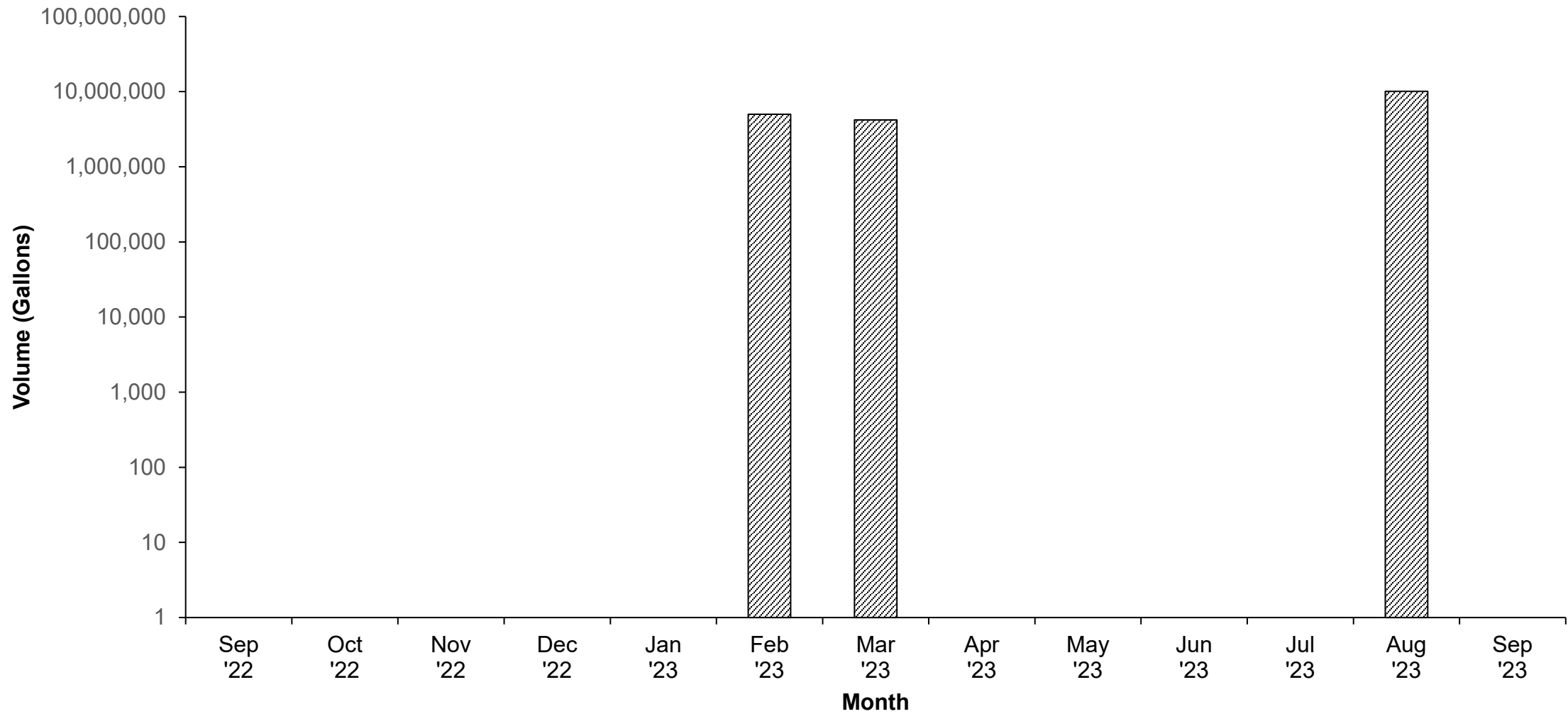


**Figure 3:** The volume of SSOs from federal agencies per month from September 2022 through September 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.



**Figure 4:** The volume of PLSDs per month from September 2022 through September 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.

**Figure 3: Canyon Collector Transboundary Flow Volume**



**Figure 3:** Volume of reported transboundary flows per month from September 2022 through September 2023 at the canyon collector systems. Note the logarithmic scale on the vertical axis to accommodate variation in transboundary flow volumes.