

California Regional Water Quality Control Board  
San Diego Region

David Gibson, Executive Officer



Executive Officer's Report  
May 10, 2023

Table of Contents

Part A – San Diego Region Staff Activities.....	2
1. Border Water Quality Update .....	2
Part B – Significant Regional Water Quality Issues.....	2
1. Cannabis Cultivation Program Update .....	2
2. Underground Storage Tank Program Update .....	7
3. Notice of Written Comment Period for Enforcement Orders Related to 2020 Sanitary Sewer Overflow into the Sweetwater River and San Diego Bay.....	10
4. Enforcement Actions for January, February, and March 2023 ( <i>Attachment B-4</i> ) 10	
5. Sanitary Sewer Overflows in the San Diego Region – February 2023 ( <i>Attachment B-5</i> ).....	11
6. Transboundary Flows from Mexico into the San Diego Region – February 2023 ( <i>Attachment B-6</i> ).....	12
Part C – Statewide Issues of Importance to the San Diego Region .....	14
1. State Water Board Issues Final Draft Supplemental Vapor Intrusion Guide ....	14

**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. Border Water Quality Update**

*Staff Contact: David Gibson*

In March and April, staff and I met with U.S. EPA and U.S. International Boundary and Water Commission (IBWC) regarding pending development and permitting plans for the United States-Mexico-Canada Agreement (USMCA) funded [border water quality protection measures](#). A significant concern is the unexpected costs for rehabilitation and repair of the IBWC International Wastewater Treatment Plant (ITP) primary treatment system equipment. These costs are estimated to exceed \$75 million and will likely be drawn from the \$300 million authorized and allocated to U.S. EPA in the USMCA.

On April 10, 2023, I conducted a tour of the Tijuana River Valley and discussed border pollution with CalEPA Moisés Moreno-Rivera, Assistant Secretary for Equity and Environmental Justice and several staff from the offices of California Senate President pro Tempore Toni Atkins, State Senator Steve Padilla, and Congressional Representative Juan Vargas.

On April 26, 2023, I conducted a tour with the assistance of Environmental Scientist James Chhorr of our staff and in partnership with California State Parks for participants in the Center for Watershed Protection National Conference (April 24-27, 2023). The U.S. Customs and Border Protection and County of San Diego assisted with the tour and provided access to Border Field State Park. I was also invited to speak in a Plenary Session and Storm Water Panel in which I addressed border water quality, storm water and biological objectives.

On May 1, 2023, Water Board Environmental Scientists Hiram Sarabia, James Chhorr and I met with the IBWC Minute 320 Secretariats Jessica Hernandez (Mexico) and Pete Silva (U.S.) and staff of the U.S. section of IBWC for an update and discussion of a proposed Binational Water Quality Monitoring Project. We discussed the study questions, including baseline conditions and future USMCA post project evaluation, constituents, sampling locations, and frequency. We recommended that IBWC coordinate with SCCWRP in the Bight '23 project and future Bight Monitoring projects.

Finally, on May 4, 2023, I attended the Eligible Public Entities Coordination Group (EPECG) convened by U.S EPA Regional Administrator Martha Guzman and U.S. IBWC. The EPECG received updates on the pre-design work at the ITP, NEPA process, Endangered Species Act consultations, and project schedule.

## **Part B – Significant Regional Water Quality Issues**

### **1. Cannabis Cultivation Program Update**

*Staff Contact: Brian Covellone*

The South Coast Cannabis Program Unit (Cannabis Unit) is based in Riverside at the Santa Ana Water Board offices and serves the San Diego, Santa Ana, and Los Angeles Regional Water Boards. The mission of the Cannabis Unit is to implement the State Water Boards' Cannabis Cultivation Program (Cannabis Program) by enrolling and regulating permitted and

licensed commercial cannabis cultivation operations, and by pursuing enforcement actions for noncompliant and/or unpermitted cannabis cultivations. This report provides an update on implementation of the Cannabis Program and summarizes the activities of the Cannabis Unit in the San Diego region since the September 14, 2022 Executive Officer Summary Report.<sup>1</sup>

### Background

The State Water Board adopted Order WQ-2017-0023-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order), and the *Cannabis Policy – Principles and Guidelines for Cannabis Cultivation*<sup>2</sup> (Cannabis Policy) in 2017 and amended the Cannabis General Order and Cannabis Policy in 2019 by Order WQ 2019-0001-DWQ.<sup>3</sup> The Cannabis General Order and Cannabis Policy establish requirements for the diversion and use of water, land disturbances, and discharges of waste related to cannabis cultivation. The requirements intend to minimize deleterious effects of cannabis cultivation activities on fisheries, wildlife, and water quality; maintain healthy riparian corridors; and protect springs, wetlands, and aquatic habitat.

### Statewide Program Changes

The State Water Board made no major changes to the statewide Cannabis Program in calendar year 2022.

### Cannabis Unit Changes

Brian Covellone accepted the Senior Engineering Geologist position to lead the Cannabis Unit in October 2022. Brian worked as an Engineering Geologist in the Cannabis Unit since January 2019. Maher Zaher accepted the Water Resources Control Engineer position in the Cannabis Unit in October 2022. Maher previously worked as a Water Resource Control Engineer in the Cannabis Unit between January 2019 and July 2020. Victor Gonzalez accepted the Engineering Geologist position in the Cannabis Unit in March 2023.

### Enrollment

The Cannabis Unit received 909 applications from potential commercial cannabis cultivators for coverage in the Cannabis General Order since the establishment of the Cannabis Program. The Cannabis Unit issued Notices of Applicability (NOA)<sup>4</sup> to 810 commercial cannabis cultivators, of which 755 are actively enrolled in the Cannabis General Order and 55 must submit their first annual fee to the State Water Board to complete the enrollment process in the Cannabis General Order. The remaining 99 non-active applications were either withdrawn or the Cannabis Unit terminated the cultivators enrollment in the Cannabis General Order. Table

---

<sup>1</sup>[https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/2022/sep/item8/item8\\_eosr.pdf](https://www.waterboards.ca.gov/sandiego/board_info/agendas/2022/sep/item8/item8_eosr.pdf)

<sup>2</sup>[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy/final\\_cannabis\\_policy\\_with\\_attach\\_a.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

<sup>3</sup>[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)

<sup>4</sup> A NOA with either General Waste Discharge Requirements (WDRs) or a Waiver of WDRs serves as proof of enrollment and coverage under the Cannabis General Order.

1 summarizes commercial cannabis cultivators enrolled in the Cannabis General Order for the San Diego, Santa Ana, and Los Angeles Regions.

- **San Diego Region:** The Cannabis Unit received six new applications and issued four new NOAs to commercial cannabis cultivators in the San Diego Region, since January 2022. In total, the Cannabis Unit issued 35 NOAs to commercial cannabis cultivators in the San Diego Region, of which 34 are actively enrolled in the Cannabis General Order. The applicants in the San Diego Region are primarily located in the cities of San Diego, La Mesa, Oceanside, and Santa Ysabel.

All enrollees in the San Diego Region are indoor cultivations and were issued a Waiver of WDRs, pursuant to the Cannabis General Order. A single Tier 2 outdoor cultivation<sup>5</sup> in Temecula was enrolled in the Cannabis Program, but enrollment was terminated in March 2023 because Riverside County denied the commercial cannabis cultivation permit. Currently, San Diego County does not permit commercial cannabis cultivation in the unincorporated areas. However, in January 2021, the San Diego County Board of Supervisors began the process to amend the County Zoning Ordinance to allow for commercial cannabis cultivation, among other cannabis related uses, and develop a new Socially Equitable Cannabis Permitting Program.<sup>6</sup> The County's current schedule targets licensing and permitting between Spring 2022 and Summer 2024.

- **Santa Ana Region:** The Cannabis Unit received 36 new applications, issued 36 new NOAs, and reissued 5 NOAs to commercial cannabis cultivators in the Santa Ana Region, since January 2022. In total, the Cannabis Unit issued 112 NOAs to commercial cannabis cultivators in the Santa Ana Region, of which 107 are actively enrolled in the Cannabis General Order. The applicants in the Santa Ana Region are primarily located in the cities of Jurupa Valley, Lake Elsinore, Moreno Valley, Perris, San Jacinto, and Santa Ana.

The Cannabis Unit issued a Waiver of WDRs to 85 of the 107 commercial cannabis cultivations in the Santa Ana Region, because they qualify as indoor cultivations. Indoor cultivations are primarily located in Santa Ana, Perris, Lake Elsinore, Jurupa Valley, Moreno Valley, San Bernardino, and San Jacinto.

The Cannabis Unit issued NOAs to the remaining 22 commercial cannabis cultivations, because they qualify as Tier 1<sup>7</sup> and Tier 2 outdoor cultivations. The Tier 1 and Tier 2 outdoor cultivations are located in San Jacinto.

- **Los Angeles Region:** The Los Angeles Region hosts the largest number of commercial cannabis cultivators amongst the three South Coast Regional Boards, which is attributed to the large number of indoor cultivation permits issued by the cities of Los Angeles and Long Beach. The Cannabis Unit received 90 new applications, issued 69 new NOAs, and reissued 20 NOAs to commercial cannabis cultivators in the Los Angeles Region, since January 2022. In total, the Cannabis Unit issued 635 NOAs to commercial cannabis cultivators in the Los Angeles Region, of which 614 are actively enrolled in the Cannabis General Order.

---

<sup>5</sup> Tier 2 – greater than 1-acre of disturbed area.

<sup>6</sup> <https://www.sandiegocounty.gov/content/sdc/pds/Cannabis.html>

<sup>7</sup> Tier 1 - less than 1-acre of disturbed area

The Cannabis Unit issued a Waiver of WDRs to 603 of the 614 commercial cannabis cultivations in the Los Angeles Region, because they qualify as indoor cultivations. Indoor cultivations are located in Los Angeles County.

The Cannabis Unit issued NOAs to the remaining 11 commercial cannabis cultivations in the Los Angeles Region, because they qualify as Tier 1 or Tier 2 outdoor cultivations. The Tier 1 and Tier 2 outdoor cultivations are located in Ventura County.

**Table 1: Cannabis General Order Enrollment Summary**

<b>Region</b>	<b>Active Applications<sup>1,3</sup></b>	<b>Active Enrollment<sup>2</sup></b>	<b>Non-Active Applications<sup>3</sup></b>
San Diego	39	34 (+4)	8
Santa Ana	116	107 (+41)	15
Los Angeles	655	614 (+89)	76
<b>Totals</b>	<b>810</b>	<b>755 (+134)</b>	<b>99</b>
*As of April 10, 2023			
<sup>1</sup> Active applications include both actively enrolled issued NOAs and applications pending payment or Cannabis Unit review.			
<sup>2</sup> Shown in parentheses are NOAs issued or reissued between Jan. 1, 2022, and Apr. 10, 2023.			
<sup>3</sup> Total applications received by the Cannabis Unit is the sum of Active and Non-Active Applications.			

Since the start of calendar year 2022, the Cannabis Unit enrolled the most commercial cannabis cultivations within the state. In fiscal year 2022-2023, the Cannabis Unit enrollments account for approximately 28% of new statewide enrollments in the Cannabis General Order.

The Cannabis Unit expects enrollments to continue to increase steadily as authorities with existing ordinances continue to issue permits and as others draft their own cultivation ordinances and regulations, specifically San Diego County which plans to begin licensing and permitting by Summer 2024.

### Outreach

Cannabis Unit staff regularly participate in public outreach events, give presentations at industry group meetings and conferences, local government meetings, and regulatory conferences, in cooperation with other licensing and permitting agencies such as the Department of Cannabis Control<sup>8</sup> and the California Department of Fish and Wildlife. In June 2023, Cannabis Unit staff will attend the eighth Native American Cannabis and Hemp Conference held at the Pechanga Resort Casino in Temecula.

<sup>8</sup> The Department of Cannabis Control formed on July 1, 2021, by consolidating the Bureau of Cannabis Control within the Department of Consumer Affairs, the CalCannabis Cultivation Licensing Division of the Department of Food and Agriculture, and the Manufactured Cannabis Safety Branch of the Department of Public Health.

### Compliance

As part of the recommendations in the December 2020 Executive Oversight Committee's report to reduce the Cannabis Program's scope, the Cannabis Unit de-prioritized compliance assessment inspections and enforcement of permitted cultivations enrolled in the Cannabis General Order. The Cannabis Unit conducted three compliance inspections in the Santa Ana Region in January 2023. The Cannabis Unit conducted the inspections in response to complaints received from the County of Riverside Department of Environmental Health. In addition, the Cannabis Unit plans to conduct a limited number of compliance assessment inspections in 2023, in response to the increased number of outdoor Tier 1 and Tier 2 cultivations issued NOAs in 2021 and 2022. The Cannabis Unit will not conduct compliance assessment inspections for indoor cultivations issued a Waiver of WDRs, until the Executive Oversight Committee reassesses performance metrics and determines if such changes are necessary.

### Enforcement

Unauthorized discharge of waste and/or the diversion of surface water without an appropriate water right or small irrigation use permit documented by the Cannabis Unit, are in violation of the Water Code and may be cause for civil administrative enforcement. The Cannabis Unit is responsible for investigating unauthorized discharges of waste, including pesticides, nutrients, and sediment, as well as surface water diversions associated with cannabis cultivation.

The Cannabis Unit inspected 21 unpermitted cannabis cultivation sites in calendar year 2022 and documented Water Code violations at 18 of the 21 inspected sites in the San Diego Region. The Cannabis Unit also inspected 14 unpermitted cannabis cultivation sites during the first quarter of calendar year 2023 and documented Water Code violations at 11 of the 14 inspected sites in the San Diego Region. The Cannabis Unit conducted all inspections jointly with the California Department of Fish and Wildlife, the California Department of Cannabis Control, and local law enforcement agencies, as part of criminal search warrants.

The Cannabis Unit issued a Notice of Violation and Site Inspection Report to the landowners at all unpermitted cannabis cultivation sites. Enforcement actions are in process for the sites that represent the greatest threat to water quality, public health, or water supply, and/or are within priority watersheds defined by the Cannabis Unit. Enforcement actions in process within the San Diego and Santa Ana regions include voluntary site assessment and/or cleanup upon receipt of a Notice of Violation, and Cleanup and Abatement Orders.

The Executive Officer for the San Diego Water Board issued Cleanup and Abatement and Water Code Section 13267 Investigative Order No. R9-2022-0013 (CAO No. R9-2022-0013) to Rodney and Jane Pimentel on September 19, 2022. CAO No. R9-2022-0013 requires the cleanup of cultivation related wastes and petroleum products, which threatens Buena Creek, and the restoration of the property in Vista within the Agua Hedionda Creek Watershed. Enforcement of Order No. R9-2022-0013 is ongoing by the Cannabis Unit.

Cannabis Unit staff continue to inspect unpermitted cannabis cultivations, within the parameters of the Executive Oversight Committee's recommendations, at a rate of two to four each month in the South Coast Region.

Under California law (Health and Safety Code [HSC] section 11358), unlicensed cannabis cultivation is a misdemeanor criminal offense. Various environmental violations under the Water Code and Fish and Wildlife Code are felony enhancements under HSC 11358, including

Water Code section 13260 and section 13264 violations for discharge of waste without applying for the appropriate WDRs under the Cannabis Policy and Cannabis General Order. The Cannabis Unit has assisted prosecution teams in San Diego and Riverside Counties with the prosecution of multiple felony cases involving defendants for cannabis cultivation related crimes involving Water Code section 13260 violations where waste was discharged to the environment. According to the San Diego Deputy District Attorney, none of these cases would have been viable as felonies if not for the Water Code violations brought about by the investigations by the Cannabis Unit. Many pending criminal cases remain that include defendants accused of illegal cannabis cultivation and environmental violations under CA Water Code, primarily in San Diego and Riverside counties.

Cannabis Unit staff continue to actively participate in several ongoing joint-agency cooperative efforts to address unlicensed cannabis cultivation. These efforts include biweekly coordination meetings with the California Department of Fish and Wildlife, the San Diego County Environmental Protection Task Force, the San Diego Integrated Narcotics Task Force, the Riverside County Environmental Strike Force, and the Riverside County Cannabis Regulatory Task Force.

Cannabis Unit staff presented on enforcement of California Water Code at a Prosecutions and Environmental Crimes training organized by the CalEPA at the Riverside County District Attorney's Office on February 28, 2023. A similar presentation was given by Cannabis Unit staff at the San Diego County Environmental Protection Task Force on March 28, 2023. Cannabis Unit staff were also invited to present two talks at the California Hazardous Materials Investigators annual conference in April 2023.

Cannabis Unit staff will continue to provide periodic updates to the San Diego Water Board as additional information becomes available.

## **2. Underground Storage Tank Program Update**

*Staff Contacts: Lalitha Thotakura and Mike Porter*

An underground storage tank (UST) is defined by law as "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground." The purpose of the state-wide UST Program is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from UST sites. The San Diego Water Board UST Cleanup Program (UST Program) oversees the investigation and cleanup of leaking UST site cases that have the potential to negatively impact soil, soil gas, groundwater, surface water, and human health and safety.

The San Diego Water Board UST Program is currently providing regulatory oversight to 79 UST cases in the San Diego Region. These cases consist of UST sites that are under investigation; conducting site assessments, active remediation, or verification monitoring; or are in the final closure process. Some of these cases may also need of financial assistance or require an enforcement order issued by the San Diego Water Board. The County of San Diego is in the process of transferring and additional 30 UST cases to the UST Program over the next four to five weeks. UST Program staff also anticipate an additional increase in newly discovered UST cases over the next two years as single-walled USTs are removed to comply with California Health and Safety Code regulations. These regulations require all single-walled

USTs in California be removed by December 31, 2025. UST Program staff identified within the San Diego Region, 50 single-walled USTs, which are subject the mandated closure, and estimate half of these USTs have leaked.

Since 2012, the UST Program has implemented the Low-Threat UST Case Closure Policy (Policy) to evaluate sites for closure. The Policy applies to petroleum UST sites subject to Chapter 6.7 of the Health and Safety Code and sets up general and media-specific criteria for site closure. If the general and applicable media-specific criteria are satisfied, the leaking UST case is considered to present a low threat to human health, safety, and the environment. The Policy is necessary to establish consistent, statewide case closure criteria for low-threat petroleum UST sites in California.

The Policy recognizes, however, that even if all the specified criteria in the Policy are satisfied, there may be site-specific conditions that increase the risk associated with the residual petroleum constituents. In these situations, Water Board staff must identify the conditions that make case closure under the Policy inappropriate and further evaluate the UST site to determine an appropriate path to closure.

#### Response to December 2022 Board Member Questions

Staff provided an opportunity for the Board and members of the public to learn about the ongoing efforts of the UST Program to move UST site cases towards closure through the Policy, during the December 14, 2022, Board Meeting. The Board posed the following bulleted questions to staff based on the information presented during the meeting. Staff investigated the Board's questions and responses are below.

- *How many USTs and UST sites are there in the State?*

The State Water Resources Control Board's UST Program determined there are currently 37,689 USTs in California, which are distributed among 13,623 UST sites.

- *How many USTs and UST sites are there in the San Diego Region?*

There are currently 3,287 USTs within the San Diego Region, which are distributed among 1,129 UST sites.

- *How many USTs will turn into leaking UST cases?*

The State Water Board UST Program estimates 23 percent of the older, single-walled USTs and 8 percent of the newer, double-walled USTs, within California will leak.

- *How do we verify water quality conditions at a site prior to a release and subsequent site investigation?*

The evaluation of groundwater conditions prior to a release is not typically part of the Regional Board UST Cleanup Program responsibilities. Regional Boards are usually notified of a leaking UST by local agencies when the tanks, piping, or other systems are inspected, tested, repaired, or removed and a leak is identified.

- *What are the "checks and balances" implemented at UST sites to help prevent releases?*

At the State Board level, the UST Program includes the Leak Prevention Program, UST Cleanup Program, and UST Enforcement Program. The UST Leak Prevention Program develops regulations and guidelines to assist UST stakeholders with UST construction,



testing and monitoring. The Leak Prevention Program also collaborates with the Office of Enforcement and the United States Environmental Protection Agency (USEPA) on the Abandoned Tank Initiative. Together these agencies work to have abandoned tanks emptied and/or removed from former UST sites.

The California Unified Program Agencies (CUPAs), established in 1993 through the passing of Senate Bill 1082, enables the consolidation and coordination of counties, cities, and State environmental agencies certified by California Environmental Protection Agency (Cal/EPA) to implement and enforce six state hazardous waste and hazardous materials regulatory management programs. The CUPA requires monitoring of USTs for the early detection of a release. Annually, the result of these efforts significantly decreased the number of UST releases statewide. For example, new leaking UST cases established statewide dropped from 175 in 2012 to 38 in 2022. Typically, new releases are from older UST systems, such as single-walled USTs, rather than newer double-walled USTs.

- *How does the State manage abandoned UST sites?*

For UST cases requiring cleanup, it is rare that the sites (i.e., properties) are abandoned because the current property owner can be named as a responsible party and held financially liable to pay for the cleanup of the release.

- *Who pays for the cleanup of abandoned UST sites?*

For the UST cases where a site/property owner is unable or unwilling to cover the cost of cleanup, the Emergency Abandoned, or Recalcitrant (EAR) fund allows Regional Board staff to direct the work of a state-hired contractor and consultant to clean up the release. In these situations, a lien is then placed on the property to allow the State to recover the expended costs.

- *How much money is spent on abandoned UST sites?*

Responsible Parties may apply to the UST Cleanup Fund for financial assistance of cleanup efforts. Approximately 72 percent of open UST cases are currently receiving financial assistance through the Cleanup Fund. UST sites that qualify for closure under the Low Threat Underground Storage Tank Cleanup Policy on average spend approximately \$350,000, according to State Water Board's accounting records.

- *Who pays for cleanup at sites where a Discharger cannot afford cleanup costs?*

USEPA grant funds may also be used to conduct work at UST sites with no other viable funding options. The State Water Board spent over \$8 million from the EAR account on UST sites where the responsible party was unwilling or unable to complete the necessary work. Additionally, the State Water Board's Orphan Site Cleanup Fund (OSCF) is a grant program, which provides financial assistance to eligible applicants for the cleanup of UST sites where there is no responsible party financially liable to pay for cleanup and the applicant is not an eligible claimant to the UST Cleanup Fund.

### **3. Notice of Written Comment Period for Enforcement Orders Related to 2020 Sanitary Sewer Overflow into the Sweetwater River and San Diego Bay**

*Staff Contact: Chiara Clemente*

On March 23, 2023, the Board's prosecution team initiated a public comment period for the following two significant Tentative Orders associated with an 11.23-million-gallon sanitary sewer overflow (SSO) that occurred on April 20-21, 2020 and discharged into the Sweetwater River near its terminus at San Diego Bay:

- 1) Tentative Order R9-2023-0016, a stipulated Cease and Desist Order with a time schedule requiring repairs and improvements to portions of the City of San Diego's (City's) sanitary sewer system; and
- 2) Tentative Order R9-2023-0017, a stipulated Administrative Civil Liability Order in the amount of \$4,609,724, calculated in accordance with the State Water Board's Water Quality Enforcement Policy and its penalty calculation methodology, which is described in Attachment A to the Tentative Order. A portion of that liability would be suspended upon successful completion of two supplemental environmental projects (SEPs) described in Attachments B and C of the Tentative Order.

The San Diego Water Board is accepting written comments on the two Tentative Orders and is scheduled to consider adoption of the Tentative Orders at its regularly scheduled Board Meeting on June 14, 2023. Written comments are due by 5:00 pm on April 24, 2023.

Copies of the Tentative Orders and instructions on how to submit comments can be found on the Board's [Tentative Orders page](#).<sup>9</sup>

### **4. Enforcement Actions for January, February, and March 2023 (Attachment B-4)**

*Staff Contact: Chiara Clemente*

During the months of January, February, and March 2023, the San Diego Water Board issued 3 Investigative Orders, 12 Notices of Violation, and 2 Staff Enforcement Letters. A summary of each written enforcement action taken is provided in the attached table. The State Water Board's [Enforcement Policy](#) contains a brief description of the types of enforcement actions the Water Boards can take.

Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage:  
[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/).

---

<sup>9</sup> [https://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/)

California Integrated Water Quality System (CIWQS):

[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml).

State Water Board GeoTracker database: <https://geotracker.waterboards.ca.gov/>.

## **5. Sanitary Sewer Overflows in the San Diego Region – February 2023 (Attachment B-5)**

*Staff Contact: Fisayo Osibodu*

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 into 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>10</sup> the [San Diego Regional General SSO Order](#),<sup>11</sup> and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities<sup>12</sup> report this information voluntarily. Most

---

<sup>10</sup> State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* as amended by Order No. WQ 2013-0058-EXEC, *Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*.

<sup>11</sup> San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

<sup>12</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*

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 2023 are provided in the following attached tables:

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

A summary view of information on sewage spill trends 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 figures show the number and total volume of sewage spills per month from February 2022 through February 2023. During this period, 37 of the 64 collection systems in the San Diego Region reported one or more sewage spills. Twenty-seven collection systems did not report any sewage spills. A total of 220 sewage spills were reported with about 10,194,686 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](#).

## **6. Transboundary Flows from Mexico into the San Diego Region – February 2023 (Attachment B-6)**

*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>13</sup> are reported by the USIBWC pursuant to [Order No. R9-2021-0001](#), the

---

*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.

<sup>13</sup> Tijuana River transboundary flows typically consist of a mixture of groundwater, urban runoff, storm water, treated sewage wastewater, and untreated sewage wastewater from infrastructure deficiencies and other sources in Mexico.

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 Limites y Aguas (CILA)<sup>14</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.
- 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 February 2023, there was a total of 1 reported transboundary flow resulting in more than 5 million gallons of contaminated water flowing from Mexico into the United States.

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

- Table 1: February 2023- Summary of Transboundary Flows from Mexico by Event
- Table 2: February 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

---

<sup>14</sup> The Mexican section of the IBWC.

These figures show the number and volume of transboundary flows per month from February 2022 through February 2023. During this period, there were a total of 15 reported transboundary flows resulting in more than 32.7 billion gallons of contaminated water flowing from Mexico into the United States.

On July 30, 2022, CESPT of Tijuana in Mexico lost pumping capacity at the main pumping station PB1 due to damaged wastewater pipelines PB1A and PB1B. Pipeline PB1B has since been repaired, but pipeline PB1A remains offline. In the meantime, PB1 pumping capacity remains reduced and excess flow is being diverted to the SBIWTP. This excess flow includes sand, trash, and debris. The added sediment flowing into the SBIWTP has significantly reduced the solids removal in the primary sedimentation tanks (PSTs) and is biologically overloading the secondary treatment system, resulting in solids washout within the effluent. Excess flows are expected to continue until pipeline PB1A is completed in 2024.

Additional information about sewage pollution within the Tijuana River Watershed is available on the [San Diego Water Board's Tijuana River Watershed Website](#).

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

### **1. State Water Board Issues Final Draft Supplemental Vapor Intrusion Guide**

*Staff Contact: Sasha Smirensky*

The movement of harmful vapor from contaminated soil and groundwater to indoor air is called vapor intrusion (VI). The accumulation of harmful vapors inside buildings through VI may pose a risk to human health which must be evaluated at affected cleanup sites. The scientific understanding of VI has been rapidly advancing and, therefore, guidance is frequently updated to consider the latest science.

The Department of Toxic Substances Control (DTSC) and the California State Water Resources Control Board (State Water Board) released a draft guidance document in February 2020 titled, “*Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion*”<sup>15</sup> (Draft Guidance). Due to the evolving understanding of VI, DTSC and the State Water Board revised the supplemental guidance and released the revised document in February 2023 titled “*Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion*”<sup>16</sup> (Final Draft Guidance). The Final Draft Guidance includes new considerations and incorporates responses to comments<sup>17</sup> that were provided on the Draft Guidance. The Final Draft Guidance incorporates information from recent technical and regulatory publications and provides recommendations on the following topics:

---

<sup>15</sup> [https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/02/Public-Draft-Supplemental-VI-Guidance\\_2020-02-14.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/02/Public-Draft-Supplemental-VI-Guidance_2020-02-14.pdf)

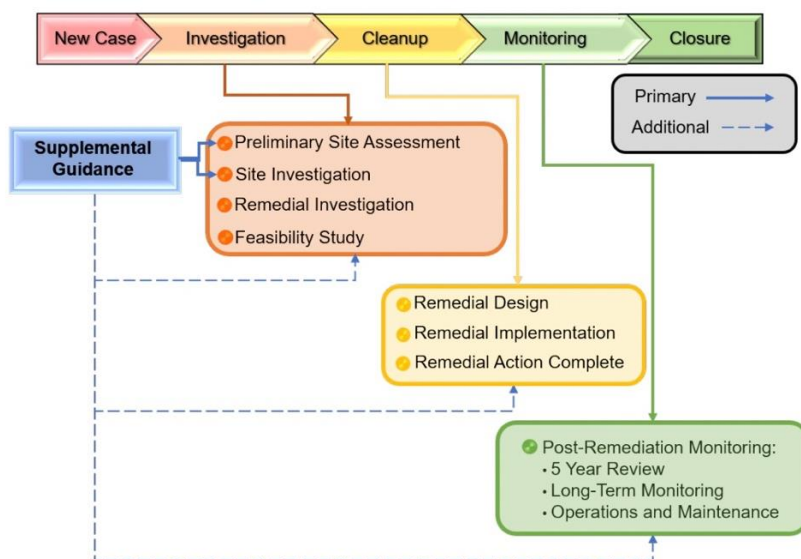
<sup>16</sup>

[https://www.waterboards.ca.gov/water\\_issues/programs/site\\_cleanup\\_program/vapor\\_intrusion/docs/2023/Final-Draft-Supplemental-VI-Guidance-Feb2023.pdf](https://www.waterboards.ca.gov/water_issues/programs/site_cleanup_program/vapor_intrusion/docs/2023/Final-Draft-Supplemental-VI-Guidance-Feb2023.pdf)

<sup>17</sup> [https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI\\_RTC.pdf?emrc=9f3fe3](https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_RTC.pdf?emrc=9f3fe3)

- Establishing a four-step evaluation process to assess VI
- Using U.S. Environmental Protection Agency (USEPA) 2015 attenuation factors (AFs)
- Considering sewers as a potential VI migration route and pathway of exposure
- Building a California-specific VI database

The Final Draft Guidance is guidance and not regulation, a water quality control plan, or a policy, and therefore the document will remain as a "Final Draft." The Final Draft Guidance is intended to add to, not replace, existing state guidance. The Final Draft Guidance may be revised in the future as additional peer-reviewed publications become available.



*Figure 1: Typical Cleanup Case Progression and Applicability of the Supplemental Guidance*

The Final Draft Guidance should be used in the initial steps of a site investigation and screening to assess whether harmful vapor-forming chemicals (VFCs) are present. The Final Draft Guidance may also be used in existing site investigations when new information is collected, site land use has changed, or data gaps must be addressed. Figure 1 illustrates how cleanup cases typically proceed and how the Final Draft Guidance can be integrated into this process.

The Draft Guidance introduced a standardized four-step framework for assessing vapor intrusion, which promotes uniformity in the evaluation process. Previously, site cleanup practitioners and state regulators used a range of approaches to assess VI, sample for VFCs, and evaluate potential risks to human health. The general concepts of the four-step framework were not changed between the Draft Guidance and Final Draft Guidance. The four-step framework included in the Final Draft Guidance is summarized as follows:

1. Decide which buildings should be prioritized and which sampling methods should be used.
2. Evaluate VI risk through collection of outdoor soil gas data.
3. Sample indoor air, sub-slab soil gas, soil gas, and outdoor air concurrently.

4. Complete a current and future risk evaluation and act to protect human health.

Additionally, the Final Draft Guidance includes recommendations on several other topics:

- The guidance recommends multiple lines of evidence (LOEs) be used to reduce the considerable uncertainty associated with individual LOEs due to the spatial and temporal variability of VFCs in groundwater, soil gas, and indoor air.
- The guidance recommends use of the USEPA 2015 AF of 0.03<sup>18</sup> to screen sites using sub-slab and deeper soil gas data to take a more conservative approach for human health risk assessments.
- The guidance recommends how to manage response actions for a determined risk based on the results of the LOEs that have been assessed.

The revisions that occurred between the Draft Guidance and the Final Draft Guidance did not change the fundamental elements of the four-step framework. The revisions that were made between the two documents instead were intended to provide clarification on how the four steps should be considered and implemented. Such revisions include:

- Clarification of the use of the Final Draft Guidance. This revision intends to elaborate on which situations are appropriate for Final Draft Guidance use, and that the guidance is only updating and supplementing existing VI guidance, not replacing it.
- Clarification of soil gas sampling depths. This revision intends to elaborate on which sample depths should be used in specific scenarios (e.g., sample depth at current buildings versus future redevelopment sites).
- Clarification that the heating, ventilation, and air conditioning systems (HVAC) “on and off” sampling approach should be performed only if it is safe and feasible to do so, and that there are other approaches and methods to achieve other lines of evidence instead of HVAC-On/Off sampling. This revision intends to protect human health in situations when turning off the HVAC system could result in unsafe contaminant concentrations in indoor vapors.
- Revision of Attachment 2, Petroleum Specific Considerations, to more closely align with the petroleum VI distance-screening and concentration-based screening approaches in the Low-Threat Underground Storage Tank Case Closure Policy.<sup>19</sup> This revision intends to provide consistency across state guidance.
- An expanded discussion regarding passive soil vapor (PSV) sampling and how PSV can be used to evaluate VI as a line of evidence. This revision intends to provide clarification of why PSV is not used as a singular line of evidence but how it may still be considered when evaluating risk.

---

<sup>18</sup> <https://www.epa.gov/sites/default/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf>

<sup>19</sup>

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0016atta.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf)



The San Diego Water Board manages dozens of cleanup cases that are impacted by VFCs and VI. These cases range in size from small dry cleaner suites in strip malls to large former industrial complexes. Common VFCs that are present at cleanup sites include solvents used in dry cleaning, household cleaners, furniture, adhesives, paints, gasoline, and diesel fuel. High concentrations of VFCs can be harmful to human health, which is why it is so important to accurately assess VI risk. The Final Draft Guidance will be used by state regulators to assess VI risk in accordance with the latest science and ensure consistent approaches across cleanup sites. The Final Draft Guidance will also be used by dischargers and consultants to propose the appropriate sampling methods and analysis to complete comprehensive site evaluations. Adherence to the Final Draft Guidance, while optional, will ultimately streamline the risk assessment process, reduce data gaps, and increase the understanding of potential human health risks.

San Diego Water Board staff will continue to provide periodic updates to the Board if revisions are made to the Final Draft Guidance.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

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

May 10, 2023

APPENDED TO EXECUTIVE OFFICER'S REPORT

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

**June 14, 2023**

***San Diego Water Board Meeting Room***

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
Rescission of Order No. 94-119, Waste Discharge Requirements for Vernon and Jane Shears, Twin Lakes Resort, San Diego County (Tentative Order No. R9-2023-0040). <i>(Mahsa Izadmehr)</i>	Waste Discharge Requirement Rescission	4/17/2023
Waste Discharge Requirements for the Rancho Guejito Corporation Rockwood Domestic Water System, San Diego County (Tentative Order No. R9-2023-0005). <i>(Brandon Bushnell)</i>	Waste Discharge Requirements	TBD
Consideration of Adoption of Stipulated Cease and Desist Order No. R9-2023-0016, City of San Diego Sanitary Sewer System (Tentative Order No. R9-2023-0016). <i>(Christina Arias)</i>	Hearing	TBD
Tentative Administrative Civil Liability Order: Consideration of Adoption of Stipulated Administrative Civil Liability Order R9-2023-0017 with Supplemental Environmental Projects, related to City of San Diego April 2020 Sanitary Sewer Overflow (Tentative Order No. R9-2023-0017). <i>(Christina Arias)</i>	Hearing	TBD

**July 2023**

***No Meeting Scheduled***

**August 9, 2023**  
**San Diego Water Board Meeting Room**

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
Rescission of Order No. 95-34, Waste Discharge Requirements for Outdoor Resorts Rancho California, Inc., Outdoor Resorts Rancho California RV Park (Tentative Order No. R9-2023-0028). <i>(Brandon Bushnell)</i>	Waste Discharge Requirement Rescission	TBD
Administrative Civil Liability Order in the matter of Quality Investors 1 2016 LLC and David G. Epstein for alleged violations of water quality requirements as set forth in Administrative Civil Liability (ACL) Complaint No. R9-2023-0013. <i>(Christina Arias)</i>	ACL Hearing	12/18/2022
State Water Board Racial Equity Action Plan. <i>(David Gibson)</i>	Informational Item	NA

**Agenda Items Requested by Board Members****September 9, 2020**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on new scientific information regarding climate change and how we are including climate change considerations in our work.	Abarbanel	Complete March 2023

**October 14, 2020**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Notify Board Members when staff plan to attend community or public environmental meetings for outreach purposes so they can participate should they desire	Warren	Ongoing

**November 18, 2020**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Notification of dates when the San Diego City Council will consider taking an action on the De Anza Cover Amendment to the Mission Bay Park Master Plan and any related CEQA actions	Abaranel	June 2023
Updates on the City of San Diego's planning process for the De Anza/ReWild project when available	Warren	June 2023
Progress report for Lake San Marcos project	Olson	Ongoing

**February 10, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update about the range of chemicals that might cause problems with the symporter of the fetus.	Olson	Winter 2022- 23

**March 10, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Annual update on the progress and accomplishments of the Project Clean Water program, including information related to the impacts of the program on water quality.	Abarbanel, Warren	Ongoing
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	Summer 2023

**April 14, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update from State Board on the lessons learned regarding the use of Zoom remote meeting platform for Board Meetings to inform how the Regional Boards move forward when we return to the office and hold Board meetings in person	Warren	June 2023
Information regarding the Water Board's Training Academy climate change courses	Abarbanel	Ongoing

**August 11, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Drought and sustainability meeting with County Water Authority to find out how we can support their efforts	Abarbanel	January 2023

**December 8, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on the Contact Water Recreation (REC-1) Water Quality Objectives project, with information regarding the use of HF-183 in particular.	Olson	Upcoming

**May 11, 2022**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Lockheed Martin Tow Basin Cleanup Updates	Abarbanel, Olson	Ongoing

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Environmental Justice outreach event	Warren	Winter 2023-24
Agricultural effects resulting from Colorado River water allocation reductions.	Olson	Ongoing
Update on current status and future plans for the City of San Diego Pure Water Project	Abarbanel	Winter 2022-23

**September 14, 2022**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Public Workshop to discuss the concerns of the regulated community and to receive input on the future update to the agricultural orders	Abarbanel	May 2023

**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	Spring 2023
Annual progress reports on implementation of the Strategic Water Quality Assessment Approach for San Diego Bay	Olson, Warren	August 2023

**February 8, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update regarding Colorado River water availability and plans to allocate the water	Cantú	April 2023
Update on how the State Water Resources Control Board provides drought messaging to the public	Warren	2023

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update regarding the use of drones and other surveillance methods and the associated restrictions for inspections	Olson	April 2023
Update on County of Orange's H2OC Stormwater Program and the outreach and tracking efforts currently in use.	Warren	April 2023
Update regarding requirements of Assembly Bill 2108, which adds sections 189.7 and 13149.2 to the California Water Code	Cantú	May 2023

**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	Fall 2023



**Enforcement Actions for January, February, and March 2023****NPDES STORMWATER**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>3/7/2023</b>	Notice of Violation (NOV) No. R9-2023-0072	Caltrans District 8, 1C8504 SR74 Ortega Highway, Orange County	Deficient best management practices (BMPs)	<a href="#">National Pollutant Discharge Elimination System (NPDES) Construction General Permit Order No. 2009-0009-DWQ</a>
<b>2/22/2023</b>	Staff Enforcement Letter	WM Builders, Avia La Jolla Phase 3 & 4, San Diego	Inadequate Storm Water Pollution Prevention Plan (SWPPP) and deficient BMPs	<a href="#">NPDES Construction General Permit Order No. 2009-0009-DWQ</a>

**WASTE DISCHARGE REQUIREMENTS: DREDGE & FILL**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>3/24/23</b>	NOV No. R9-2023-0075	OMC Properties LLC, OMC TPM 21140 Project, Otay Mesa	Failure to construct project as certified; failure to construct mitigation as certified; and failure to submit reports and notifications.	Clean Water Act § 401 Water Quality Certification No. R9-2020-0165
<b>3/8/2023</b>	Staff Enforcement Letter	OC Re-hab 1, LLC, Via Ballena Shorecliffs Golf Course Landslide Repair, San Clemente	Deficient reporting, and delinquent fees	Clean Water Act § 401 Water Quality Certification No. R9-2016-0134

### Enforcement Actions for January, February, and March 2023

#### WASTE DISCHARGE REQUIREMENTS: WASTEWATER

Enforcement Date	Enforcement Action	Entity/ Facility/Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
2/22/2023	Notice of Violation No. R9-2023-0052 and <a href="#">Investigative Order No. R9-2023-0053</a>	City of San Diego, wastewater collection system, San Diego Bay	January 2023 sanitary sewer overflow that resulted in 11.1 million gallons of sewage to San Diego Bay	General Waste Discharge Requirements (WDR) Orders <a href="#">2006-0003-DWQ</a> and <a href="#">R9-2007-0005</a>

#### WASTE DISCHARGE REQUIREMENTS: LANDFILLS

Enforcement Date	Enforcement Action	Entity/ Facility/Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
2/8/2023	<a href="#">Notice of Violation No. R9-2023-0046</a>	County of San Diego, Palomar Airport Sanitary Landfill, 2016 Palomar Airport Rd. Carlsbad	Failure to maintain landfill in accordance with post-closure requirements	<a href="#">WDR Order No. 96-13</a>
2/23/2023	<a href="#">Notice of Violation No. R9-2023-0047</a>	United States Marine Corps Base Camp Pendleton, Las Pulgas Landfill	Failure to comply with slope liner system requirements	<a href="#">WDR Order No. R9-2010-0004</a>
3/13/2023	<a href="#">Notice of Violation No. R9-2023-0055</a>	Marine Corps Air Station Miramar, West Miramar Sanitary Landfill, San Diego	Improper operation leading to unauthorized discharge to land	<a href="#">WDR Order No. 87-54</a>
3/17/2023	<a href="#">Notice of Violation No. R9-2023-0076</a>	United States Marine Corps Base Camp Pendleton, Las Pulgas Landfill	Failure to comply with slope liner system requirements	<a href="#">WDR Order No. R9-2010-0004</a>

**Enforcement Actions for January, February, and March 2023****WASTE DISCHARGE REQUIREMENTS: CANNABIS**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>2/9/2023</b>	Notice of Violation	Abdul Salam Property, Aguanga	Unauthorized discharges related to cannabis cultivation	California Water Code (CWC) sections 13260 and 13264
<b>2/9/2023</b>	Notice of Violation	Heraclio Ramirez Property, Hemet	Unauthorized discharges related to cannabis cultivation	California Water Code (CWC) sections 13260 and 13264
<b>2/16/2023</b>	Notice of Violation	Raul and Teresa Salvidar Property, Hemet	Unauthorized discharges related to cannabis cultivation	California Water Code (CWC) sections 13260 and 13264
<b>2/16/2023</b>	Notice of Violation	Donald Kelley Property, Hemet	Unauthorized discharges related to cannabis cultivation	California Water Code (CWC) sections 13260 and 13264
<b>3/7/2023</b>	Notice of Violation	Lisamarie Gonzales Property, Valley Center	Unauthorized discharges related to cannabis cultivation	California Water Code (CWC) sections 13260 and 13264

**SITE CLEANUP PROGRAM**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>1/4/2023</b>	<a href="#">Investigative Order No. R9-2023-0035</a>	CP Kelco and R.E. Staite Engineering, BAE & SDGE Northern sediment remediation area, San Diego Bay	Investigative order to identify current and historical site uses related to leasehold area	Basin Plan, California Water Code, section 13267
<b>1/4/2023</b>	<a href="#">Investigative Order No. R9-2023-0034</a>	Tenth Avenue Marine Terminal to Pacific Maritime Freight Sediment Investigation, San Diego Bay	Investigative order directing Metropolitan Transit System and Burlington Northern Santa Fe to investigate pollutants in the railyard area	Basin Plan, California Water Code, section 13267

**Table 1: February 2023 – Summary of Public and Federal Sanitary Sewer Overflow Events**

Responsible Collection System Agency	Total Volume (Gallons) <sup>1</sup>	Total Recovered (Gallons) <sup>2</sup>	Total Reaching Surface Waters (Gallons) <sup>3</sup>	Total Reaching Separate Storm Drain and Recovered (Gallons) <sup>4</sup>	Total Discharged to Land (Gallons) <sup>5</sup>	Surface Water Body Affected <sup>6</sup>	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area <sup>7</sup>
City of Escondido	150	50	0	0	150	Not Applicable	8.3	376.2	148,000
City of Laguna Beach	30	30	0	0	30	Not Applicable	9.0	92.0	18,000
City of Poway	15,700	0	15,700	0	0	Drainage Channel Tributary to Poway Creek	3.5	185.0	43,126

<sup>1</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>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 and Recovered = total amount reaching separate storm drain that was recovered.

<sup>5</sup> Total Discharged to Land = total amount reaching land.

<sup>6</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>7</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>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 and Recovered (Gallons)<sup>4</sup></b>	<b>Total Discharged to Land (Gallons)<sup>5</sup></b>	<b>Surface Water Body Affected<sup>6</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>7</sup></b>
City of Poway	38	0	0	0	38	Not Applicable	3.5	185.0	43,126
City of San Diego	7,800	4,140	3,360	0	4,140	Drainage Channel Tributary to Irrigation Pond	112.2	2,944.9	2,380,000
City of San Diego	1,710	660	1050	0	660	San Diego River	112.2	2,944.9	2,380,000
City of San Diego	90	90	0	85	5	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	535	0	0	0	535	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	60	0	0	0	60	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	120	60	120	0	0	Storm Drain Tributary to Kendall-Frost Mission Bay Marsh Reserve	112.2	2,944.9	2,380,000
City of San Diego	93	0	0	0	93	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	150	125	0	0	150	Not Applicable	112.2	2,944.9	2,380,000

<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 and Recovered (Gallons)<sup>4</sup></b>	<b>Total Discharged to Land (Gallons)<sup>5</sup></b>	<b>Surface Water Body Affected<sup>6</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>7</sup></b>
Fallbrook Public Utility District	500	400	100	400	0	Not Reported	4.6	78.6	23,000
Moulton Niguel Water District	470	30	470	0	0	Laguna Niguel Lake	13.4	487.4	170,236
Olivenhain Municipal Water District	450	0	450	0	0	Not Reported	20.0	65.0	14,000
Rainbow Municipal Water District	5,100	0	5,100	0	0	Storm Drain Tributary to San Luis Rey River	3.0	87.0	7,983
University of California San Diego	10	2	0	2	8	Not Applicable	0.5	26.5	58,000
University of California San Diego	30	0	0	0	30	Not Applicable	0.5	26.5	58,000
University of California San Diego	40	20	0	0	40	Not Applicable	0.5	26.5	58,000

**Table 2: February 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 Coronado	50	50	0	50	Not Applicable	20,627	10,000
City of San Diego	865	865	0	865	Not Applicable	2,380,000	267,188
City of San Diego	120	120	0	120	Not Applicable	2,380,000	267,188
Leucadia Wastewater District	25	25	0	25	Not Applicable	62,607	20,716
Moulton Niguel Water District	98	65	33	65	Not Reported	170,236	50,619

<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: February 2023 – Summary of Sewage Discharges by Source**

<b>Spill Type</b>	<b>Month/Year</b>	<b>Number of Spills</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>
Public Spills	February 2023	19	33,076	5,607	26,350	6,426
Federal Spills	February 2023	0	0	0	0	0
Private Spills	February 2023	5	1,158	1,125	33	1,125
<b>All Spills</b>	<b>February 2023</b>	<b>24</b>	<b>34,234</b>	<b>6,732</b>	<b>26,383</b>	<b>7,551</b>

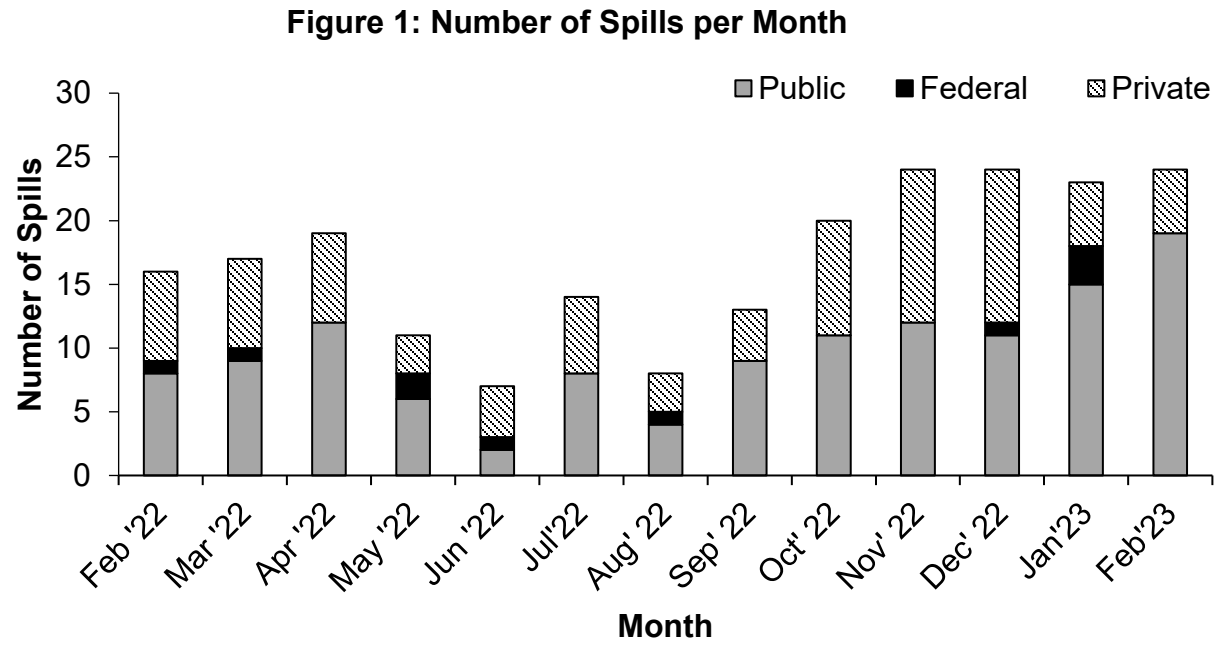
<sup>1</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>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.

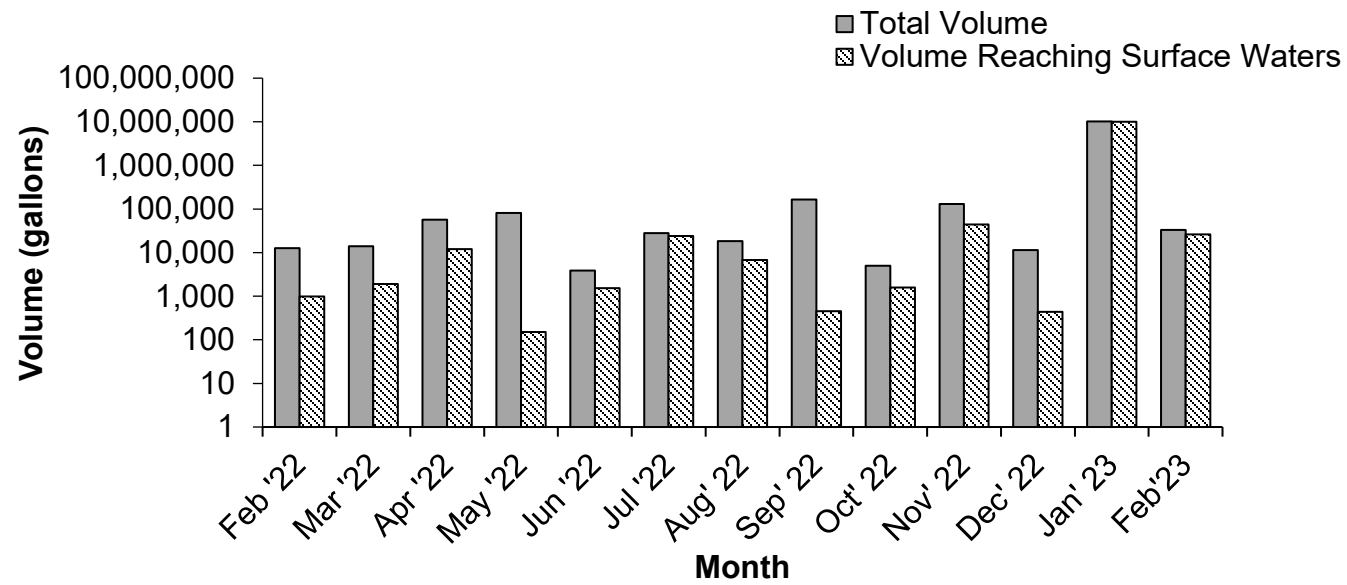
<sup>4</sup> Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.



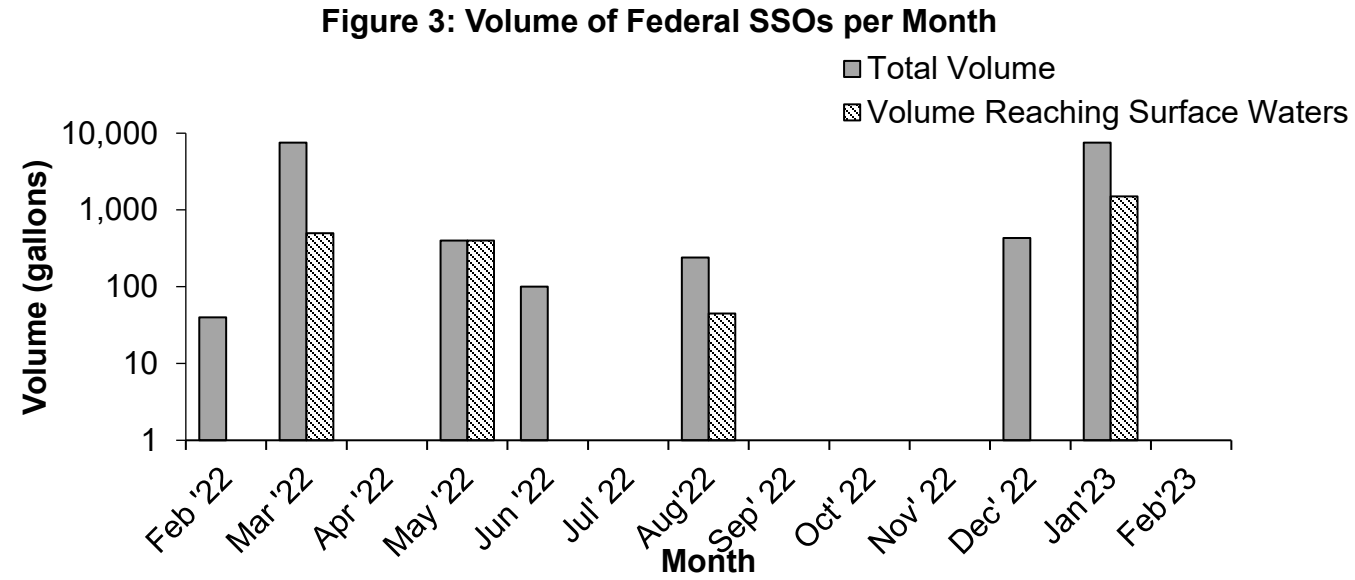


**Figure 1:** The number of public, federal, and private sewage spills per month from February 2022 through February 2023.

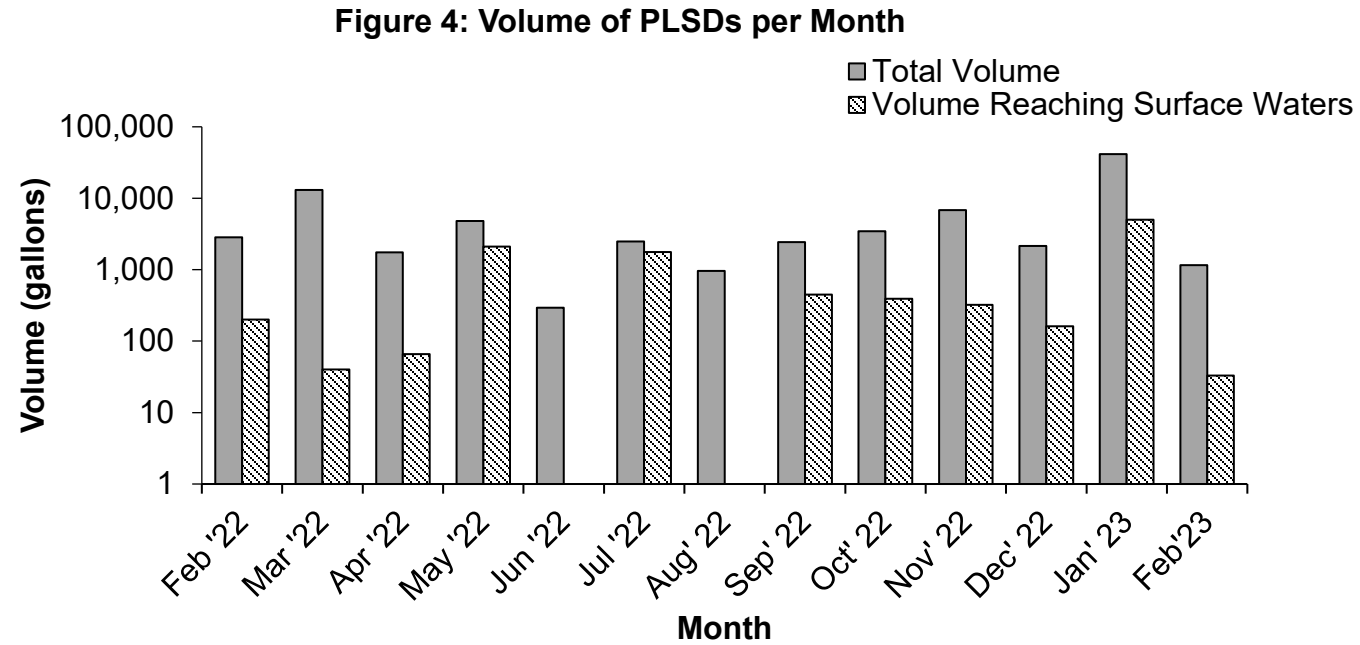
**Figure 2: Volume of Public SSOs per Month**



**Figure 2:** The volume of sanitary sewer overflows (SSOs) from public agencies per month from February 2022 through February 2023. 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 2022 through February 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.



**Figure 4:** The volume of private lateral sewage discharges (PLSDs) per month from February 2022 through February 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.

**Table 1: February 2023– Summary of Transboundary Flows from Mexico by Event<sup>1</sup>**

Location	Transboundary Flow Start Date	Transboundary Flow End Date	Weather Condition <sup>2</sup>	Total Volume (Billion Gallons) <sup>3</sup>	Total Volume Recovered (Million Gallons) <sup>3</sup>	Total Volume Reaching Surface Waters (Billion Gallons) <sup>3</sup>	Additional Details Reported By USIBWC
Tijuana River Main Channel	12/28/2022	1/31/2023 (Ongoing)	Wet	25.2	0	25.2	Rain Event
Goats Canyon & Smugglers Gulch	2/10/2023	2/16/2023	Dry	5 (million gallons)	0	5 (million gallons)	Pipeline PB1B breakage in Mexico south of Tijuana. All pumps PBCILA, PB1, and Laureles and Matadero Canyons pump stations shut down causing overflows and flow into canyons.

<sup>1</sup> Transboundary flow volumes are obtained from self-monitoring reports submitted by USIBWC pursuant to Order No. R9-2021-0001.

<sup>2</sup> 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 2.60 inches as recorded at Marron Valley in February 2023. The rain gauges at Goats Canyon and Smugglers Gulch were not operable and are scheduled for maintenance and repair.

<sup>3</sup> Total transboundary flow volume, total volume recovered, and total volume reaching surface waters is an estimate provided by USIBWC.

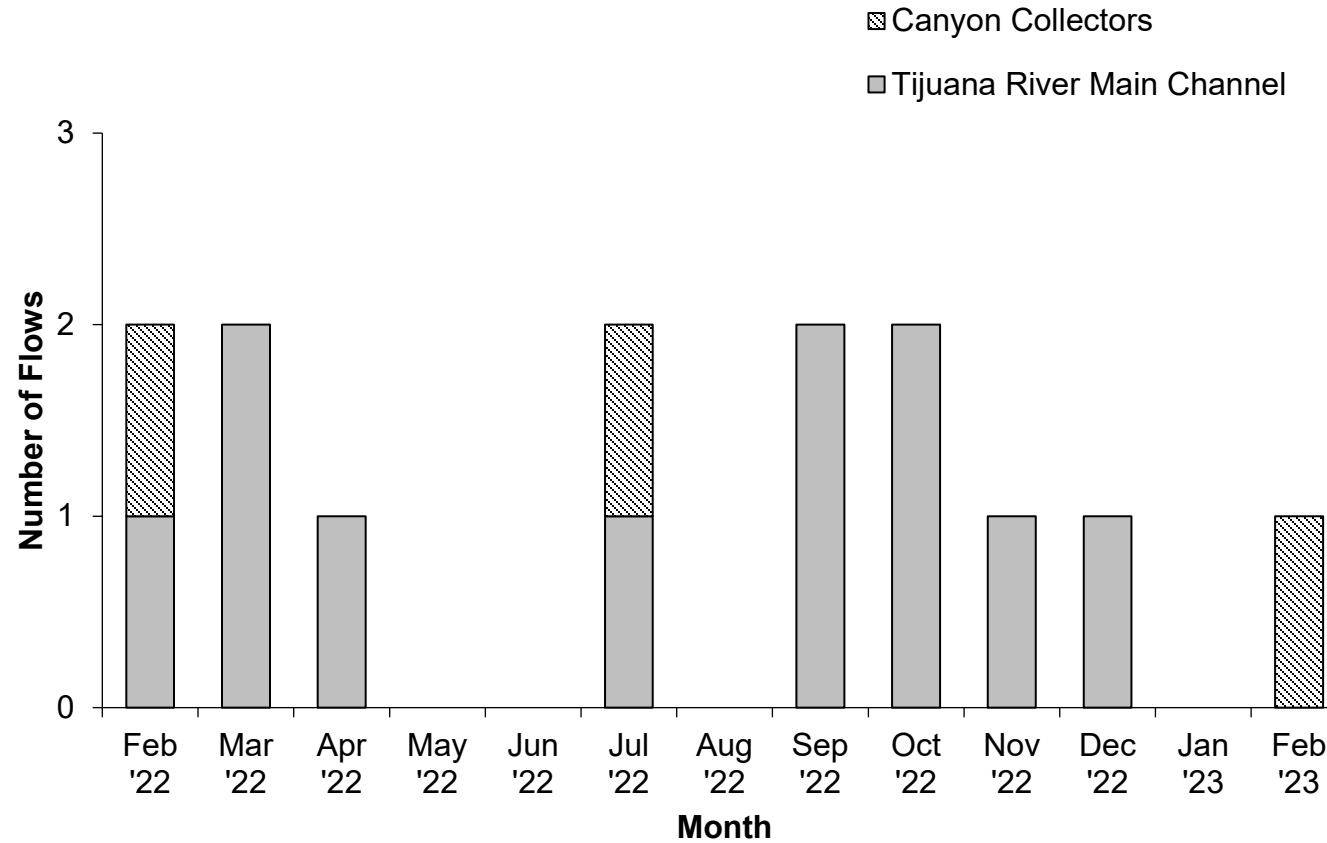
**Table 2: February 2023- Summary of Transboundary Flows from Mexico<sup>1</sup>**

<b>Location</b>	<b>Month/Year</b>	<b>Number of Transboundary Flows</b>	<b>Total Volume (Million Gallons)</b>	<b>Total Volume Recovered (Gallons)</b>	<b>Total Volume Reaching Surface Waters (Million Gallons)</b>
Tijuana River Main Channel	February 2023	0	0	0	0
Canyon Collectors	February 2023	1	5	0	5
South Bay International Wastewater Treatment Plant	February 2023	0	0	0	0
All Locations	February 2023	<b>1</b>	<b>5</b>	0	<b>5</b>

---

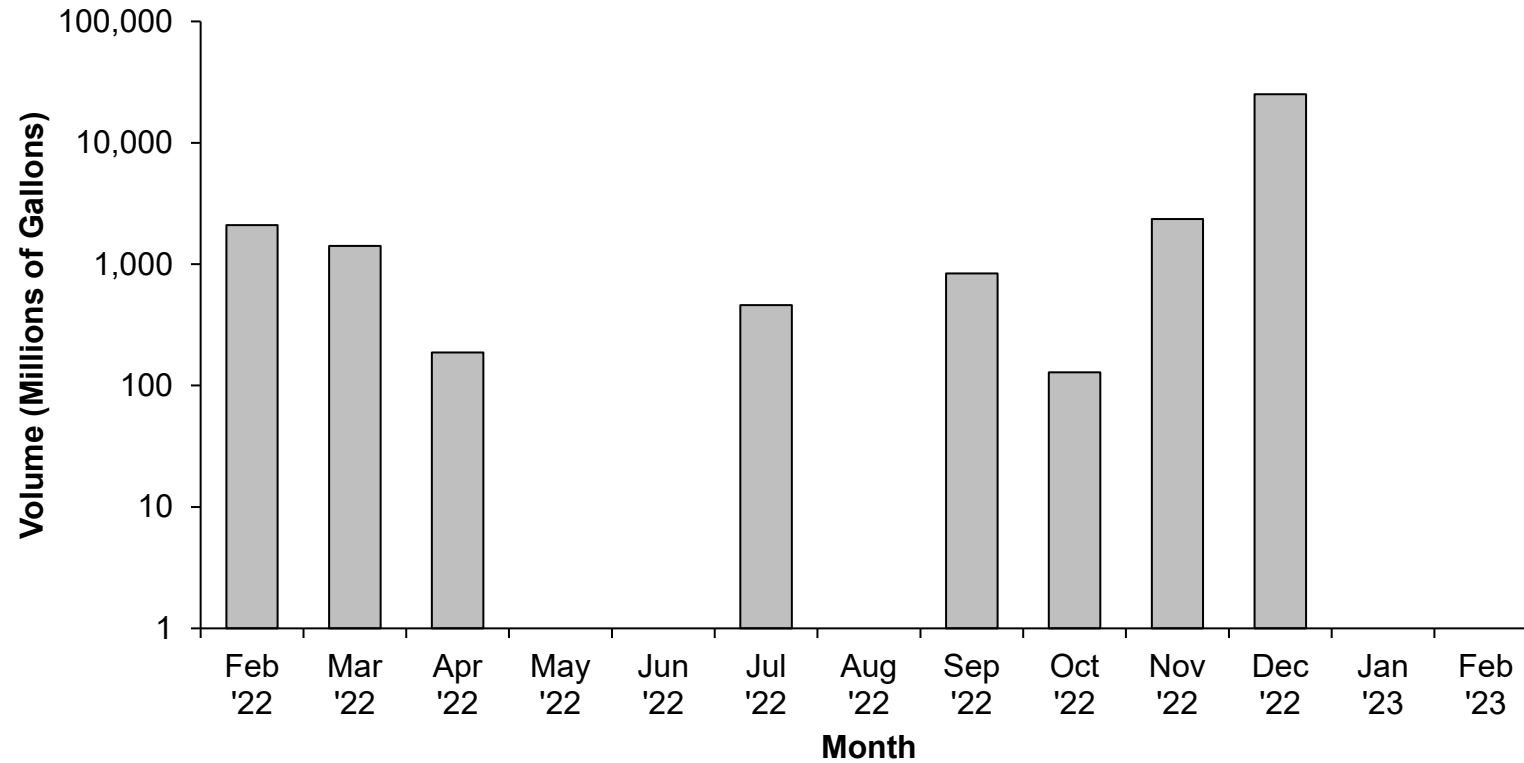
<sup>1</sup> For transboundary flows that start and end in different months, Table 2 includes the transboundary flow in the month the transboundary flow started. For February, there is only one flow because the 12/28/2022 event started in December 2022.

**Figure 1: Number of Transboundary Flows**



**Figure 1:** Number of reported transboundary flows per month from February 2022 through February 2023 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, flows in January and February 2023 that started in December 2022 are only show in December 2022.

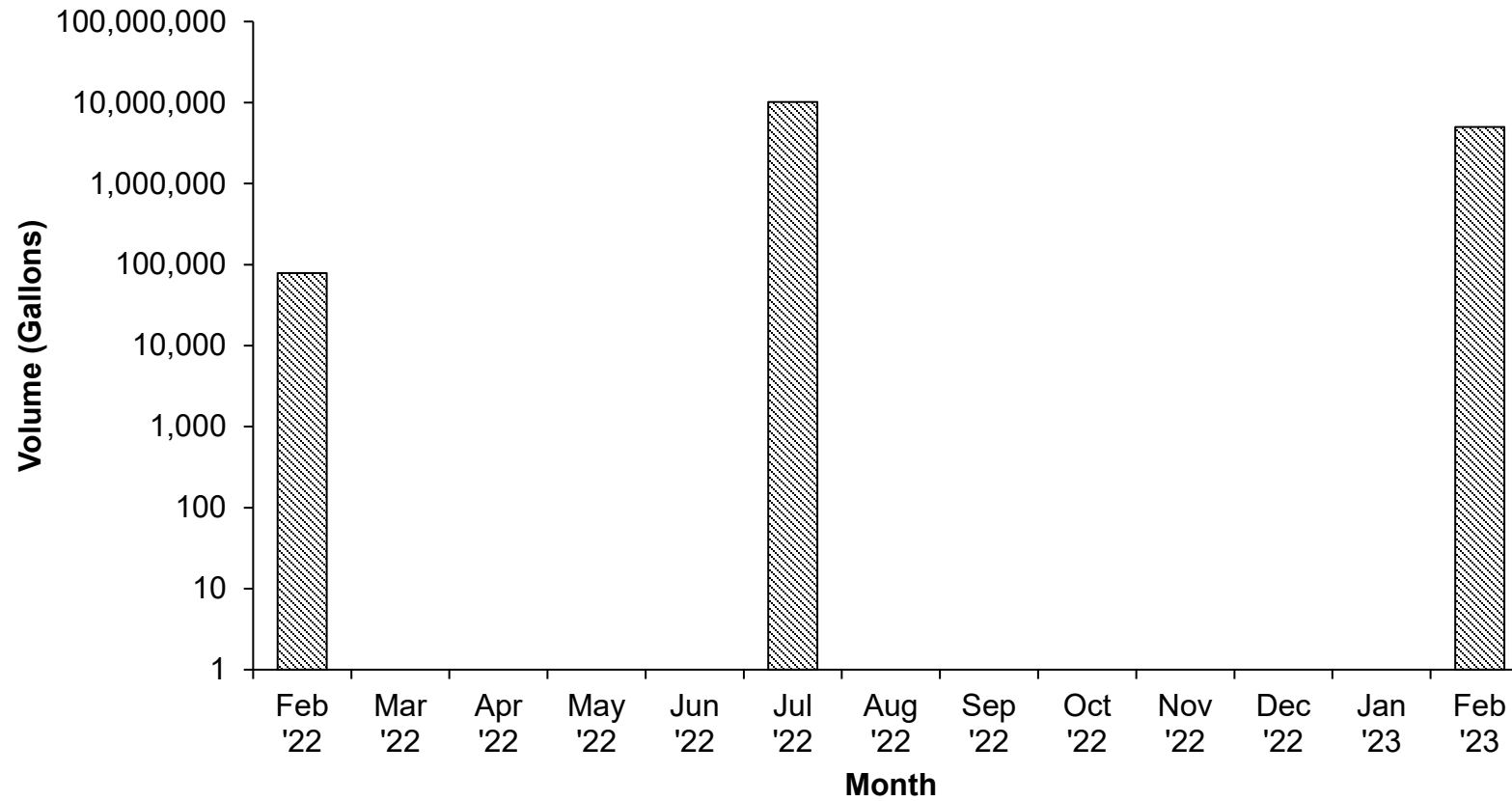
**Figure 2: Tijuana River Transboundary Flow Volume**



**Figure 2:** Volume of reported transboundary flows per month from February 2022 through February 2023 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, flows in January and February 2023 that started in December 2022 are only shown in December 2022. Note the logarithmic scale on the vertical axis to accommodate the variation in transboundary flow volumes.



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



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