

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

Response to Comments Report

**Tentative Order No. R9-2014-0009
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 via
the South Bay Ocean Outfall***

June 26, 2014

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

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

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Introduction

This report contains responses to written comments received on Tentative Order No. R9-2014-0009, NPDES No. CA0108928, United States Section of the International Boundary and Water Commission (USIBWC), South Bay International Wastewater Treatment Plant, Discharge to the Pacific Ocean via the South Bay Ocean Outfall. The Tentative Order was available for public review and comment for 31 days, with the comment period ending on May 27, 2014.

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Comments and Responses

The written comments and staff responses are in the table that follows. The comments are organized according to the person that made the comment. The table contains one “group” comment that was made by many persons concerning the ocean monitoring program. Rather than repeat the comment several times in the table, it appears once, under the names of all the persons who made that comment. The table also indicates if the Tentative Order was revised in response to the comment.

No.	Comment	Response	Action Taken
United States Environmental Protection Agency (USEPA)			
1	<p>Order section VI.C.5.a, Influent Limitations.</p> <p>USEPA supports the proposed pretreatment provisions and strongly supports the inclusion of influent limitations to protect the International Wastewater Treatment Plant (IWTP) from pollutants that could pass through or interfere with wastewater treatment options. Inclusion of these provisions is consistent with the pretreatment requirements in the National Pollutant Discharge Elimination System (NPDES) permit for the Nogales IWTP issued by the Arizona Department of Environmental Quality in March 2014.</p>	Comment noted.	None necessary
United States Section of the International Boundary and Water Commission (USIBWC) and Veolia Water North America on behalf of USIBWC			
2	<p>Order section VI.C.2.a.i.a), Spill and Transboundary Wastewater Flow Types.</p> <p>Dry weather needs to be defined differently for the Tijuana River and the canyon collectors. There is still a requirement to file spill reports under Spill Type B for the river, however this is left somewhat up to the Discharger's Spill and Prevention Plan. Wet weather runoff continues long into dry weather as defined in the Tentative Order. The Board suggested that this be included in the Fact Sheet but the dry weather needs to be redefined instead. For instance, if we have had no rain in the watershed for a week, but there was significant rain in prior weeks, then the base flow will be up and the Comisión Internacional de Limites y Aguas (CILA) Pump Station (PS) will not be in operation. In the Tentative Order this would be defined as a dry weather spill. In the summer, if CILA PS is down this would be a spill.</p>	<p>The definitions used in the Tentative Order for dry weather and wet weather provide measureable performance criteria needed to ensure consistent actions to protect water quality. The definitions are consistent with other programs administered by the San Diego Water Board, including the Municipal Storm Water Permits and the regional hydrology model used for development of total maximum daily loads (TMDLs) in the San Diego Region. Nevertheless, the San Diego Water Board is open to alternative definitions that will be equally or more protective of water quality. The Discharger may propose alternative definitions for dry and wet weather with supporting data and documentation for incorporation into the Order at a later date.</p>	None necessary

No.	Comment	Response	Action Taken
3	<p>Attachment E, Table E-10, Spills and Transboundary Wastewater Flow Monitoring.</p> <p>USIBWC does not see the value in whole effluent toxicity (WET) tests for spills at the canyon collectors. These are very expensive and what will be done with this data for these very isolated incidents? We do not do toxicity testing on the IWTP influent.</p>	<p>The monitoring for chronic toxicity provides essential information on the overall toxicity of dry weather transboundary discharges bypassing the canyon collectors and potentially polluting the Tijuana River, the Tijuana River Valley and Estuary, and south San Diego beach coastal waters. Toxicity monitoring provides information on the aggregate toxicity of measured and unmeasured constituents as well as synergistic toxic effects of multiple constituents. Toxicity tests are also a vital tool used in assessing risk of a given discharge to aquatic life beneficial uses. Monitoring for chronic toxicity is only required when dry weather transboundary flow bypasses the canyon collector system. The San Diego Water Board understands that the possibility of a dry weather transboundary flow bypassing the canyon collector system is very minimal.</p>	None necessary
4	<p>Attachment F, Fact Sheet.</p> <p>The Tentative Order is silent with respect to effluent disinfection requirements. This should be verified. Note that the Fact Sheet makes several references to chlorine residual, both in the existing and draft permits. Clarification is needed.</p>	<p>Neither the current Order nor Tentative Order contains any requirements mandating disinfection of the IWTP effluent. Total chlorine residual is addressed in the current Order and the Tentative Order because there are water quality objectives for total chlorine residual contained in Table 1 of the California Ocean Plan. To ensure these water quality objectives are met in the receiving waters, the Tentative Order contains performance goals for total chlorine residual. Total chlorine residual concentrations and mass loadings in the effluent above the performance goals are not considered violations but serve as red flags that indicate water quality concerns. Under the terms and conditions of the Tentative Order, the USIBWC may at its discretion disinfect IWTP effluent as long as the total chlorine residual concentration in the effluent is maintained at levels at or below the performance goals for total chlorine residual specified in section –IV.A.2 of the Tentative Order.</p>	None necessary

No.	Comment	Response	Action Taken
5	<p>Order section III.A.</p> <p>This permit condition precludes the use of the City of San Diego primary effluent bypass.</p>	<p>In November 1965, the governments of the United States and Mexico agreed to construct an emergency connection of Tijuana’s sewage collection system to the City of San Diego’s sewage collection system (Minute No. 222 between the United States and Mexican sections of the International Boundary and Water Commission). The connection was intended to be used as an additional measure of safety in the event of a serious accident to Tijuana’s sewage collection system, in order to protect United States lands against surface flows from Tijuana sewage. During the period when it was operational, up to 13 million gallons per day (MGD) of sewage could be transferred from Tijuana’s system to the City of San Diego’s system through the emergency connection with treatment and disposal at the city’s Point Loma advanced primary treatment plant and ocean outfall. The emergency connection was used daily throughout the 1980s and early 1990s and intermittently during the first months of operation of the IWTP to discharge advanced primary-treated effluent in the late 1990s, while the South Bay Ocean Outfall (SBOO) was still under construction. The emergency connection was last used on October 15, 2000 and has not been used since then. Construction of the SBOO eliminated the need for continued use the emergency connection and the Tentative Order does not authorize any discharges into the emergency connection.</p> <p>Section VI.C.2.b.ii of the Tentative Order does provide that USIBWC conduct binational meetings on various topics with stakeholders including optimizing use of available wastewater infrastructure capacity on both sides of the international border such as through the use of an emergency connection to the City of San Diego sewage collection system.</p>	None necessary

No.	Comment	Response	Action Taken
6	<p>Order table 4. Effluent Limitations at EFF-0011.</p> <p>Mercury, Total Recoverable, Instantaneous Minimum 7.96+00. Is this supposed to be a maximum? Why would we want to maintain mercury in the water?</p>	<p>Table 4 has been revised to read instantaneous maximum effluent limitations for total recoverable mercury, not instantaneous minimum effluent limitations.</p>	<p>Table 4 has been revised.</p>
7	<p>Order table 5. Performance Goals.</p> <p>Table 5. Instantaneous Maximum - If the performance goals are only for information and not compliance should this be removed and "report only" be the standard?</p>	<p>The instantaneous maximum performance goals are based on the permitted flow and the water quality objectives in the California Ocean Plan, which are themselves specified in terms of instantaneous maximum values.</p> <p>Although effluent concentrations above the performance goals will not be considered as violations of the Order, they serve as red flags that indicate water quality concerns. Repeated red flags may prompt the San Diego Water Board to reopen and amend the Order to replace performance goals for parameters of concern with effluent limitations, or the San Diego Water Board may take such actions in the next permit reissuance. For this reason, it is important to list the performance goals within the Tentative Order.</p>	<p>None necessary</p>
8	<p>Order table 4. Effluent Limitations at EFF-0011.</p> <p>The elimination of a daily minimum or maximum limit for most parameters dramatically reduces the potential for permit exceedances.</p>	<p>The need for the maximum daily and instantaneous maximum effluent limitations was determined through a reasonable potential analysis (see Attachment F, section IV.C.3 for more information). The calculation for the maximum daily and instantaneous maximum effluent limitations were based on the applicable California Ocean Plan water quality objectives which are themselves expressed in terms of maximum daily and instantaneous maximum values (see California Ocean Plan Table 1 and Attachment F section IV.C.4 of the Tentative Order for more information). Thus, the maximum daily and instantaneous maximum effluent limitations cannot be eliminated.</p>	<p>None necessary</p>

No.	Comment	Response	Action Taken
9	<p>Order table 4. Effluent Limitations at EFF-0011.</p> <p>The Chronic Toxicity limit is more stringent (95.6 TUc vs. 100 TUc). The IWTP has had several 100 TUc incidents in the past, which would now be considered violations.</p>	<p>The comment is correct. A chronic toxicity effluent monitoring result of 100 TUc could be considered a violation of the average weekly chronic toxicity effluent limitation 95.6 TUc under the Tentative Order.</p>	<p>None necessary</p>
10	<p>Order section VI.C.2.a, Spill and Transboundary Wastewater Flow Event Prevention and Response Plan.</p> <p>This new condition requires the development of a Spill Prevention and Response Plan within 180 days. It is likely that the plan will impact canyon collector operation. It is unclear how the plan would impact collector operation during wet weather as some fraction of wet weather overflows contains wastewater. As written, the permit conditions ignore factors outside the control of IBWC/Veolia. Examples – Discharges which occur at night, discharges which include considerable debris which occlude collector inlets (and which cannot be cleaned while the discharge is occurring), etc. Also, limiting stormwater entering the collectors as is currently practiced is not addressed. Clarification is needed.</p>	<p>The Tentative Order’s requirement for a Spill Prevention and Response Plan is to ensure that the canyon collectors are operational during dry weather conditions to capture transboundary wastewater flows. The San Diego Water Board is aware that some fraction of wet weather overflows may contain wastewater that does not originate from a storm event. The Tentative Order does not require that the canyon collectors intercept transboundary wastewater flows occurring under wet weather conditions. The requirements for the Spill Prevention and Response Plan were crafted to provide sufficient flexibility for the Discharger to develop, propose and implement best management practices to protect water quality that will address the following: (1) wastewater flow fractions in wet weather overflows; (2) dry weather and wet weather discharges at night; and (3) limiting or preventing stormwater flows entering the canyon collectors during wet weather.</p>	<p>None necessary</p>
11	<p>Order section VI.C.2.a.ii.c), Roles and Responsibilities.</p> <p>As discussed, we only communicate directly with CILA but will request other information.</p>	<p>This provision does not dictate how information is exchanged between USIBWC and the government agencies in Mexico nor does it require USIBWC to directly communicate with any particular government agency in Mexico. Rather, this provision is only requesting information, to the extent it can be obtained, describing USIBWC’s suggested roles and responsibilities and lines of authority for CILA, Comisión Estatal de Servicios Públicos de Tijuana (CESPT), and Secretaria de Protección al Ambiente (SPA), to implement applicable sections of the Prevention/Response Plan.</p>	<p>None necessary</p>

No.	Comment	Response	Action Taken
12	<p>Order section VI.C.2.a.ii.d).6), Communication and Coordination with Mexico.</p> <p>“Optimize use of available wastewater infrastructure capacity on both sides of the international border.”</p> <p>We cannot dictate operations in Mexico and have some treaty directions in place that may prevent such an action.</p> <p>USIBWC requested the following edits (in strikeout) for the first paragraph in section VI.C.2.a.ii.d): “Prevention/Response Plan shall document the framework and procedures for coordination between the Discharger, CILA, SPA, CESPT, the San Diego Water Board, and interested parties through regular meetings and written or oral communication to:”</p>	<p>This provision does not direct USIBWC to dictate wastewater infrastructure operations in Mexico. Rather, this provision is only requesting USIBWC to document a framework and procedures for coordination with CILA, SPA and CESPT on various issues including optimizing use of available wastewater infrastructure capacity on both sides of the international border to reduce, eliminate, and prevent the recurrence of spills and/or transboundary wastewater flows.</p> <p>Commitment No. 16 of IBWC Minute No. 283 states, “Should Mexico request it through the Commission, the United States Section will attempt to assist with equipment and other resources in the containment of such discharges and temporary repairs under the supervision of the Commission.” This provision is consistent with Commitment No. 16 of IBWC Minute No. 283.</p>	None necessary
13	<p>Order section VI.C.2.a.ii.e).2), Inspection and Preventative Maintenance Program.</p> <p>USIBWC requests the following edits (in strikeout/underline) for Order section VI.C.2.a.ii.e).2), second paragraph, first sentence: Each canyon collector shall be inspected <u>during normal work hours and days</u>daily.</p>	<p>“Normal work hours” may be an inspection frequency less than daily because “normal work hours” may not include weekends or holidays when transboundary flows could bypass the canyon collectors under dry weather conditions potentially polluting the Tijuana Estuary and south San Diego beach coastal waters.</p> <p>Section VI.C.2.a.ii.e).2) of the Tentative Order gives USIBWC the latitude to describe a routine inspection and preventative maintenance program for the Discharger’s wastewater system.</p>	None necessary
14	<p>Order section VI.C.2.b.iv, Sharing Transboundary Wastewater Flow Information with Mexico, and Table 6, Transboundary Wastewater Flow Reports and Presentations.</p> <p>Order section VI.C.5.b.iii, Sharing Pretreatment Information with Mexico, and Table 8, Sharing Pretreatment Information with Mexico.</p>	<p>The San Diego Water Board agrees that the recommended increased written reporting frequency from quarterly to monthly for transboundary flows and pretreatment issues (operational challenges, upsets, or influent limitation exceedances) to CILA would be an improvement. Also, including this written report within an existing requirement (monthly SMRs vs a separate written quarterly report) could be efficient and could save resources.</p>	Section VI.C.2.b.iv, section VI.C.5.b.iii, table 6 and table 8 have been revised.

No.	Comment	Response	Action Taken
	<p>Modify language as discussed at the meeting on May 20, 2014, to incorporate inclusion of transboundary flows and operational challenges (upsets or influent limitation exceedances) on the self-monitoring reports (SMRs) (which are also shared with Mexico) and to have a requirement for quarterly reports contingent on occurrence of incidents within a quarter.</p> <p>As discussed, the monthly SMR submitted to CILA and the Board will include spill information so this requirement should be changed to indicate information will be provided during monthly written submission and further discussed at the Binational Technical Committee (BTC).</p> <p>USIBWC is also requesting the San Diego Water Board remove the requirement to prepare and share a technical presentation that summarizes transboundary wastewater flows with CILA.</p> <p>USIBWC is also requesting that CILA share the transboundary information only with SPA and CESPT, but not the regulated community.</p> <p>USIBWC is also requesting the San Diego Water Board remove the requirement to prepare and share a technical presentation and one-page information sheet that summarizes influent monitoring data and highlights any challenges associated with the Facility influent with CILA.</p>	<p>The San Diego Water Board staff does not agree with the request to remove the requirement to prepare and share a technical presentation and one-page information sheet that summarizes influent monitoring data and highlights any challenges associated with the Facility influent. The technical presentations on transboundary flows are an important formal method to convey information to the regulated industrial community and local agencies in Mexico through CILA and to hopefully prevent and better respond to future transboundary wastewater flows. The technical presentations and one-page information sheet on pretreatment issues are an important formal method to convey pretreatment issues to the regulated community and local agencies in Mexico, through CILA and to hopefully prevent and better respond to pollutants in the influent.</p> <p>The San Diego Water Board staff agrees that the following requirements could be contingent on occurrence of a transboundary flow or pretreatment issue:</p> <ul style="list-style-type: none"> • Quarterly presentation preparation for transboundary flows. • Quarterly presentation preparation, and quarterly one-page information sheet preparation for pretreatment issues. 	

No.	Comment	Response	Action Taken
15	<p>Order section VI.C.2.c.i Other Transboundary Wastewater Flow Requirements.</p> <p>USIBWC requested the following edits (in strikeout/underline) for page 25, section VI.C.2.c.i: The Discharger shall work with CILA, SPA, and/or CESPT in preventing, reducing, terminating, and recovering transboundary wastewater flows. Efforts to achieve this goal shall include, but are not limited to improved communication between the Discharger and, CILA, SPA, and CESPT; and providing training, funding, and/or assistance to SPA and CESPT if available."</p>	<p>The San Diego Water Board understands that during normal, non-emergency operations, the protocol is for USIBWC to communicate to the local government agencies in Tijuana through CILA. However, it would not be unreasonable for the local government agencies in Tijuana to contact USIBWC directly during emergency situations (e.g. pump station failure).</p> <p>Based on these considerations the San Diego Water Board has revised the requirement as follows:</p> <p>"The Discharger shall work through CILA to coordinate with SPA and/or CESPT in preventing, reducing, terminating, and recovering transboundary wastewater flows. Efforts to achieve this goal shall include, but are not limited to, improved communication between the Discharger, CILA, SPA, and CESPT; and providing training, available funding, and other assistance to SPA and CESPT."</p>	Section VI.C.2.c.i has been revised.
16	<p>Order section VI.C.2.a.ii.e.2), Inspection and Preventative Maintenance Program.</p> <p>Clearing and removal of blockages in the canyon collectors is required within 96 hours following at least 0.1" of rain? How is this going to be measured and implemented? There are high levels of spatial variability.</p>	<p>The definitions for "Dry Weather" and "Wet Weather" defined in Attachment A part 2 of the Tentative Order are based on a 0.1" precipitation event as measured at the Goat Canyon ALERT station. With regards to the clearing and removal of blockages in the canyon collectors, the Tentative Order requires the development and implementation of an Inspection and Preventive Maintenance Program. This program shall identify the best practices to be implemented that will ensure adequate clearing and removal of accumulated sand/silt and blockages form the canyon collector systems within 96 hours following a storm event of 0.1 inches or greater.</p>	None necessary

No.	Comment	Response	Action Taken
17	<p>Order section VI.C.2.e, Toxicity Reduction Evaluation (TRE).</p> <p>A TRE can only occur after the Toxicity Identification Evaluation (TIE) has identified any toxicity to the plant and provide a plan for reducing the toxicity. USIBWC requests that this section reference the toxicity failure requirements.</p> <p>USIBWC requests the following edits (in strikeout/<u>underline</u>) for page 30, section VI.C.2.e.i, first sentence: “The Discharger shall develop and submit a TRE work plan to the San Diego Water Board, via the State Water Board’s CIWQS Program Web site, within 180 days of the adoption of this Order <u>following positive identification of toxicity to the treatment plant through a TIE.</u>”</p> <p>USIBWC requested the following edits (in strikeout/<u>underline</u>) for page 31, section VI.C.2.e.iii, first sentence: “If the effluent limitation for acute or chronic toxicity is exceeded in any one test, the Discharger shall conduct a <u>TIE</u> TRE if the toxicity is exceeded in any of the next six (6) succeeding tests performed at 14-day intervals and notify the San Diego Water Board.”</p>	<p>The TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, to isolate the sources of toxicity, to evaluate the effectiveness of toxicity control options, and then to confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A TIE may be required as part of the TRE, if appropriate. A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity.</p> <p>Development of the TRE work plan within 180 days of the adoption of this Order is consistent with other ocean discharge permits in the San Diego Region. The development of the TRE work plan does not occur after positive identification of toxicity to the treatment plant. Rather, the work plan is developed as a contingency plan to identify how a TRE is conducted after there is positive identification of effluent limitation exceedances for acute or chronic toxicity under section VI.C.2.e.iii of the Tentative Order.</p>	None necessary
18	<p>Order section VI.C.2.e, Toxicity Reduction Evaluation (TRE).</p> <p>This is a new requirement. TRE/TIE analysis is time consuming and costly. Methodology for wastewater sampling to capture toxic waste components is not well identified. A 180 day timeline for TRE work plan development may not be realistic. USIBWC questions</p>	<p>Section III.C.10 of the California Ocean Plan requires a TRE if discharge consistently exceeds an effluent limitation based on a toxicity objective in Table 1 of the California Ocean Plan.</p> <p>The requirement to develop a pre-toxicity event TRE work plan within 180 days after adoption of the Order is consistent with the time frames provided in the current Order (page 49, section F.14) and other ocean discharge permits in the San Diego</p>	None necessary

No.	Comment	Response	Action Taken
	<p>whether the impact of this permit requirement can be enforced.</p>	<p>Region for development of similar TRE work plans. The contingency TRE work plan is needed so that USIBWC can mobilize quickly to take all reasonable steps necessary to reduce toxicity to the required levels in the event the IWTP discharge consistently exceeds toxicity effluent limitations. The work plan describing how USIBWC can proceed with toxicity reduction activities in the event of noncompliance can prepare USIBWC to address issues like the following:</p> <ol style="list-style-type: none"> 1. Coordination of resources (staff teams, equipment, and finances) that need to be committed quickly to a toxicity investigation; 2. Pre-qualification of consultants or contractors for assistance with a TIE/TRE or development of the qualifications and specifications for a RFP for technical assistance; 3. Establishment of a communications plan that covers reporting and information exchange with regulatory agencies, governing bodies, and the public; and 4. Development of an outline for a rapid toxicity source identification that addresses likely pollutant contributions, "housekeeping" practices, and wastewater treatment process efficiency and performance. <p>Available USEPA guidance documents applicable to the development of a TRE work plan are listed as a footnote on page 30 of the Tentative Order.</p>	

No.	Comment	Response	Action Taken
19	<p>Order section VI.C.2.e.iii, Requirement to Conduct TRE.</p> <p>“If effluent toxicity limitations are exceeded in any one test, then the Discharger shall begin conducting six additional tests, daily, over a 6-day period.” The acute and chronic toxicity results are not received the following day: usually weeks later. Is the Discharger only expected to conduct six additional tests when results are received? What’s the time frame?</p> <p>“If toxicity performance goal is exceeded in one of these six additional tests, then Discharger shall notify the Water Board.” If this happens, do we stop testing or continue? To we continue testing all six, until six consecutive “non-violations”? If we do not exceed any of the six additional tests, do we not notify the Water Board? What’s the time frame for notification?</p>	<p>The quotes in the comment are incorrect. The Tentative Order, section VI.C.2.e.iii states, “If the effluent limitation for acute or chronic toxicity is exceeded in any one test, the Discharger shall conduct a TRE if the toxicity is exceeded in any of the next six (6) succeeding tests performed at 14-day intervals and notify the San Diego Water Board.”</p> <p>Section VI.C.2.e.iii does not require additional toxicity tests. Whether there is an effluent toxicity exceedance or not, the Discharger continues to monitoring for effluent toxicity on a weekly basis as required in Attachment E of the Tentative Order. If there is an effluent toxicity exceedance, the Discharger is required to review the monitoring results from the regular weekly monitoring results to determine if the discharge consistently exceeds a toxicity effluent limitation.</p> <p>If no toxicity is detected in any of the next six (6) succeeding tests performed at 14-day intervals after an effluent toxicity exceedance and the Discharger determines that the discharge does not consistently exceed a toxicity effluent limitation, then a TRE and notification to the San Diego Water Board are not required.</p>	None necessary
20	<p>Order section VI.C.2.e.iii, Requirement to Conduct TRE.</p> <p>“After the acute or chronic toxicity exceedance, the Discharger shall continue to conduct the routine weekly monitoring for both acute and chronic toxicity as required in Attachment E of this Order.”</p> <p>If we are conducting a TIE then this point is unnecessary as we will be working on determining the cause of the toxicity.</p>	<p>This sentence was added to clarify that there are no additional toxicity monitoring required if there is a toxicity effluent limitation exceedance (as noted in the previous response), but routine weekly monitoring for toxicity is still required after a toxicity exceedance and during a TRE/TIE.</p>	None necessary

No.	Comment	Response	Action Taken
21	<p>Order section VI.C.2.e.iii.c) and d), Requirement to Conduct TRE.</p> <p>USIBWC requests the following edits (in strikeout/underline) page 31, section VI.C.2.e.iii.c) and d):</p> <p>“c) Copies of any written request to CILA, SPA, or CESPT for assistance and any responses received;</p> <p>d) A list of corrective actions taken or planned by the Discharger <u>in cooperation with CILA, SPA, and CESPT</u> to reduce toxicity so that the Discharger can achieve consistent compliance with the toxicity effluent limitation of this Order and prevent recurrence of exceedances of the limitation; and”</p>	<p>The San Diego Water Board has modified the document to reflect USIBWC protocols on communication with Mexican government agencies.</p>	<p>Section VI.C.2.e.iii.c) and d) has been revised.</p>
22	<p>Order section VI.C.5.a.i, Influent Limitations.</p> <p>USIBWC requests the following edits (in strikeout/underline) page 31, section VI.C.5.a.i, first sentence:</p> <p>“In consultation with the CILA, SPA, and CESPT, the Discharger shall develop and comply with mass emission rates and concentration limitations for the influent to the Facility (influent limitations), <u>or Maximum Allowable Headworks Allocations (MAHA)</u>, for pollutants that may cause or contribute to interference, pass through, or the other problems described at 40 CFR section 403.5.”</p>	<p>The San Diego Water Board concurs with the recommended edits and has modified the Tentative Order to reflect USIBWC protocols on communication with Mexican government agencies.</p>	<p>Section VI.C.5.a.i revised.</p>
23	<p>Order section VI.C.5.a.iii, Influent Limitations.</p> <p>USIBWC requests the following edits (in strikeout/underline) page 34, section VI.C.5.a.iii, first sentence:</p> <p>“Any exceedance of an interim or final influent limitation, as applicable, is a violation of this Order and is inconsistent with IBWC Minute No. 283 of July 2, 1990.”</p>	<p>The San Diego Water Board staff agrees to delete “is a violation of this Order,” since provisions are already included in section VI.C.5.a.iii to formally address and resolve influent limitation exceedances. Nonetheless, an influent limitation exceedance would still be considered a violation.</p> <p>The text “as applicable” remains to clarify which influent limitations apply.</p>	<p>Section VI.C.5.a.iii revised.</p>

No.	Comment	Response	Action Taken
24	<p>Order section VI.C.5.a.iii, Influent Limitations.</p> <p>“If the Discharger is unable to achieve compliance with the influent limitations, the Discharger shall elevate the matter in writing with the U.S. Department of State regarding the reasons for lack of progress and offer strategies for addressing the difficulties.” Is this a new anticipated course of action? Is there a trigger point for this level of action?</p>	<p>This requirement has been carried over from the current Order (page 54, section G.7) and, thus, this requirement is not new.</p> <p>The trigger point for this level of action is contained within the quoted statement – “<u>If the Discharger is unable to achieve compliance with the influent limitations</u>, the Discharger shall elevate the matter in writing with the U.S. Department of State regarding the reasons for lack of progress and offer strategies for addressing the difficulties.” Compliance with the influent limitations is achieved by meeting the interim influent limitations (Tentative Order table 7) or final influent limitation (developed as required in Tentative Order section VI.C.5.a.i).</p>	None necessary
25	<p>Order section VI.C.5.c, Pretreatment Conditions for the Discharger.</p> <p>New requirement. Can this permit condition be practically implemented within the context of the Treaty? If not, this permit condition should be removed from the permit.</p>	<p>The pretreatment conditions do not require implementation in the Treaty of 1944 or Treaty Minutes. Rather, the permit conditions implement the Clean Water Act and NPDES regulations, which mandate implementation of effective pretreatment programs to prevent the introduction of pollutants into treatment works that will interfere with the operation of the treatment works, pass through the treatment works, or otherwise be incompatible with such works. To address the bi-national multi-jurisdictional nature of the IWTP service area, the Tentative Order includes requirements for USIBWC to work with CILA to encourage and enhance the ability of CILA, SPA, and/or CESPT to implement an effective pretreatment program and report on activities undertaken to protect the IWTP.</p>	None necessary

No.	Comment	Response	Action Taken
26	<p>Order section VI.C.5.c.iii.c), Pretreatment Conditions for the Discharger.</p> <p>Funding at IBWC is congressionally allocated and cannot be committed. USIBWC may have funds for assistance but cannot commit funds.</p> <p>USIBWC requests the following edits (in strikeout/underline) page 34, section VI.C.5.c.iii.c): “Provide funding and/or assistance toWork with SPA and CESPT through CILA to improve monitoring capabilities, to improve laboratory analytical capabilities (including lab certification for the Tijuana water quality laboratory), and to assist in providing educational programs to the regulated community.”</p>	<p>The San Diego Water Board concurs with the comment and has modified section VI.C.5.c.iii.c) to state:</p> <p>“Provide funding, if available, and/or assistance to SPA and CESPT to improve monitoring capabilities, to improve laboratory analytical capabilities (including lab certification for the Tijuana water quality laboratory), and to assist in providing educational programs to the regulated community.</p>	Section VI.C.5.c.iii.c) revised.
27	<p>Order section VI.C.5.d.x.b), Sludge (Biosolids) Monitoring Requirements.</p> <p>Are the sludge pH requirements only for the belt filter press (BFP) cake held at facility for over 24 hours, or does this include raw sludge from the primary settling tanks (PSTs), dissolved air flotation tanks (DAFTs) and Unstabilized Sludge Storage Tanks (USSTs)? If a pH test shows that we are outside of these pH requirements, is this considered a permit violation, and how should this be communicated?</p>	Section VI.C.5.d.x.b) of the Tentative Order applies only to sludge that has completed the sludge handling process and is ready for transport off-site. Violations of this section would be considered permit violations and should be reported to the San Diego Water Board and USEPA.	None necessary

No.	Comment	Response	Action Taken
28	<p>Order section VI.C.5.e, Requirements for Receipt of Anaerobically Digestible Material.</p> <p>We do not have anaerobic digestion. Should section e. be removed and labeled "Not Applicable"?</p>	<p>The State Water Resources Control Board (State Water Board) has been working with the California Department of Resources Recycling and Recovery (CalRecycle), the California Department of Food and Agriculture (CDFA), and the California Association of Sanitation Agencies (CASA) to delineate jurisdictional authority for the receipt of hauled-in anaerobically digestible material (ADM) at Publicly Owned Treatment Works (POTWs) for co-digestion.</p> <p>To address this cross-media issue, CalRecycle is proposing an exclusion from Process Facility Transfer Station (PFTS) permits for direct injection of ADM to POTW anaerobic digesters that are regulated under an NPDES permit or other waste discharge requirements (WDRs). The proposed CalRecycle exclusion is restricted to ADM that has been prescreened, slurried, and processed/conveyed in a closed system to be co-digested with regular POTW sludge. This process is becoming widespread among POTWs statewide. The CalRecycle exclusion assumes that a POTW has developed Standard Operating Procedures (SOPs) for the proper handling; processing, tracking, and management of the ADM received. To facilitate implementation of the exclusion, the provision at section VI.C.5.e of the Tentative Order is being added to all POTW discharge permits statewide upon permit reissuance. The provision is only applicable if the USIBWC proposes in the future to receive hauled-in anaerobically digestible material for injection into an anaerobic digester.</p>	None necessary

No.	Comment	Response	Action Taken
29	<p>Order sections VII.A. B and G, Compliance Determination.</p> <p>Do the calendar month (e.g. March 1 – March 31) for the “Average Monthly” and calendar week (Sunday – Saturday) for “Average Weekly” descriptions mean that running averages are not acceptable for these parameters? Since there are no 7-day-average limitations, only Average Weekly; does this mean that 7-day running averages should not be reported? Note: pg. 42 describes a “30-Day Average”.</p>	<p>If the effluent limitations or performance goals include average monthly and average weekly, instead of 30-day average and 7-day average, then USIBWC does not need to report the 30-day and 7-day running averages.</p> <p>If the effluent limitations or performance goals include levels for a 30-day average, then USIBWC must report the 30-day running averages.</p>	None necessary
30	<p>Order section VII.J. Ocean Plan Provisions for Table 1 Parameters.</p> <p>It is assumed that this section will not be applied to Veolia.</p>	<p>Section VII.J of the Tentative Order applies to the IWTP discharge to the SBOO. Neither the San Diego Water Board nor the Tentative Order dictate the contract agreements between USIBWC and its contractors.</p>	None necessary
31	<p>Order section VII.L, Single Operational Upset.</p> <p>New Condition.</p> <p>How are Single Operational Upsets (SOUs) communicated with the Water Board? As an example, would March 2014’s upset mean that the acute toxicity violation and two CBOD and TSS violations be treated as one single violation?</p>	<p>The requirements in the Tentative Order pertaining to a SOU and the manner in which violations of multiple pollutant parameters are counted were not previously contained in the current Order.</p> <p>Under the Tentative Order, USIBWC may assert that a SOU has occurred through the electronic self-monitoring reports (eSMRs) or in a separate letter to the San Diego Water Board. Under the Tentative Order and using the March 2014 upset as example, if USIBWC demonstrated that the acute toxicity, carbonaceous biochemical oxygen demand (5-Day at 20°C) (CBOD₅), and total suspended solids (TSS) effluent limitation exceedances were a result of one SOU, then these exceedances might be counted as one single violation.</p>	None necessary

No.	Comment	Response	Action Taken
32	<p>Order section VII.M, Chronic Toxicity.</p> <p>Chronic Toxicity is still NOEL instead of Inhibition Concentration 25% (IC25), as previously agreed to by staff.</p>	<p>The San Diego Water Board staff does not agree with the requested change. Section VII.M, of the Tentative Order is consistent with the definition of chronic toxicity established in the California Ocean Plan. If and when the California Ocean Plan definition of chronic toxicity is changed, the Order may be amended accordingly.</p>	None necessary
33	<p>Attachment A, Part 2. Glossary of Terms.</p> <p>The definition of “sludge” may need qualification as it applies to the dirt collected in canyon collector discharge events.</p>	<p>The definition of “sludge” in the Tentative Order is the standard definition of “sludge” provided in all NPDES permits for wastewater treatment plants throughout the state. The definition defines waste generated at the treatment plant and not necessarily in the collection system, i.e. canyon collectors. To our knowledge, the dirt and debris collected at the canyon collectors has not yet been analyzed and characterized to determine its waste classification. If the dirt collected in the canyon collectors has similar characteristics or effect, then the dirt will be considered sludge.</p>	None necessary
34	<p>Attachment D, section G.3b, Prohibition of bypass.</p> <p>Concerning bypasses, this condition in part states, “This condition is not satisfied if adequate back-up equipment should have been installed...” This condition appears unreasonable as it appears to penalize USIBWC for plant design decisions which the state could consider not having exercised “reasonable engineering judgment”. This condition appears unnecessarily punitive if, for example, the IWTP grit system needed to be bypassed for routine maintenance.</p>	<p>The concern about bypasses of treatment work systems, such as the IWTP grit system for routine maintenance, is addressed by Attachment A section I.G.2 of the Tentative Order. This provision provides that USIBWC may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. The IWTP grit system could be bypassed as necessary for routine maintenance as long as the bypass did cause exceedances of any effluent limitations.</p>	None necessary

No.	Comment	Response	Action Taken
35	<p>Attachment E, section VI.A, Facilities Spill.</p> <p>Attachment E, section VI.B, Transboundary Wastewater Flows.</p> <p>The draft Tentative Order does not specify sample time during/after an event. As canyon collectors are not manned, metered, or lit at night. Therefore, sampling of random events is problematic and may be unsafe.</p>	<p>The San Diego Water Board understands the inherent difficulties and safety issues with monitoring at the canyon collectors during the night time. The Tentative Order requires that monitoring be done if there is a transboundary wastewater flow that passes the canyon collector system observed at the time of the daily inspection. The Tentative Order does not specify the time of day to conduct the daily inspection and provides enough flexibility for the USIBWC to schedule the daily inspections to account for any safety concerns.</p>	None necessary
36	<p>Attachment E, section III C, Whole Effluent Toxicity (WET) Testing Requirements, Table E-4.</p> <p>The WET table states "...beginning with the calendar year 2012" where text in paragraph below states "...beginning with the calendar year 2014." Please clarify.</p>	<p>The Tentative Order has been revised to clarify the WET testing shall begin in 2014.</p>	Attachment E section III.C. has been revised.
37	<p>Attachment E, section VI. B, Table E-10, Spills and Transboundary Wastewater Flow Monitoring.</p> <p>Chronic Toxicity monitoring will not provide useful information and at a very high cost.</p>	<p>Monitoring for chronic toxicity is only required when an observable dry weather transboundary flow bypasses a canyon collector system. In discussions on the Tentative Order, USIBWC indicated that the possibility of a dry weather transboundary flow making it past the canyon collector system is very minimal. This transboundary wastewater flow that would trigger the requirement for toxicity testing are not anticipated to occur frequently. The monitoring for chronic toxicity would provide essential information on the overall toxicity of the discharge, including the toxicity of unmeasured constituents and/or synergistic effects of multiple constituents. Toxicity tests are another method used to assess risk to aquatic life.</p>	None necessary

No.	Comment	Response	Action Taken
City of San Diego			
38	<p>Attachment B. Map of Surf Zone, Offshore, Trawl, and Rig Fishing Stations.</p> <p>Trawl station SD17 is in the wrong location on this map and there is an unknown line associated with station SD18. The City will provide San Diego Water Board staff with an updated map.</p>	Attachment B in the Tentative Order has been replaced with the updated map provided by the City of San Diego.	Attachment B has been revised.
39	<p>Attachment E, section III.C, Table E-4. Whole Effluent Toxicity Testing.</p> <p>Should the year in column 5 (minimum test frequency) be 2014 instead of 2012?</p>	Attachment E table E-4 of the Tentative Order has been revised to replace 2012 with 2014, as recommended by the City of San Diego.	Attachment E table E-4 has been revised.
40	<p>Attachment E, section IV.A, Table E-6, Surf Zone Monitoring Requirements.</p> <p>The stations listed in row 3 should be "S0, S2-S6, S8-S-12" similar to the first two rows. [The "S2, S6" part is incorrect]</p>	Attachment E section IV.A of the Tentative Order has been revised as recommended by the City of San Diego.	Attachment E section IV.A has been revised.
41	<p>Attachment E, section IV.A, Table E-6, Surf Zone Water Quality Monitoring Requirements.</p> <p>Footnote 3 specifies that repeat sampling shall be conducted at the surf zone stations whenever a sample exceeds any single sample maximum (SSM) bacterial standard. The three stations located south of the U.S./Mexico International Border (i.e., S0, S2, S3) should be excluded from this requirement as they are not subject to California Ocean Plan water quality standards.</p>	Attachment E section IV.A table E-6 footnote 3 of the Tentative Order has been revised as recommended by the City of San Diego.	Attachment E section IV.A. Table E-6 footnote 3 has been revised.

No.	Comment	Response	Action Taken
42	<p>Attachment E, section IV.A, Surf Zone Water Quality Monitoring Requirements, Table E-6, footnote 3.</p> <p>Footnote 3 specifies that repeat sampling shall be conducted at the surf zone stations whenever a sample exceeds any SSM bacterial standard. The City recommends that stations S4, S5, S6, S10, S11, and S12 located north of the U.S./Mexico International Border should be excluded from this resample requirement. Each of these six stations corresponds to a site included in Attachment F of the Tentative Order, section III.D as an impaired water body on the Clean Water Act (CWA) section 303(d) list. As such, these sites are not expected to meet applicable water quality standards.</p>	<p>This requirement is consistent with the California Ocean Plan which specifies that repeat sampling shall be conducted within 24 hours of receiving analytical results and continued until the sample result is less than the SSM standard or until a sanitary survey is conducted to determine the source of the high bacterial densities.</p> <p>One possible alternative to this approach is the future development of a unified beach water quality monitoring program similar to what is currently being developed for South Orange County.</p>	None necessary
43	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements.</p> <p>Spelling Correction: The first word in the heading should be "Offshore" (i.e., one word; not Off Shore)</p>	Attachment E section IV.B of the Tentative Order has been revised as recommended by the City of San Diego.	Attachment E section IV.B has been revised.
44	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7, footnote 2.</p> <p>The sampling frequency in footnote 2 should be changed to quarterly to match the conductivity, temperature, and depth (CTD) profile frequency in column 5 for rows 3-7 of the table.</p>	Attachment E section IV.B Table E-7 footnote 2 of the Tentative Order has been revised as recommended by the City of San Diego.	Attachment E section IV.B Table E-7 footnote 2 has been revised.

No.	Comment	Response	Action Taken
45	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7.</p> <p>The City recommends deleting the oil and grease sampling requirement at the offshore stations as was done several years ago for the Point Loma Outfall Monitoring and Reporting Program (MRP; Order No. R9-2009-001). If retained, however, the frequency should be changed to quarterly both in row 8 and footnote 3. [Delete footnote #3 if requirement dropped.]</p>	Attachment E section IV.B Table E-7 of the Tentative Order has been revised to reduce the frequency of monitoring from monthly to quarterly as recommended by the City of San Diego.	Attachment E section IV.B Table E-7 has been revised.
46	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7.</p> <p>The City recommends deleting the total suspended solids (TSS) sampling requirement at the offshore stations as was done several years ago for the Point Loma MRP. If retained, however, the frequency should be changed to quarterly both in row 9 and footnote 4. [Delete footnote #4 if requirement dropped.]</p>	Attachment E section IV.B Table E-7 of the Tentative Order has been revised to reduce the frequency of monitoring from monthly to quarterly as recommended by the City of San Diego.	Attachment E section IV.B Table E-7 has been revised.
47	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7.</p> <p>The sampling frequency for bacteria monitoring at the 25 offshore stations listed in row 10 and in footnote 5 should be changed to quarterly to match the profile frequency in rows 3-7.</p>	Attachment E section IV.B Table E-7 of the Tentative Order has been revised as recommended by the City of San Diego.	Attachment E section IV.B Table E-7 has been revised.

No.	Comment	Response	Action Taken
48	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7.</p> <p>As per discussion with San Diego Water Board staff, the City concurs and recommends that given the modification of offshore bacterial monitoring to a quarterly sampling schedule, that weekly monitoring of the three kelp bed stations (I25, I26, I39) listed in row 11 be expanded to include nearshore stations I19, I40, I24, and I32 located from South to North along the 9-m depth contour (see station map on page B-2).</p>	<p>Attachment E section IV.B Table E-7 of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.B Table E-7 has been revised.</p>
49	<p>Attachment E, section IV.B, Off Shore Water Quality Monitoring Requirements, Table E-7, footnote 6.</p> <p>The footnote describes weekly bacteria sampling at the kelp stations but makes no mention of CTD profile sampling which is done simultaneously. The City recommends modifying the footnote accordingly, plus it should also reflect the additional nearshore sampling stations if the previous recommendation is adopted.</p>	<p>Attachment E section IV.B Table E-7 footnote 6 of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.B Table E-7 footnote 6 has been revised.</p>
50	<p>Attachment E, section IV.C, Benthic Monitoring Requirements.</p> <p>Section Title: The City recommends modifying the heading to “Benthic Monitoring Requirements” since that would include both sediments and infauna as described in the following subsections.</p>	<p>The section title has been modified to “Benthic Community Protection Monitoring Requirements.” The monitoring is intended to assess the condition of benthic communities relative to potential for exposure to toxic pollutants in sediments. Exposure to toxic pollutants at harmful levels will result in some combination of a degraded benthic community, presence of toxicity, and elevated concentrations of pollutants in sediment.</p>	<p>Attachment E section IV.C. has been revised.</p>

No.	Comment	Response	Action Taken
51	<p>Attachment E, section IV.C.6, Sediment Toxicity.</p> <p>As per discussion with San Diego Water Board staff D. Barker and M. Mata on 5/21/14, the City concurs that language be inserted under the benthic monitoring section of the Tentative Order regarding development of a <i>Sediment Toxicity Monitoring Plan</i> to comply with new requirements of California Ocean Plan Appendix III, Standard Monitoring Procedures, Aquatic Life Toxicity.</p>	<p>Attachment E section IV.C.6 of the Tentative Order has been revised as described by the City of San Diego to require development of a Sediment Toxicity Monitoring Plan to comply with new requirements of California Ocean Plan Appendix III, Standard Monitoring Procedures, Aquatic Life Toxicity.</p>	<p>Attachment E section IV.C.6. has been revised.</p>
52	<p>Attachment E, section IV.C.7, Benthic Infauna Reporting Frequency.</p> <p>Subsection Title: The City recommends modifying the heading to “Benthic Monitoring Reporting Frequency” to include both sediments and infauna as described in the previous subsections and to change this to subsection from IV.C.6 to IV.C.7 to accommodate the addition of “Sediment Toxicity” as described above.</p>	<p>Attachment E section IV.C.7 of the Tentative Order has been revised as recommended by the City of San Diego. The subsection has been retitled, “Benthic Community Monitoring Reporting Frequency”</p>	<p>Attachment E section IV.C.7. has been revised.</p>
53	<p>Attachment E, section IV.D, Fish and Invertebrate Monitoring Requirements.</p> <p>The explanation for why fish and invertebrate monitoring is important is all about contaminants in fish tissues. Thus, it does not seem complete.</p>	<p>Attachment E section IV.D of the Tentative Order has been revised to include additional language describing the value of fish and invertebrate monitoring as recommended by the City of San Diego. The revised text states that aquatic invertebrates are excellent indicators of ecosystem health because they are ubiquitous, abundant, diverse, and typically sedentary. The growth, survival, and reproduction of aquatic invertebrates are all sensitive to declines in environmental health, making analysis of assemblage structure a good ecosystem monitoring tool.</p>	<p>Revisions were made to the Tentative Order</p>

No.	Comment	Response	Action Taken
54	<p>Attachment E, section IV.D.1.b, Fish & Invertebrate Community Structure Analysis.</p> <p>There is no mention here of measuring size class (e.g., standard length) for trawl-caught fishes, although such language is included for fish captured at the rig fishing stations on page E-25. It is probably more relevant in this section.</p>	<p>Attachment E section IV.D.1.b of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.D.1.b. has been revised.</p>
55	<p>Attachment E, section IV.D.1.c, Fish Tissue Chemical Analyses (Trawls).</p> <p>This section does not state when the annual fish tissue samples from the trawl stations should be collected. The City recommends October (or Fall) to be the target sampling period similar to the MRP for Point Loma.</p>	<p>Attachment E section IV.D.1.c of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.D.c. has been revised.</p>
56	<p>Attachment E, section IV.D.1.c Table E-9 – PAHs.</p> <p>The City recommends PAHs be deleted as a requirement for fish tissue monitoring for both liver tissues (trawl stations) and muscle tissues (rig fishing stations). This change is consistent with a similar modification to the Point Loma MRP approved several years ago by San Diego Water Board.</p>	<p>Fish and invertebrate monitoring is conducted to determine if the concentration of pollutants in fish, shellfish, or other marine organisms used for human consumption are bioaccumulating to levels that are harmful to human health. The monitoring is also conducted to determine if the concentration of pollutants in marine life is bioaccumulating to levels that degrade marine communities. To answer these questions the California Ocean Plan in Appendix III, Standard Monitoring Procedures section 9.2 specifies that constituents to be monitored must include pesticides (at the discretion of the Regional Water Board), California Ocean Plan Table 1 metals and PAHs.</p>	<p>None necessary</p>
57	<p>Attachment E, section IV.D.1.e.v, Fish & Invertebrate Trawls Report.</p> <p>Bullet “e.v” under this section should be modified to include trawl invertebrate data as well as fish data.</p>	<p>Attachment E section IV.D.1.e.v of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.D.1.e.v. has been revised.</p>

No.	Comment	Response	Action Taken
58	<p>Attachment E, section IV.D.2.a, Rig Fishing Frequency.</p> <p>This section does not state when the annual fish tissue samples from the rig fishing stations should be collected. The City recommends October (or Fall) to be the target sampling period similar to the MRP for Point Loma.</p>	<p>Attachment E section IV.D.2.a of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.D.2.a. has been revised.</p>
59	<p>Attachment E, section IV.D.2.a, Rig Fishing Method and Location.</p> <p>This section should be revised to include specific reference to the two rig fishing stations, RF-3 and RF-4 and to include language describing the appropriate zones for the purpose of collecting sufficient numbers of fish for tissue analyses. The City will provide San Diego Water Board staff with suggested language.</p>	<p>The City of San Diego provided suggested language on May 28, 2014. Attachment E section IV.D.2.a of the Tentative Order has been revised as recommended by the City of San Diego. The Tentative Order provides that fish shall be collected by hook and line or by setting baited lines from within zones surrounding rig fishing stations FR-3 and RF-4 listed in Table E-1. Rig Fishing Zone 3 is the nearfield (near the zone of initial dilution) area centered within a 1-km radius of station RF-3; Rig Fishing Zone 4 is considered the farfield area centered within a 1-km radius of station RF-4. There are no depth requirements for these two zones with regards to the collection of fish for tissue analysis.</p>	<p>Attachment E section IV.D.2.a. has been revised.</p>
60	<p>Attachment E, section VII.B.3, Table E-11 footnote 2, Monitoring Periods and Reporting Schedule.</p> <p>Where the footnote refers to “fish monitoring requirements” it should refer to “fish and invertebrate” monitoring requirements.</p>	<p>Attachment E section IV.D.2.a Table E-11 footnote 2 of the Tentative Order has been revised as recommended by the City of San Diego.</p>	<p>Attachment E section IV.D.2.a. Table E-11 footnote 2 has been revised.</p>
61	<p>Attachment F – Fact Sheet</p> <p>General Comment: The City recommends that language included in the Fact Sheet be revised as appropriate to reflect changes as described above mostly for Attachment E (Monitoring & Reporting Program).</p>	<p>Attachment F of the Tentative Order has been revised as necessary to reflect the changes noted above.</p>	<p>Attachment F has been revised.</p>

No.	Comment	Response	Action Taken
University of California San Diego - Scripps Institution of Oceanography, San Diego Coastkeeper, Surfrider Foundation, WILDCOAST, City of Imperial Beach, Representative Juan Vargas, State Senator Ben Hueso, Assembly Member Lorena Gonzalez, San Diego County Supervisor Greg Cox			
62	<p>Attachment E, section IV. Receiving Water Monitoring Requirements.</p> <p>Update and modernize the ocean monitoring program as the current monitoring program is out of date. The implementation of a real-time prediction model for the South San Diego Ocean region would help to identify and track plumes and monitor sources of contamination, plan for future changes in outfall capacity and respond to potential spills or similar events. Representative Vargas, State Senator Hueso, Assembly Member Gonzalez, Supervisor Cox, San Diego Coastkeeper, and Surfrider Foundation request the Board to delay adoption of the permit until the ocean monitoring program is updated.</p> <p>The City of Imperial Beach requested a special study for enhanced coastal monitoring be required in this permit and in the permits for City of San Diego South Bay and Point Loma Ocean Outfalls. The City also requested that adoption of the permit be delayed by a few months to allow the San Diego Water Board to research the details and benefits of an enhanced coastal model for the Imperial Beach shoreline.</p>	<p>The San Diego Water Board agrees that the receiving water monitoring requirements of the Tentative Order will need to be updated in the future to document from a regional perspective the state of the receiving water into which the South Bay Ocean Outfall discharges. Needed improvements to the receiving water monitoring program fall into the following general categories:</p> <ol style="list-style-type: none"> 1. Identification and tracking of the wastewater plume from the South Bay Ocean Outfall. The receiving water monitoring program in the Tentative Order is designed for assessing ocean water quality conditions on a statistical basis, and not for assessing the fate and transport of the South Bay Ocean Outfall discharge plume. The current monitoring program provides adequate snapshots of ocean conditions, but under-samples the ocean for the information necessary to estimate the position of the plume under varying oceanographic conditions. In addition, the transport and orientation of the discharge plume is highly variable because of ocean dynamics and can be elusive to track using the fixed grid of sampling stations established in the current receiving water monitoring program. As a result, assessment of station data is often inconclusive with regard to plume location and its potential movement towards shore where it may encroach upon water contact recreational areas. 2. Northward transport of Punta Bandera discharge plume. The City of Tijuana discharges pretreated wastewater from the San Antonio de los Buenos 	None necessary

No.	Comment	Response	Action Taken
		<p>Treatment Plant directly onto the beach at Punta Bandera, approximately 6 miles south of the international border. Intermittent northward ocean currents can transport the Punta Bandera discharge plume across the international border into U.S. ocean waters. The plume needs to be monitored to better understand the plume's constituents as well as its fate and transport.</p> <p>3. Tijuana River Outflow. Tijuana River outflows into coastal ocean waters are an intermittent source, during dry and wet weather conditions, of bacterial contamination responsible for beach closures. The Tijuana River can disperse a coastal trapped plume several miles north and south of the river entrance during heavy rainfall events resulting in elevated fecal bacteria levels in those waters. In certain situations following rainfall events, the Tijuana River plume can also commingle and mix with the South Bay Ocean Outfall plume. The Tijuana River outflow plume needs to be monitored to better understand the plume's constituents as well as its fate and transport under varying oceanographic conditions.</p> <p>This multitude of potential sources for contamination requires a bi-national regional monitoring approach to understand the potential impacts of contaminant and particulate materials from the South Bay Ocean Outfall integrated with consideration of other possible sources such as those described above. The discharges from the various sources ignore political boundaries and legal jurisdictions and interact with the natural environment and with each other, changing over time with seasons, weather, and other variables. As a result, a good understanding of the potential impact of any one source on the coastal marine ecosystem can best be achieved with the data from a coherent</p>	

No.	Comment	Response	Action Taken
		<p>bi-national regional monitoring program that addresses all the sources and their receiving waters.</p> <p>The San Diego Water Board plans to move forward with organizing such a binational regional monitoring approach in keeping with the San Diego Water Board Resolution No. R9-2012-0069, Resolution in Support of a Regional Monitoring Framework. Given the complexity of the U.S. - Mexico Border region and the multitude of governmental agencies and other stakeholders involved on both sides of the border, the development of such a regional monitoring approach will require a two year planning horizon at minimum.</p> <p>Based on this long term projection, the San Diego Water Board does not agree that that the scheduled June 26, 2014 hearing to consider adoption of the Tentative Order should be delayed to allow for more consideration of the receiving water monitoring program. The Tentative Order does contain reopener clauses to modify the monitoring program as necessary to require the Discharger to participate in the development, refinement, implementation, and/or coordination of a regional monitoring program as the effort moves forward (see General Provisions section VI.C.1.b and Attachment E, Monitoring and Reporting Program, section V).</p>	

No.	Comment	Response	Action Taken
City of Imperial Beach			
63	<p>Order section VI.C.2.a, Spill and Transboundary Wastewater Flow Event Prevention and Response Plan.</p> <p>The City strongly supports the implementation of a Spill Response Plan for Type A dry weather flows. We look forward to working with the IBWC and other stakeholders on the development of these Spill Response Plans. We also recognize the legal limitation by the Regional Board to require the implementation of a Spill Response Plan to address Type B dry weather flows. We wish the Regional Board could take additional steps to regulate cross boarder flows in the main channel of the Tijuana River; however, we also recognize that the current efforts to develop a new IBWC Treaty Minute may provide the necessary regulatory framework on the issue. We recommend that any IBWC Treaty Minute to address dry weather flows in the main channel of the Tijuana River get incorporated into future updates into this permit.</p>	<p>The Tentative Order is significantly improved from the current Order with regards to transboundary flows. The Tentative Order includes provisions for USIBWC to notify all appropriate agencies and interested persons of all transboundary spills and wastewater flows. It also includes provisions for inspections, response, investigation and assessment, monitoring, containment and cleanup of dry weather flows that get past the five canyon collectors. Small wet weather flows should also continue to be collected.</p> <p>The remaining transboundary wastewater flows of concern are dry weather flows in the main channel of the Tijuana River and Yogurt Canyon, and all wet weather flows that have the potential to carry pollutants to the Tijuana River, Tijuana River Estuary and the Pacific Ocean. These flows can be and are being addressed through other programs. One of these efforts is the Tijuana River Valley Recovery Team, a collaborative, stakeholder-led binational team whose mission is to bring together the governmental administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Tijuana River Valley from future accumulations of trash and sediment; to identify, remove, recycle or dispose of existing trash and sediment; and to restore the Tijuana River floodplain to a balanced wetland ecosystem. While the team has focused its efforts to date on trash and sediment, it could provide a multi-agency cooperative approach to deal with transboundary wastewater flows as well. A new treaty minute could be developed to consider the larger issues of wet weather flows and the Tijuana River and Yogurt Canyon.</p> <p>The San Diego Water Board also has other regulatory means to address wastewater and storm water flows. These could</p>	None necessary

No.	Comment	Response	Action Taken
		<p>include NPDES permits covering storm water, total maximum daily loads (TMDLs), investigative orders, time schedule orders, cease and desist orders, and other regulatory vehicles. Enforcement actions would, however, only be implemented when the cooperative approach is not achieving its desired outcome.</p> <p>In summary, the Tentative Order contains many provisions to more effectively deal with transboundary flows, and the San Diego Water Board is continuing to consider all available means to address these flows, with the understanding that these efforts are not going to happen overnight. They will take time, effort and resources of many different agencies and other stakeholders.</p>	
64	<p>Attachment E, section IV, Receiving Water Monitoring Requirements.</p> <p>It is our understanding that once this Tentative Order is approved then the monitoring requirements set in this Order will be updated into the City of San Diego's NPDES Discharge Permit for the South Bay Ocean Outfall. In addition, these monitoring requirements will inform the future Permit renewal for the Point Loma Ocean Outfall. We strongly support the Regional I Board's efforts to start integrating monitoring requirements across NPDES Permits.</p>	<p>This statement is accurate. Upon adoption of the Tentative Order, the San Diego Water Board plans to modify the City of San Diego's NPDES Permit to make the monitoring requirements for the South Bay Ocean Outfall consistent with the Tentative Order.</p>	None necessary

No.	Comment	Response	Action Taken
WILD Coast			
65	<p>Order section VI.C.2.a.ii.b).5), Prevention/Response Desired Outcome.</p> <p>Order section VI.C.2.a.ii.c).4) Prevention/Response Roles and Responsibilities.</p> <p>In reference to <i>Desired Outcomes</i> (point b-5, page 17) and <i>Roles and Responsibilities</i> (Page 17), we suggest adding the following stakeholder agencies: Procuraduría Federal de Protección al Ambiente (PROFEPA, a federal environmental protection agency which oversees violations to Mexican environmental laws) and Comisión Nacional del Agua (CONAGUA, federal agency which manages all national bodies of water, including but not limited to creeks, rivers, aquifers and ocean shoreline); and the City of Tijuana's Secretaría de Desarrollo Urbano y Ecología (SDUE), which can work through the City's Department of Environmental Protection and Lifeguards to improve spill prevention and response activities.</p>	<p>Order sections VI.C.2.a.ii.b)5) and VE.C.2.a.ii.c).4) of the Tentative Order have been revised to include PROFEPA, CONAGUA, and SDUE, to the extent that these agencies are willing and able to participate.</p>	<p>Sections VI.C.2.a.ii.b).5) and VE.C.2.a.ii.c).4) have been revised.</p>

No.	Comment	Response	Action Taken
66	<p>Order section VI.C.2.b, Sharing Transboundary Wastewater Flow Information with Mexico.</p> <p>In regard to sharing transboundary wastewater flow information with Mexico (pages 23-24), again we encourage the Board request the discharger share the Prevention and Response Plan with PROFEPA, CONAGUA, and SDUE as well. We strongly support the need to create and convene binational technical committee meetings with stakeholders from both sides of the border to help accomplish points a) through g). We request Non-Governmental Organizations (NGOs) from both sides of the border be invited to participate. Particularly those NGOs that have been working for a length of time in addressing transboundary pollution issues such as Tijuana-based Tijuana Calidad de Vida and Proyecto Fronterizo de Educación Ambiental who actively participated in the Regional Board's Tijuana River Valley Recovery Team working groups; WILDCOAST who participates in the Playas de Tijuana Clean Beaches Committee, Surfrider San Diego and San Diego Coastkeeper who participate in the International and Boundary Water Commission Citizen's Forum (all active members of the Tijuana River Action Network).</p>	<p>Order section VI.C.2.b of the Tentative Order have been revised to include PROFEPA, CONAGUA, and SDUE.</p> <p>The following language has been added to the Tentative Order: "The Discharger shall invite CILA, the San Diego Water Board, and USEPA to attend. In consultation with CILA, the Discharger shall consider inviting additional stakeholders including, but not limited to, the following stakeholders: the San Diego Water Board, CILA, County of San Diego, City of San Diego, City of Imperial Beach, California State Parks, U.S. Fish and Wildlife, California Department of Fish and Wildlife, SPA, CESPT, PROFEPA, CONAGUA, SDUE, USEPA, and NGOs, such as Tijuana-based Tijuana Calidad de Vida and Proyecto Fronterizo de Educación Ambiental, WILDCOAST, Surfrider Foundation San Diego, and San Diego Coastkeeper."</p>	<p>Section VI.C.2.b has been revised.</p>

No.	Comment	Response	Action Taken
67	<p>Order section VI.C.2.e.i.f), TRE Workplan Development and Submittal.</p> <p>In section I TRE work plan development and submittal we encourage you to recommend that in addition to CILA, SPA and CESPT you also include Procuraduría Federal de Protección al Ambiente (PROFEPA, a federal environmental protection agency which oversees violations to Mexican environmental laws).</p>	<p>Order section VI.C.2.e.i.f) or the Tentative Order has been revised to include a reference to PROFEPA.</p>	<p>Section VI.C.2.e.i.f) has been revised.</p>
68	<p>Order section VI.C.5.c, Pretreatment Conditions for the Discharger.</p> <p>In accordance with the treaty for the Utilization of Waters of the Colorado and Tijuana Rivers (Treaty of 1944), we recommend that in addition to the agencies listed (CILA, SPA and CESPT) to encourage and enhance their abilities to prevent the introduction of pollutants into the Tijuana sewage collection system you add the City of Tijuana's Secretaría de Desarrollo Urbano y Ecología (SDUE). SDUE can work through the City of Tijuana's Department of Environmental Protection and Lifeguards to improve spill prevention and response activities.</p>	<p>Order section VI.C.5.c of the Tentative Order has been revised to include a reference to SDUE.</p>	<p>Section VI.C.5.c has been revised.</p>

No.	Comment	Response	Action Taken
69	<p>Attachment E, section VI.B.1.b, Transboundary Wastewater Flow Event or Other Spill/Wastewater Flow Event in Mexico (Flow Event Type B) - Inspections.</p> <p>We strongly urge the Board to request the discharger to conduct daily inspections at system tributaries not listed as canyon collectors such as Yogurt Canyon and the main river channel.</p>	<p>The San Diego Water Board agrees that such inspections would be beneficial to protecting water quality and the beneficial uses of the Tijuana River and estuary. However, the Tentative Order specifically regulates the discharge of secondary treated wastewater effluent from the IWTP to the Pacific Ocean. The Tentative Order is legally limited in scope to devices, systems, sewers, pipes, and other conveyances which comprise the IWTP treatment works. Yogurt Canyon and the Tijuana River main channel are not part of the IWTP treatment works. No facility or activity subject to regulation under the Tentative Order is located or conducted in the Tijuana River channel or Yogurt Canyon. Accordingly, the San Diego Water Board cannot require USIBWC to inspect these locations as a condition of the Tentative Order.</p> <p>The dry weather transboundary wastewater flows on the main channel of the Tijuana River and Yogurt Canyon, and all wet weather flows have the potential to carry pollutants to the Tijuana River and Estuary and the Pacific Ocean. These flows can be and are being addressed through other programs including the Tijuana River Valley Recover Team. A new treaty minute could also be developed to consider transboundary flows within the Tijuana River and Yogurt Canyon. The San Diego Water Board has other regulatory means to address wastewater and storm water flows. These could include NPDES permits covering storm water, Total Maximum Daily Loads, investigative orders, time schedule orders, cease and desist orders and other regulatory vehicles. See response to Comment No. 63 for additional information.</p>	None necessary

No.	Comment	Response	Action Taken
70	<p>Attachment E, section VI.B.1.b, Transboundary Wastewater Flow Event or Other Spill/Wastewater Flow Event in Mexico (Flow Event Type B).</p> <p>We strongly urge the Board to recommend the discharger conduct a study to determine if transboundary wastewater flows entering the system through the main river channel and/or Yogurt Canyon have an adverse impact on the Tijuana River Valley, Estuary and adjacent coastal marine water and beaches during dry weather. This study could help answer questions posed in Attachment E (e-28): (2) What are the sources of dry weather transboundary flows? (3) What pollutants are present in dry weather transboundary wastewater flow type b? (4) Do pollutants in dry weather transboundary flows affect the beneficial uses of the Tijuana Estuary?</p>	<p>Staff agrees that such a study would be beneficial to furthering the San Diego Water Board's knowledge of the sources of pollution and their effects on the Tijuana River, the Tijuana River Valley and Estuary, and south San Diego beach coastal waters. However, as mentioned in response to comment No.69, the Tentative Order has a limited legal scope and dry weather transboundary flows in the Tijuana River main channel and Yogurt Canyon are not subject to regulation under the Tentative Order.</p> <p>Nevertheless, the San Diego Water Board can address these flows through other programs as previously described in the responses to Comments Nos. 63 and 69.</p>	None necessary
71	<p>General comment on Tentative Order.</p> <p>We strongly recommend you encourage USIBWC to have bilingual staff, which can interact more seamlessly with staff from CILA and other agencies in Mexico. Having bilingual staff would facilitate the efficient exchange of information without the need of costly translation services.</p>	<p>The San Diego Water Board staff agrees that USIBWC access to bilingual staff would help facilitate efficient communication with local authorities in Mexico. The Tentative Order requires USIBWC to translate certain documents into Spanish prior to distribution to stakeholders in Mexico. See section VI.C.2.b.vi; section VI.C.2.e.iv.c); and section VI.C.5.b.v.</p>	None necessary

No.	Comment	Response	Action Taken
72	<p>General comment on Tentative Order.</p> <p>We also recommend that future binational treaty agreements related to the Tijuana River Watershed be included in any updates to the permit. Specifically, those relating to dry weather flow in the main channel.</p>	<p>The NPDES Permit only regulates the IWTP wastewater collection system, IWTP, and the discharge of secondary-treated effluent from IWTP to the Pacific Ocean via the South Bay Ocean Outfall. The IWTP wastewater collection system includes the five canyon collectors in Goat Canyon, Smuggler's Gulch, Canyon del Sol, Silva Drain, and Stewart's Drain. Unlike these five canyon collectors, USIBWC does not currently have any facilities in the main channel of the Tijuana River that drain to the IWTP. To the extent future binational treaty agreements are relevant to the operation of the IWTP, they may be referenced in any permit updates.</p>	None necessary
San Diego Coastkeeper and Surfrider Foundation <i>San Diego</i>			
73	<p>General comment on Tentative Order.</p> <p>The permit should require back-up power at the two collector pump stations if not already required. As these canyon collectors are the last opportunity to keep dry weather flows from fouling the TJ Estuary, back-up power will help ensure that the precious habitat is protected should primary power fail.</p>	<p>Backup power at the Goat Canyon Pump Station and the Hollister Street Pump Station is a necessary measure to protect water quality in the Tijuana Estuary during power outages. Tentative Order section VI.C.2.a.ii.e requires inspection and maintenance of the entire wastewater system including backup power and electrical systems. Tentative Order Attachment D, Standard Provision D, requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the condition of the Tentative Order. As such, the Tentative Order requires backup power at the two collector pump stations to prevent a spill of wastewater to the Tijuana Estuary during a power outage. Under most circumstances, a wastewater spill from the pump stations due to a power outage would be considered a violation of the Tentative Order provisions discussed above.</p>	None necessary

