

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

2375 Northside Drive, Suite 100, San Diego, CA 92108  
(619) 516-1990 · Fax (619) 516-1994  
<https://www.waterboards.ca.gov/sandiego>

**REVISED TENTATIVE ORDER NO. R9-2023-0009  
AMENDING**

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

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

**1. Background**

- 1.1. On May 12, 2021, the San Diego Water Board adopted Order No. R9-2021-0001 NPDES No. CA0108928, *Waste Discharge Requirements for the United States Section of the International Boundary and Water Commission South Bay International Wastewater Treatment Plant Discharge to the Pacific Ocean through the South Bay Ocean Outfall* (Order No. R9-2021-0001) establishing waste discharge requirements for the United States Section of the International Boundary and Water Commission (Discharger or USIBWC) to discharge up to 25 million gallons per day (MGD) of secondary-treated effluent from the South Bay International Wastewater Treatment Plant (SBIWTP) into the Pacific Ocean through the South Bay Ocean Outfall (SBOO).
- 1.2. On October 8, 2021, the Discharger filed lawsuits challenging certain provisions of Order No. R9-2021-0001.
- 1.3. On September 6, 2022, the San Diego Water Board and the Discharger executed a settlement agreement in which the San Diego Water Board would consider certain amendments to Order No. R9-2021-0001.

**2. Purpose of Order No. R9-2023-0009 (Order)**

- 2.1. This Order amends Order No. R9-2021-0001 in accordance with the terms of the settlement agreement.

U.S. Section of the **REVISED** TENTATIVE Amending Order No. R9-2023-0009  
International Boundary and Water Commission R9-2022-0133  
South Bay International Wastewater Treatment Plant NPDES NO. CA0108928

2.2. This Order also amends Order No. R9-2021-0001 to clarify the status of chlorine disinfection to the waste discharge in section 2.1, Attachment F of Order No. R9-2021-0001 and to modify the Monitoring and Reporting Program to add “24-hr Composite” to the “Sample Type” to seven parameters in section 3.2.1, Table E-3, Attachment E of the Order No. R9-2021-0001. Revisions to the Monitoring and Reporting Program in Order No. R9-2021-0001 are based on comments from the United States Environmental Protection Agency.

### **3. Legal Authorities**

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

### **4. California Environmental Quality Act (CEQA)**

- 4.1. This action is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, division 13, chapter 3, section 21000 et seq.) in accordance with section 13389 of the Water Code.

### **5. Public Participation**

- 5.1. The San Diego Water Board has notified all known interested parties of its intent to adopt this Order and has provided them with an opportunity to submit their written comments and recommendations on the revised portions of Order No. R9-2021-0001, as show in redline-underline and red-strikeout in Attachment 1 to Order No. R9-2023-0009.
- 5.2. The San Diego Water Board in a public meeting on March 8, 2023, heard and considered all comments pertaining to adoption of this Order.
- 5.3. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 *et seq.* The State Water Board must receive

U.S. Section of the **REVISED** TENTATIVE Amending Order No. **R9-2023-0009**  
 International Boundary and Water Commission **R9-2022-0133**  
 South Bay International Wastewater Treatment Plant NPDES NO. CA0108928

the petition by 5:00 p.m., 30 days after the adoption date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED:**

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

<b>Page No.</b>	<b>Section No.</b>
1	Cover Page
2	Signature Page
7	Section 3.1.1
24	Section 6.3.2.1.1.2
25	Sections 6.3.2.1.2.2.1 through 6.3.2.1.2.2.3
26	Section 6.3.2.1.2.4.1
29 to 30	Sections 6.3.2.1.2.9 through 6.3.2.1.2.11
31 to 32	Section 6.3.2.2.1
33	Section 6.3.2.2.2.1
34	Section 6.3.2.2.3
35	Section 6.3.2.3.1
35	Section 6.3.2.3.1.1
41	Section 6.3.3.1
45 to 46	Section 6.3.5.2
46	Section 6.3.5.3
46	Section 6.3.5.3.1
47	Section 6.3.5.3.1.1
48	Section 6.3.5.3.1.3
48	Section 6.3.5.3.1.3.1
48 to 49	Section 6.3.5.3.1.4.
49	Section 6.3.5.3.2.1
49	Section 6.3.5.3.2.1.1
50	Section 6.3.5.3.2.1.5
50	Section 6.3.5.3.2.2
50	Section 6.3.5.3.2.3
50	Section 6.3.5.3.2.3.2
51	Section 6.3.5.3.2.3.4
51	Section 6.3.5.3.2.4
51	Section 6.3.5.3.3

U.S. Section of the **REVISED** TENTATIVE Amending Order No. **R9-2023-0009**  
 International Boundary and Water Commission **R9-2022-0133**  
 South Bay International Wastewater Treatment Plant NPDES NO. CA0108928

<b>Page No.</b>	<b>Section No.</b>
51 to 52	Sections 6.3.5.3.3.1 through 6.3.5.3.3.3
52	Section 6.3.5.3.3.3.2
52	6.3.5.3.3.5.2
52	Section 6.3.5.3.3.5.4
52	Section 6.3.5.3.3.5.6
53	Section 6.3.5.4.1
E-1	Attachment E, Table of Contents
E-2	Attachment E, Component (1)
E-5	Attachment E, Section 2
E-10	Attachment E, Section 3.1
E-15	Attachment E, Section 3.1.1, Table E-2, Notes for Table E-2 [6]
E-18	Attachment E, Section 3.2.1, Table E-3
E-27	Attachment E, Section 3.3.6.4
E-28	Attachment E, Section 3.3.8.1.4
E-63	Attachment E, Section 4.2.5.1
E-63	Attachment E, Section 4.2.5.1.1
E-74 to E-75	Attachment E, Section 7.4, Table E-11
F-1	Attachment F, Table of Contents
F-5	Attachment F, Section 2
F-6 to F-7	Attachment F, Section 2.1
F-17	Attachment F, Section 3.1
F-21 to F-22	Attachment F, Section 4.1.1
F-48 to F-51	Attachment F, Sections 6.2.2.1.1 through 6.2.2.1.4
F-51 to F-52	Attachment F, Section 6.2.2.2
F-53	Attachment F, Section 6.2.4.2
F-53 to F-54	Attachment F, Section 6.2.5.2
F-55 to F-56	Attachment F, Section 6.2.5.3
F-74	Attachment F, Section 8.7

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

U.S. Section of the **REVISED** TENTATIVE Amending Order No. ~~R9-2022-0133~~ R9-2023-0009  
International Boundary and Water Commission  
South Bay International Wastewater Treatment Plant NPDES NO. CA0108928

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 8, 2023.

**TENTATIVE**

David W. Gibson  
Executive Officer