

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

2375 Northside Drive, Suite 100, San Diego, CA 92108
<https://www.waterboards.ca.gov/sandiego>

**TENTATIVE ORDER NO. R9-2026-0005
AMENDING**

**ORDER NO. R9-2021-0001 AS AMENDED BY R9-2023-0009
NPDES NO. CA0108928
WASTE DISCHARGE REQUIREMENTS
FOR THE UNITED STATES SECTION OF THE
INTERNATIONAL BOUNDARY AND WATER COMMISSION SOUTH BAY
INTERNATIONAL WASTEWATER TREATMENT PLANT
DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE SOUTH BAY OCEAN OUTFALL**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

1. Background

- 1.1. On May 20, 2025, the United States Section of the International Boundary and Water Commission (USIBWC) and the United States Environmental Protection Agency (USEPA) announced a planned 10 million gallon per day (MGD) expansion of the SBIWTP treatment capacity from 25 MGD to 35 MGD to reduce or eliminate dry-weather transboundary flows of untreated domestic and industrial wastewater in the lower Tijuana River. USIBWC and USEPA announced a projected completion and start-up of the 10 MGD expansion within 100 days, by August 28, 2025. USIBWC proposed to treat up to 35 MGD of influent wastewater through advanced primary treatment followed by 25 MGD of secondary treatment using existing activated sludge processes. USIBWC proposed to blend the bypassed 10 MGD advanced primary effluent with the 25 MGD secondary effluent prior to discharge to the Pacific Ocean via the South Bay Land Outfall (SBLO) and South Bay Ocean Outfall (SBOO).
- 1.2. The San Diego Water Board determined that USIBWC's target date to treat up to 10 MGD of increased flow by August 28, 2025, did not provide sufficient time for the San Diego Water Board to amend USIBWC's National Pollutant Discharge Elimination System (NPDES) Permit. However, the San Diego Water Board committed to the consideration of an amendment to USIBWC's NPDES Permit prior to its expiration date to account for the expansion from 25 MGD to 35 MGD.
- 1.3. On August 27, 2025, in response to the threatened violation of USIBWC's NPDES permit, the San Diego Water Board adopted Cease and Desist Order (CDO) No. R9-2025-0139 which established interim effluent limitations for USIBWC's 10 MGD expansion, required remedial and preventative actions

USIBWC must implement, required the submittal of technical reports, and required compliance with USIBWC's NPDES Permit final effluent limitations by June 30, 2026.

2. Purpose of Order No. R9-2026-0005 (Order)

- 2.1. This Order amends Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 to update USIBWC's final permitted effluent limitations, performance goals, and influent action levels to reflect up to 10 MGD of additional influent wastewater undergoing advanced primary treatment at SBIWTP.
- 2.2. This Order amends Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 to update Attachment E (Monitoring and Reporting Program) to 1) require USIBWC to submit a Treatment Optimization Report to the San Diego Water Board to document actions USIBWC has or will take to optimize treatment processes and reduce pollutants in the SBIWTP blended effluent and 2) extend the deadlines for the Tijuana River Valley Monitoring Report and State of the Tijuana River Valley Report to coincide with the expiration date of Order No. R9-2021-0001.
- 2.3. This Order amends Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 to update Attachment F (Fact Sheet) to reflect USIBWC's 10 MGD expansion, current facility contact information, and changes to the description of Tijuana's sewage collection system.
- 2.4. This Order amends Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 to provide for minor updates to Attachment A (Abbreviations and Definitions) and Attachment C (Flow Schematics).

3. Legal Authorities

- 3.1. Section 13263, subdivision (e), of the California Water Code provides that the San Diego Water Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements. Section 122.62, subdivision (a), of title 40 of the Code of Federal Regulations authorizes the reopening and modification of an NPDES permit based upon new information.
- 3.2. Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all the previous findings and directives of Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 shall remain in full force and effect.

4. California Environmental Quality Act (CEQA)

- 4.1. This action is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources

Code, division 13, chapter 3, section 21000 et seq.) in accordance with section 13389 of the Water Code.

5. Public Participation

- 5.1. The San Diego Water Board has notified all known interested parties of its intent to adopt this Order and has provided them with an opportunity to submit their written comments on the revised portions of Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, as show in ~~redline-underline and red-strikeout~~ in Attachment 1 to Order No. R9-2026-0005.
- 5.2. The San Diego Water Board in a public meeting on April 8, 2026, heard and considered all comments pertaining to adoption of this Order.
- 5.3. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 *et seq.* The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order. Copies of the law and regulations applicable to filing petitions may be found at: https://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED:

1. This Order amends Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, NPDES No. CA0108928, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 is displayed in ~~red-underline~~ text and deleted text is displayed as ~~red-strikeout~~ text. Modifications to Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 were made to the following sections:

<u>Section No.</u>
Cover Page
Signature Page
Section 4.1.1.1
Section 4.1.2
Section 6.3.2.1.2.9
Section 6.3.5.2
Section 6.3.5.3.1
Attachment A, Part 2. – Definitions
Attachment C – Flow Schematics
Attachment E, Section 4.2.5.3.1.1
Attachment E, Section 4.2.5.3.2
Attachment E, Section 6.4
Attachment F, Section 1
Attachment F, Section 1.2

<u>Section No.</u>
Attachment F, Section 2
Attachment F, Section 2.1
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Attachment F, Section 2.5
Attachment F, Section 3.5.1
Attachment F, Section 4.2.2.1
Attachment F, Section 4.2.2.2
Attachment F, Section 4.2.2.3
Attachment F, Section 4.3.3
Attachment F, Section 4.3.4.6
Attachment F, Section 4.3.4.7
Attachment F, Section 4.4.1
Attachment F, Section 4.4.2
Attachment F, Section 8.7

2. The amended version of Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, included as Attachment 1 to this Order, shall become effective on April 8, 2026.
3. San Diego Water Board staff is directed to post a conformed copy of Order No. R9-2021-0001 as amended by Order No. R9-2023-0009 incorporating the revisions made by this Order to the San Diego Water Board's website. .

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on April 8, 2026.

TENTATIVE

David W. Gibson
Executive Officer