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

**David Gibson, Executive Officer**

**Executive Officer's Report**
**March 13, 2024**

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**The March 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. United States and Mexico Border Water Quality Update *(Attachment A-1)*

*Staff Contacts: David Gibson and Melissa Corona*

Status of Border Infrastructure Repairs and Improvements

When operating properly, the 42-inch PB1A pipeline in the City of Tijuana conveys dry weather flows that are diverted by the Comisión Internacional de Límites y Aguas pump station (PBCILA) from crossing into the United States (U.S.) through the Tijuana River main channel. The PB1A pipeline conveys the flows to a shoreline discharge point at Punta Bandera approximately 4.2 miles south of the international border. On November 30, 2023, the U.S. Section of the International Boundary and Water Commission (USIBWC) reported that Mexico completed needed repairs of the PB1A pipeline. However, the PB1A pipeline is not yet in full service due to pipeline realignment work that is part of a Mexican highway construction project. The Baja California water utility for the City of Tijuana (CESPT) reports that the PB1A pipeline will be fully operational by March 2024.

Minute 328 of the 1944 U.S.-Mexico treaty, entitled *Utilization of the Colorado and Tijuana Rivers and of the Rio Grande*, was approved in July 2022. It outlines specific border pollution-related projects planned for 2022-2027 and potential projects for the unspecified future. Minute 328 projects in progress include expanding the South Bay International Wastewater Treatment Plant (SBIWTP), replacing the San Antonio de los Buenos Wastewater Treatment Plant (SABWTP), repairing the International Collector, and repairing the Los Laureles Pump Stations 1 and 2.

USIBWC accepted statements of qualifications from interested bidders on the SBIWTP expansion until February 8, 2024. The three best qualified bidders have been invited to submit their technical and cost proposals for final selection of the design-build contractor. USIBWC has hired the first of two new engineers to oversee the SBIWTP operations and expansion with the design team that is selected. Construction is expected to start within one year of the contract award. The SBIWTP average treatment capacity will be expanded from 25 million gallons per day (MGD) to 50 MGD.

The SBIWTP expansion is a core project of the USIBWC and U.S. Environmental Protection Agency (USEPA) June 2023 Joint Record of Decision (ROD) for projects to reduce transboundary water pollution. The cost of the SBIWTP expansion is expected to be approximately $610 million. In 2020, the U.S. federal government, through USEPA, committed $300 million in the United States-Mexico-Canada Agreement (USMCA). An additional funding request of $310 million was announced by President Biden on October 25, 2023, in response to bipartisan efforts by local representatives to increase available funding to match the expected cost of the SBIWTP expansion. If Congress authorizes and allocates the needed supplemental funding, USIBWC expects the construction to be completed in 2027. USIBWC and USEPA have contingency plans if the requested $310 million is not authorized. This includes expanding primary treatment to 50 MGD in the first phase and completing the expansion for secondary when full funding is authorized and allocated.

To date, no funding has been identified for any of the other eight projects included in the ROD to address transboundary flows. Without full implementation of the ROD, transboundary flows of polluted water and trash are likely to continue to impact the Tijuana River Valley, Tijuana River Estuary, and coastal waters from the international border to the City of Coronado.

As of January 11, 2024, the SABWTP is under construction. The project is fully funded by Mexico and will include rehabilitation of the existing plant, treatment upgrades, and a 600-foot coastal outfall. Completion of the project is scheduled for September 2024. The new SABWTP will treat 18 MGD, which will reduce the volume of untreated wastewater that is currently discharged to the shoreline discharge point at Punta Bandera.

Repairs to the damaged 60-inch International Collector pipeline have been completed and it will be relined. The schedule to reline it is contingent upon the Mexican highway construction project, which requires sewage collection pipeline realignments. Rehabilitation of Los Laureles Pump Station 1 is scheduled for early 2024. When in operation, the pump station conveys sewage from Los Laureles Canyon in Tijuana to the SABWTP. Currently, the SAWBTP does not provide reliable wastewater treatment and flows are discharged to the shoreline at Punta Bandera. Until the pump station has been repaired, ongoing dry weather transboundary flows will continue to flow to Goat Canyon.

Status of Compliance at the SBIWTP

Average flows into the SBIWTP varied from approximately 25 MGD to 50 MGD in January and February 2024. While repairs and rehabilitation efforts described below are underway, USIBWC remains out of compliance with Order No. R9-2021-0001 as amended by Order No. R9-2023-0009, National Pollutant Discharge Elimination System 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* (NPDES Permit) and Cease and Desist Order No. R9-2021-0107 as amended by Order No. R9-2021-0220, *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* (CDO. Violations include, but are not limited to, the following:

- Exceedances of secondary treatment effluent standards in the NPDES Permit.
- Failure to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021, consistent with Attachment E, Section 4.2.4 of the NPDES Permit. USIBWC is preparing the TRVMP Work Plan through the ongoing binational Minute 320 Water Quality Workgroup.[1]
- Re-submittal of at least six self-monitoring reports (SMRs) with reporting errors.

So far, the San Diego Water Board has issued six notices of violation (NOVs) to USIBWC. The San Diego Water Board intends to continue issuing monthly NOVs until USIBWC has attained

[1] Minute 320 of the 1944 U.S.-Mexico treaty, entitled *Utilization of the Colorado and Tijuana Rivers and of the Rio Grande*, establishes a framework of binational collaboration to address trash, sediment, and water quality issues.

compliance with the secondary treatment standards in the NPDES Permit. Copies of the NOVs and exhibits are attached.

The San Diego Water Board adopted Time Schedule Order No. R9-2023-0189, *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* (TSO) on December 18, 2023. The TSO establishes interim reporting requirements and a deadline of August 15, 2024, for return to full compliance with the NPDES Permit and CDO.

The San Diego Water Board is meeting weekly with USIBWC to receive status updates and inspect the SBIWTP. The San Diego Water Board has dedicated a full-time Water Resource Control Engineer to these efforts.

Impacts of February 2024 Storm

The region experienced a significant storm event February 5-8, 2024. Flows in the Tijuana River peaked at 5.8 billion gallons per day on February 7, 2024.

The SBIWTP experienced flows of up to 50 MGD. Excess flows bypassed secondary treatment for approximately 18 hours on February 6, 2024, resulting in a bypass volume of approximately 18.7 million gallons.

USIBWC reported that the SBIWTP did not experience any significant damage as a result of the storm. However, the Goat Canyon Collector and Smuggler's Gulch Canyon Collector were out of service because they were overwhelmed with sediment from transboundary flows. Veolia, the SBIWTP operator, removed over 400 cubic yards of sediment from these two canyon collectors the week of February 19, 2024, and returned the Goat Canyon Collector to service.

Status of Repairs to the SBIWTP

USIBWC is working on repairs to the SBIWTP related to deferred maintenance and damage caused by Tropical Storm Hilary in August 2023.

*Status of Junction Box 1 (JB1) Repairs/Replacement*

When operating properly, JB1 controls flows into the SBIWTP. USIBWC has been unable to control flows through JB1 since October 3, 2020.

JB1 has two inoperable gate valves, a 72-inch gate valve that connects to the International Collector and a 96-inch gate valve that connects to Junction Box 2. The 72-inch gate valve became inoperable on August 28, 2019. The 96-inch gate valve became inoperable on October 3, 2020. Since flows from Mexico to the SBIWTP are regulated at JB1 and the two gate valves are inoperable, USIBWC cannot regulate flows from Mexico and must accept all flows that reach JB1.

JB1 must be completely replaced. USIBWC awarded a contract to replace JB1 to Filanc, a design-build contractor, in August 2023. Filanc is in the process of designing the new junction box. USIBWC must approve the design at 60 percent and 90 percent completion. The 60 percent design was submitted to USIBWC on February 28, 2024. USIBWC will complete review of the design in March 2024. USIBWC estimates that a new junction box will be installed in early 2025.

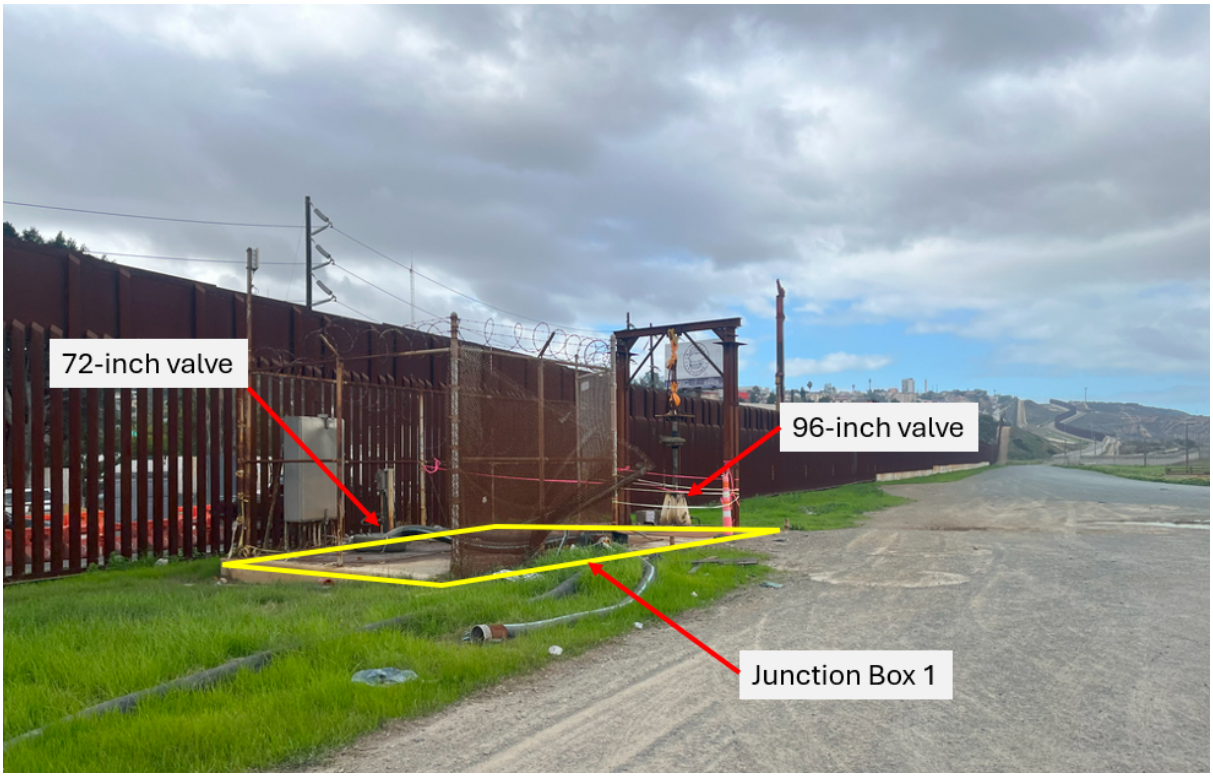


*Figure 1: Junction Box 1. (MC 01/10/2024)*

*Status of Influent Pump Repairs/Replacements*

USIBWC reported that three of the six influent pumps are operational. The other three inoperable influent pumps have been removed. USIBWC received delivery of two new pumps in December 2023. USIBWC has indicated that three pumps are sufficient to meet their current needs. One pump (primary) is adequate for daily flows of 25 MGD, a second pump (peak flow pump) is on standby for peak flows, and a third pump is backup for the primary and peak flow pumps as a failsafe.

Veolia has attempted installation of the first new influent pump multiple times since January 31, 2024. As of February 28, 2024, installation has not been possible due to the presence of excessive sediment and rocks in the wet well. Veolia will continue attempts to install new influent pumps. USIBWC aims to have all the influent pumps operational by the end of 2024.

*Figure 2: Influent pumps. (MC 01/10/2024)*


*Figure 3: Two new influent pumps on the left.*
*Three inoperable influent pumps on the right that have been removed for replacement.*
*(MC 01/10/2024)*


*Figure 4: Closer view of one of the new influent pumps. (USIBWC 12/13/2023)*

*Status of Grit Chamber Cleaning*
The grit chamber is no longer removing grit from the influent because it must be cleaned out. Veolia started to clean out the grit chamber on February 26, 2024. It will take at least 12 business days to complete. The grit chamber must be cleaned out before primary sedimentation tank (PST) No. 5 is returned to operation.

*Status of the PST Cleaning and Repairs*
The primary treatment system at the SBIWTP includes five PSTs, none of which are currently operational.

PST Nos. 1-4 are full of sediment and debris, and influent passes through these PSTs without significant treatment. The chains and flights are not functional and will be replaced. Chains and flights for PST Nos. 1-4 have been delivered.

PST No. 5 has been completely drained and cleaned. USIBWC finished demolition of failed equipment in PST No. 5 on November 28, 2023, and has since installed the drive chain, flights, wear strips, and drain valves. Cleaning of the mixing chamber for this PST is also complete.

Veolia requested the manufacturer of the skimmer trough to expedite delivery of the trough for PST No. 5, but it was not granted. Skimmer troughs for all five PSTs are scheduled to be delivered by mid-April 2024. USIBWC is unsure if the existing trough will continue working once PST No. 5 is operational. If the new troughs are not delivered in time, USIBWC states that it will need to reevaluate whether to bring PST No. 5 online with the existing trough. USIBWC will make this evaluation after the grit chamber is cleaned out.

Once PST No. 5 is operational, USIBWC plans to clean and rehabilitate PST Nos. 1 and 2 (replace the chain, flights, and other equipment) followed by PST Nos. 3 and 4.

USIBWC expects to have three PSTs operational by Summer 2024, and all PSTs operational by December 2024. USIBWC states that operation of three PSTs by July 2024 should be adequate to return the SBIWTP to compliance with secondary treatment standards by the compliance date of August 15, 2024, contingent upon the SBIWTP receiving reasonable flows despite JB1 not being operational until 2025.

*Figure 5: PST No. 5, rehabilitation complete. (MC 01/10/2024)*


*Figure 6: Existing skimmer trough at PST No. 5. (MC 01/10/2024)*

*Figure 7: PST No. 1 is inoperable. (MC 01/10/2024)*

*Status of Secondary Treatment Repairs and Replacement*

The secondary treatment system at the SBIWTP includes seven aeration tanks and 13 secondary settling tanks. USIBWC plans to replace pumps, motors, mixers, waste activated sludge pumps, and non-potable pumps in the secondary treatment in 2024 as part of its capital improvements project package referred to as the "pumps and motors package." Veolia sent an initial proposal to USIBWC on January 5, 2024, and supplemental information on February 26, 2024. As of February 28, 2024, USIBWC was reviewing the supplemental information. Some of the parts have been ordered and delivered, but the installation contract has not been awarded yet. Veolia needs to provide information to USIBWC on the installation portion of the proposal. Once this is provided, the contract should be awarded approximately two weeks later.

Once the PSTs are operational and the flow rate is below 25 MGD, USIBWC and Veolia expect the SBIWTP to be in compliance with secondary treatment requirements, with a trend towards compliance visible within the first month. Veolia expects the effluent from the primary treatment system not to overload the secondary treatment system, resulting in total suspended solids (TSS) results dropping from 300 mg/L to below 100 mg/L.

*Figure 8: Secondary aeration tank. (MC 01/10/2024)*

*Figure 2: Secondary settling tank. (MC 01/10/2024)*

*Status of Canyon Collector Pump Stations*

There are two canyon collector pump stations: Goat Canyon Pump Station and Hollister Pump Station. Both are operational.

The Goat Canyon Pump Station has four pumps, three of which are operational. The Goat Canyon Pump Station moves flows from the Goat Canyon Collector to the Hollister Pump Station. All four pumps at the Goat Canyon Pump Station need to be replaced. USIBWC expects to award a contract to replace the pumps sometime before September 30, 2024.

The Hollister Pump Station moves flows from the Smuggler's Gulch Canyon Collector and from the Goat Canyon Pump Station to the SBIWTP. The Hollister Pump Station has four pumps, three of which are operational. Two of the pumps were replaced with new pumps in 2023, and the other two will be replaced in 2024.

Excessive sediment has been transported by transboundary flows to Smuggler's Gulch due to a large construction project in Matadero Canyon. This impedes the operation of the Smuggler's Gulch Canyon Collector and the pumps at the Hollister Pump Station.

*Figure 10: Mexican construction project in Matadero Canyon. (MC 01/10/2024)*

Status of State of California Projects to Mitigate Transboundary Pollution

Three projects in the Tijuana River Valley were funded by Senate Bill 170 through the State Water Resources Control Board Division of Financial Assistance:

- Tijuana River Flood Control Trash Control Structure ($4.73 million – Rural Community Assistance Center)
- Smuggler's Gulch Dredging Project ($4.25 million – County of San Diego)
- Tijuana River Valley Hydrology and Habitat Restoration ($2 million – County of San Diego)

Each of the three projects are deeply rooted in the 13 years of coordinated federal, State of California, local agency, and non-governmental organization efforts in the Tijuana River Valley Recovery Team to restore and protect water quality. They were originally proposed in the 2012 *Tijuana River Valley Recovery Strategy: Living with the Water* and refined and analyzed in the 2020 *Tijuana River Needs and Opportunities Assessment Report*.

The Tijuana River trash control project involves the design, construction, operation, and maintenance of a floating trash boom system for one storm season in the main channel of the river, immediately downstream of the international border. Installation is expected to be

complete by the beginning of the 2024-2025 storm season. This is a demonstration project. The information gathered will be used to develop permanent trash control infrastructure.

The Smuggler's Gulch dredging project will remove up to 30,000 cubic yards of accumulated sediment, trash, and debris in Smuggler's Gulch and the Tijuana River Pilot Channel. The accumulated sediment, trash, and debris contribute to flooding, which threatens public and private properties and critical habitats. In February 2024, the County of San Diego began dredging from Smuggler's Gulch and the Tijuana River Pilot Channel. The dredging is necessary prior to installation of permanent sediment and trash capture infrastructure at Smuggler's Gulch, which will be funded by a separate grant. The project will be completed by fall 2025.

The Tijuana River Valley habitat and hydrology restoration project will remediate a contaminated seven-acre property adjacent to the Tijuana River and restore it to native upland coastal sage scrub habitat. In January 2024, the County of San Diego started preparing the site for the upcoming demolition and removal of on-site structures containing hazardous materials, such as asbestos and lead. The demolition and removal work was delayed due to January and February 2024 storms events, but will commence once the site conditions have improved to allow access for construction equipment. The project will be completed by fall 2025.

Status of Advance Restoration Plan (ARP)

The San Diego Water Board developed the draft *Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan for Total Maximum Daily Loads* (draft ARP) to address water quality impairments through an implementation plan with actions to restore and maintain water quality standards. The ARP was initially drafted as a total maximum daily load (TMDL) pollution control plan. Waters with an ARP remain on the Clean Water Act Section 303(d) List of Water Quality Limited Segments (303(d) List) until requirements to remove the 303(d) listing are met. If the lower Tijuana River remains on the 303(d) List due to indicator bacteria and trash despite implementation of the ARP, the San Diego Water Board will adopt TMDLs as an amendment to the *Water Quality Control Plan for the San Diego Basin (9)*.

The San Diego Water Board posted the draft ARP on its website for public review and comment on January 10, 2024, and will accept written comments until March 13, 2024. The San Diego Water Board hosted an in-person public workshop and a separate virtual public workshop on February 26 and 28, 2024, respectively. The purpose of the public workshops was for the San Diego Water Board to: (1) provide an overview of the draft ARP; (2) receive verbal comments from interested parties on the draft ARP; and (3) in accordance with Assembly Bill 2108, receive verbal comments on any concerns related to environmental justice or potential impacts on water quality for disadvantaged communities and/or Native American Tribes due to the draft ARP's future implementation.

Minute 320

There are no recent Minute 320 status updates. The last Minute 320 meetings were convened by the U.S. and Mexican sections of IBWC in Imperial Beach and Tijuana on November 30 and December 1, 2023. Meeting participants reviewed projects identified for further development in both countries to address sediment, trash, and water quality. Most of the projects under consideration are source control or pollution management projects.

### 2. South Bay International Wastewater Treatment Plant (SBIWT) Data Correction Update *(Attachment A-2)*

*Staff Contacts: Vicente Rodriguez and Melissa Corona*

The State Water Resources Control Board (State Water Board) identified that self-monitoring reports submitted to the California Integrated Water Quality System (CIWQS) database for the South Bay International Wastewater Treatment Plant (SBIWTP) by the United States Section of the International Boundary and Water Commission (USIBWC) between the dates of Aprill 2022 and September 2022 contained errors. As a follow-up to the State Water Board's review, the San Diego Water Board identified other reporting errors in self-monitoring reports not identified by the State Water Board from 2021-2023. USIBWC attributed the errors to software problems encountered during the data upload process. These problems have been identified. USIBWC provided an update on their progress to correct the monitoring reports on February 16, 2024. A copy of the letter is attached.

## Part B – Significant Regional Water Quality Issues

### 1. 2021 Triennial Review Project No. 1: Designation of Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) Beneficial Uses to Surface Waters in the San Diego Region

*Staff Contact: Jody Ebsen*

**A. PROJECT INFORMATION**
**Project Lead**: Jody Ebsen
**Supervisor**: Cynthia Gorham

Report Date: March 2024
Report Period: September 2023 – January 2024
Overall Status: On track

**Website**:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tribal_beneficial_uses.html

**Project Description**:
This project will designate surface water bodies, where appropriate, with the CUL, TSUB, and SUB beneficial uses. It builds on the work that was completed with the adoption of Resolution No. R9-2020-0254, which incorporated these beneficial uses into the San Diego Region Basin Plan. During the initial phase of this project, the San Diego Water Board will work with tribes to identify water bodies appropriate to designate with tribal beneficial uses. The project will likely extend beyond the 2021 triennial review cycle.

**Project Objective**:
Develop working relationships with local tribes and establish new tribal beneficial use designations, where appropriate, to waters in the San Diego region with a Basin Plan amendment.

**Triennial Review Commitment**:
Work in consultation with Tribes to designate waterbodies, as appropriate, in the San Diego Region with the CUL, T-SUB, and SUB beneficial uses.

| Key Milestone | Target Date | Status |
|---|---|---|
| Project Charter | 2022 | Completed |
| Tribal Summit | 2022 | Completed |
| Participate in Statewide Tribal Beneficial Uses Workgroup | 2022 | Ongoing |
| Regular meetings with Tribal Work Group | FY 23/24 | Ongoing |
| Develop initial project scope with Tribal Work Group | FY 23/24 | On track |
| Begin information gathering | FY23/24 | Ongoing |
| Identify list of water bodies for Tribal Beneficial Uses | FY 24/25 | On track |
| Workshops | TBD | TBD |
| CEQA scoping meeting and CEQA Checklist | FY 24/25 | On track |
| CEQA Consultation | FY 24/25 | On track |

**B. PROGRESS REPORT: Tribal Beneficial Uses**

Reporting Period Events

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|---|---|
| Accomplishments during period | • None |
| Collaboration during period | • Met with tribal work group in October, December, and January to discuss developing the project scope for designating waters in the San Diego region and setting a path for sharing information necessary to support the designations.<br>• Presented at the 2023 Tribal EPA & USEPA Region 9 Conference in October on the San Diego Water Board's Tribal Beneficial Uses (TBU) project.<br>• Met with State and Regional Water Boards during the November Tribal Coordinators meeting. |

| | |
|---|---|
| | • Attended the TBU Tribal Statewide Caucus meeting in December to obtain feedback from tribes around the state on the challenges with TBU projects.<br>• Began working with contractors in January, through a statewide facilitation contract, to enhance communication with the tribal work group and advance the project goals. The contractors are providing guidance on facilitation and tribal engagement. |
| Activities planned but not completed | None |
| Key issues during period | Office of Chief Council is preparing a guidance document on legal considerations and confidentiality concerns on tribal beneficial use designations. Office of Public Participation is also preparing a guidance document on tribal use designations. Both documents are anticipated for release in 2024. |

Looking Forward

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|---|---|
| Activities planned for next period | • Staff will continue regular meetings with the tribal work group to discuss project scope and cultural use information.<br>• Contractors will meet separately with tribal representatives, prepare anonymous summaries, and present feedback at the March tribal work group meeting.<br>• Staff will discuss revising the project's communication plan and developing a meeting facilitation protocol with the contractors resulting in internal guidance documents for continued use. |
| Key issues on the horizon | None |

## 2. 2021 Triennial Review Project No. 2: Tijuana River Valley Water Quality Restoration

*Staff Contact: Cynthia Gorham*

**A. PROJECT INFORMATION**
**Project Lead:** Vacant
**Supervisor:** Cynthia Gorham

Report Date: March 2024
Report Period: September 2023 – January 2024
Overall Status: On track

**Website:**
https://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/tijuanarivervalley.html

**Project Description:**
The purpose of this project is to establish Total Maximum Daily Loads (TMDLs) for indicator bacteria and trash in the lower Tijuana River because the San Diego Water Board has identified human health and ecosystem impacts in the Tijuana River Valley as regional priorities for many years. The San Diego Water Board will continue work on development and approval of TMDLs. Staff will complete the peer and public review processes, continue to coordinate with stakeholders, and prepare an amendment to the *Water Quality Control Plan for the San Diego Basin* (Basin Plan amendment) for adoption by the Board and for approval from the State Water Resources Control Board, Office of Administrative Law, and the U.S. Environmental Protection Agency (USEPA).

Although the Tijuana River is on the 2020-2022 Clean Water Act section 303(d) List of Water Quality Limited Segments for impairments due to over 30 pollutants, control of the anthropogenic sources of indicator bacteria and trash is likely to result in a significant reduction of the remaining pollutants.

**Project Objective**:
The objective is to reduce pollutant loads entering the Tijuana River in order to restore and maintain the chemical, physical, and biological integrity of the Tijuana River as well as the downstream Tijuana River Estuary and coastal waters.

**Triennial Review Commitment:**
Development of TMDLs for indicator bacteria and trash with an implementation plan to restore impaired waters in the Tijuana River Valley.

| Key Milestone | Target Date | Status |
|---|---|---|
| California Environmental Quality Act (CEQA) scoping meeting | May 15, 2019 | Completed |
| Peer review of draft TMDL technical report | Summer 2023 | Completed |

| Key Milestone | Target Date | Status |
|---|---|---|
| Public review of draft TMDL technical report and comment period | Winter 2023-24 | Delayed (originally planned for Winter 2020-21) |
| Basin Plan amendment package to San Diego Water Board for adoption | June 2024 | Delayed (originally planned for August 2021) |

**B. PROGRESS REPORT: Tijuana River Valley Water Quality Restoration**

**Reporting Period Events**

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| Accomplishments during period | • External scientific peer review was completed.<br>• Staff distributed a draft staff report for the restoration plan for public review and comment. The public comment period runs from January 10 through March 13.<br>• Staff scheduled public workshops for February 26 (in person) and February 28 (virtual). |
| Collaboration during period | Staff briefed the Tijuana River Valley Recovery Team Steering Committee (Dec 20). |
| Activities planned but not completed | N/A |
| Key issues during period | • In December 2023, the San Diego Water Board issued a Time Schedule Order to the U.S. Section of the International Boundary and Water Commission (USIBWC) to bring the South Bay International Wastewater Treatment Plant (SBIWTP) plant into alignment with a 2021 cease-and-desist order requiring it to meet water quality standards for discharges to the Pacific Ocean.<br>• See the February 2024 Executive Officer's Report for the status of border infrastructure and SBIWTP repairs.<br>• On January 29, 2024, Governor Newsom wrote to Congress to reiterate that they must act quickly to approve the $310 million that President Biden included in his emergency supplemental appropriations bill to address contamination in the cross-border river. |

**Looking Forward**

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| Activities planned for next period | • Public workshops to discuss the draft staff report content are scheduled for:<br>1. February 26 (in person) 1pm-3:30pm at the Tijuana River National Estuarine Research Reserve (TRNERR), 301 Caspian Way, Imperial Beach, CA 92932<br>2. February 28 (virtual) 6pm-8:30pm. Those interested in attending the virtual workshop must register using the following link: Workshop Registration<br>• Staff will review public comments received through March 13 on the draft Staff Report and prepare a final water quality restoration plan for the Board's consideration at a public hearing |
| Key issues on the horizon | This project could be influenced by a number of efforts involving the Tijuana River Valley, including funding decisions and potential environmental impacts related to the USMCA Project, rehabilitation of the SBIWTP, efforts associated with International Boundary and Water Commission (IBWC) Minutes 320 and 328, and efforts led by the Tijuana River Valley Recovery Team. |

## 3. 2021 Triennial Review Project No. 4: Contact Water Recreation (REC-1) Water Quality Objectives

*Staff Contact: Michelle Santillan*
**A. PROJECT INFORMATION**
**Project Lead:** Michelle Santillan
**Supervisor:** Cynthia Gorham

Report Date: March 2024
Report Period: September 2023 – January 2024
Overall Status: On track

**Website:**
Not available at this time

**Project Description:**
This project was first introduced during the 2014 Triennial Review. At the time, the focus of the project was to determine whether and to what extent data supported amending the objectives, implementation provisions for applicable bacteria Total Maximum Daily Loads (TMDLs), or the TMDLs themselves. Bacteria TMDLs were adopted in June 2008 and February 2010. In July 2018, San Diego Water Board staff prepared a summary report of the 2014 REC-1 Triennial Review Project that made recommendations for next steps. Recommendations were based on discussions and feedback from external and internal workgroups as well as the various technical studies that have been completed to date. During the 2018 Triennial Review, the focus for the project shifted towards implementation of actions that were identified in the 2018 recommendations report. The short-term actions included updates to the existing storm water (MS4) permit, audits of Illicit Discharge Detection and Elimination programs, updates to waste discharge requirements for sanitary sewer systems, and updates to Chapter 3 in the Basin Plan. Staff continues to implement and track the requirements of the 2018 Triennial Review.

Furthermore, as part of the 2021 Triennial Review, staff will investigate the feasibility of the development of a narrative risk-based objective and potential revisions to the 20 Beaches and Creeks Bacteria TMDL.

**Project Objective:**

- Investigate and develop a narrative (risk-based) water quality objective that is protective of the REC-1 beneficial use.
- Establish, if appropriate, a numeric translator for the human-specific *Bacteriodes* HF183 to implement the narrative objective.
- Initiate review and develop recommendations for amending the Bacteria TMDLs.

**Triennial Review Commitment:**
Investigate the development of a narrative objective that would allow the use of human specific markers while being protective of the REC-1 beneficial use.

| Key Milestone | Target Date | Status |
|---|---|---|
| Final Report for Investigative Order No. R9-2019-0014 | June 2024 | On track |
| Final Report for SWAMP Sampling at Reference Beaches | 2023 | Delayed |
| California Environmental Quality Act (CEQA) scoping meeting for new objective | TBD | TBD |
| Public Workshops for MS4 Permit Renewal | Spring 2023 | Ongoing |
| Draft Revisions to Regional WDRs for Sanitary Sewer Systems | TBD | TBD |

## B. PROGRESS REPORT: REC-1 Water Quality Objectives

### Reporting Period Events

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| Accomplishments during period | • Restoration and Protection Planning Unit staff sent out (AB 52) Tribal Consultation letters related to the reopening of the region's bacteria TMDLs in December 2023.<br>• Sample collection associated with the San Diego River Investigative Order was completed in December 2023. Analysis, data compilation and report writing continue in anticipation of the final project report submittal in June 2024. |

| | |
|---|---|
| Collaboration during period | • A subcommittee of the San Diego Water Board met in October 2023 to receive updates on the San Diego River Investigative Order.<br>• The internal REC-1 workgroup met in October and December 2023. The internal REC-1 workgroup meets on a bimonthly basis to share information and coordinate actions.<br>• Sampling for the Surface Water Ambient Monitoring Program (SWAMP) Beach study was completed. This study, which is funded using Region 9's SWAMP allocation and being conducted in conjunction with San Diego State University, is assessing traditional indicator bacteria concurrently with alternative indicators, including coliphage, HF183, adenovirus, norovirus, and pepper mild mottled virus. |
| Activities planned but not completed | Review of regional WDRs for Sewage Collection Agencies has been delayed. |
| Key issues during period | None |

**Looking Forward**

| | |
|---|---|
| Activities planned for next period | • Staff will continue to host focused meetings for the reissuance of the MS4 Permit.<br>• Staff will participate in steering committee meetings, led by the Southern California Coastal Research Project, to discuss sampling results and work plan progress in meeting the San Diego River Investigative Order. Meetings will be open to the public and are scheduled for March 12 and April 9, 2024.<br>• A draft staff report summarizing results of the SWAMP Beach Study is expected in Spring 2024. The results are expected to assist the assessment of the applicability of alternative indicators in San Diego Water Board programs. |
| Key issues on the horizon | • MARU will be preparing a white paper to outline findings of their bioassessment monitoring and to make recommendations for future work. The results of these monitoring efforts are expected to provide insight into levels of fecal indicator bacteria and HF183 in relatively undisturbed areas. |

## 4. 2024 Triennial Review Project No. 6: Santa Margarita River Nutrient Total Maximum Daily Loads, Water Quality Restoration Plan

*Staff Contact: Melissa Liotta*

**A. PROJECT INFORMATION**
**Project Lead:** Melissa Liotta
**Supervisor:** Cynthia Gorham

Report Date: March 2024
Report Period: September 2023 – January 2024
Overall Status: On track

**Website:**
Santa Margarita River Estuary | San Diego Regional Water Quality Control Board (ca.gov)

**Project Description:**
Consistent with the Impaired Waters Policy, staff are developing a Water Quality Restoration Plan to address impairment of the Santa Margarita River due to excessive nutrient loading and eutrophication. The restoration plan will likely rely on implementing and enforcing existing regulatory measures, such as permits, policies, and plans to achieve nutrient load reductions and numeric targets protective of the beneficial uses of the Santa Margarita River.

The Santa Margarita River was added to the Clean Water Act section 303(d) Impaired Waters list for nutrients (nitrogen and phosphorus) in 2012. Excessive nutrient loading into the Santa Margarita River and its tributaries contributes to the overproduction of algae, a condition known as eutrophication. Adverse effects due to eutrophication result in a failure to meet the water quality objectives protective of the most sensitive beneficial uses of Cold Freshwater Habitat (COLD) and Rare, Threatened, or Endangered Species (RARE). Moreover, nutrients discharged to the surface waters and groundwater in the Santa Margarita watershed contribute to the eutrophication impairment of the Santa Margarita River Estuary. Major sources of nutrients to the Santa Margarita River include Municipal Separate Storm Sewer Systems (MS4s) and agricultural land uses in San Diego and Riverside counties.

The Santa Margarita River Water Quality Restoration Plan will restore water quality protective of the River's beneficial uses by addressing the impairment consistent with the State Water Board Impaired Waters Policy and 2015 and 2023, memorandums from the U. S. Environmental Protection Agency on alternative responses to impaired waters that retain more flexibility and efficiency than the traditional approach to setting total maximum daily loads

(TMDLs).[2],[3] San Diego Water Board staff have already completed several milestones in the Water Quality Restoration Plan's development, including the California Environmental Quality Act scoping meeting in 2020, and both a comprehensive climate change analysis and calculations of the nutrient assimilative capacity (i.e., TMDLs) of the Santa Margarita River in 2021.

**Project Objective:**
Using adaptive management through a phased restoration approach the Water Quality Restoration Plan aims to:

- Reduce loading of nitrogen and phosphorus from point and non-point sources into the river.
- Achieve numeric targets protective of the most sensitive beneficial uses of COLD and RARE, which include dissolved oxygen, algal biomass, and algal biological diversity.
- Phase in riparian and hydrologic habitat restoration if nutrient load reductions do not achieve the numeric targets.

**Triennial Review Commitment:**
Development of a Water Quality Restoration Plan for the Santa Margarita River that includes numeric targets and the nutrient assimilative capacity of the river expressed as TMDLs for total nitrogen and total phosphorous with an implementation plan to restore impaired waters in the Santa Margarita River.

| Key Milestone | Target Date | Status |
|---|---|---|
| California Environmental Quality Act (CEQA) scoping meeting | October 27, 2020 | Completed |
| Climate Change Analysis | February 14, 2021 | Completed |
| Calculate the nutrient assimilative capacity of the Santa Margarita River (expressed as TMDLs) | December 15, 2021 | Completed |

[2] U. S. Environmental Protection Agency. 2015. Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions. Available: https://www.epa.gov/sites/default/files/2015-10/documents/2016-ir-memo-and-cover-memo-8_13_2015.pdf [Accessed Aug 21, 2023].

[3] U. S. Environmental Protection Agency. 2023. Information Concerning 2024 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions. Available: https://www.epa.gov/system/files/documents/2023-03/2024IRmemo_032923.pdf [Accessed Aug 31, 2023].

| | | |
|---|---|---|
| Santa Margarita Nutrient Initiative Group Stakeholder Meetings | Ongoing | In process |
| Review of draft staff report by the Santa Margarita River Nutrient Initiative Group | Summer 2023 | Completed |
| External scientific peer review of draft staff report | Spring 2024 | Delayed (originally planned for Fall/Winter 2023) |
| Public review of draft staff report | Spring 2024 | On Track |
| Water Quality Restoration Plan action to the San Diego Water Board or Executive Officer for consideration | Fall 2024 | Delayed (originally planned for Summer 2024) |

**B. PROGRESS REPORT: Santa Margarita River Advanced Restoration Plan**

**Reporting Period Events**

| | |
|---|---|
| Accomplishments during period | • Completed Stakeholder Steering Committee courtesy review.<br>• Staff incorporated Stakeholder Steering Committee feedback into draft staff report. |
| Collaboration during period | • Staff discussed and received feedback on the draft staff report from the Stakeholder Steering Committee.<br>• Staff attended and provided updates at monthly Santa Margarita River Technical Advisory Committee meetings with municipal storm water copermittees.<br>• Bimonthly internal Santa Margarita River watershed workgroup met monthly, September through January. |
| Activities planned but not completed | • Completion of peer review and response to peer reviewer comments was delayed to allow adequate time to solicit and incorporate the Stakeholder Steering Committee feedback on the draft staff report. |
| Key issues during period | • None |

**Looking Forward**

| | |
|---|---|
| Activities planned for next period | • Complete external scientific peer review of the draft staff report.<br>• Staff will provide a brief update on the Water Quality Restoration Plan at the April 10, 2024, San Diego Water Board meeting in Temecula. |
| Key issues on the horizon | None |

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

*Staff Contact: Vicente R. 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,[4] are reported by the USIBWC pursuant to Order No. R9-2021-0001, the National Pollutant Discharge Elimination System (NPDES) permit for the SBIWTP discharge. These uncaptured flows can enter waters of the United States and/or the State of California (State), potentially polluting the Tijuana River Valley and Estuary, and south San Diego beach coastal waters.

According to the 1944 *Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* and stipulations established in IBWC Minute No. 283, the USIBWC and the Comisión Internacional de Limites y Aguas (CILA)[5] 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

[4] Tijuana River transboundary flows typically consist of a mixture of groundwater, urban run-off, storm water, treated sewage wastewater, and untreated sewage wastewater from infrastructure deficiencies and other sources in Mexico.

[5] The Mexican section of the IBWC.

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 December 2023, there was a total of 2 reported transboundary flow resulting in 8.9 million gallons of contaminated water flowing from Mexico into the United States.

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

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

A summary view of information on transboundary flow trends are provided in the following attached figures:

- Figure 1: Number of Transboundary Flows per Month
- Figure 2: Tijuana River Transboundary Flow Volume per Month
- Figure 3: Canyon Collector Transboundary Flow Volume per Month

These figures show the number and volume of transboundary flows per month from December 2022 through December 2023. During this period, there were a total of 27 reported transboundary flows resulting in more than 43.23 billion gallons of contaminated water flowing from Mexico into the United States.

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

***No Reports***

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

March 13, 2024
APPENDED TO EXECUTIVE OFFICER'S REPORT

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

**April 10, 2024**
***Rancho California Water District***

| Action Agenda Item | Action Type | Written Comments Due |
|---|---|---|
| Santa Margarita River Estuary and Watershed Monitoring and Assessment Results for the Estuary Nutrient TMDL, Presented by the Santa Margarita River Nutrient Initiative Group (SMRNIG) Stakeholder Group. *(Melissa Liotta)* | Informational Item | NA |
| Tentative General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations in the San Diego Region. *(Cailynn Smith and Abigail Pashina)* | Public Workshop | TBD |

**May 8, 2024**
***San Diego Water Board***

| Action Agenda Item | Action Type | Written Comments Due |
|---|---|---|
| USIBWC Update on Compliance with Time Schedule Order No. R9-2023-0189. *(Vicente Rodriguez)* | Informational Item | NA |

**June 12, 2024**
***San Diego Water Board***

| Action Agenda Item | Action Type | Written Comments Due |
|---|---|---|
| Lower Tijuana River Fecal Indicator Bacteria and Trash Advanced Restoration Plan (ARP) for TMDLs (Tentative Resolution No. R9-2024-0036). *(Melissa Corona)* | Resolution | 13-Mar-24 |

## Agenda Items Requested by Board Members

**March 10, 2021**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Region-wide workshop regarding the water quality issues in the Tijuana River Valley, including a discussion of water quality objectives and steps needed to achieve them. | Abarbanel | 2024 |

**May 11, 2022**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Environmental Justice outreach event | Warren | 2024 |

**November 9, 2022**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Update on monitoring and debris removal associated with the NPDES permit for discharges from fireworks | Various | Completed February 2024 |

**March 8, 2023**

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

**May 10, 2023**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Information regarding agricultural water quality best practices that are working in other regions and other topics raised during the agricultural workshop | Olson, Warren | Spring 2024 |

**June 14, 2023**

| Future | Board Member | Status |
|---|---|---|
| A tour of the Harbor Island Living Shoreline Project | Warren | 2024 |

**August 9, 2023**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Update on the status of the Lake Cuyamaca fish advisory signs | Warren | Completed February 2024 |

**October 11, 2023**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Look for duplicative monitoring in San Diego Bay and identify opportunities to reduce monitoring as a result of this assessment. | Warren | Ongoing |

**December 13 and 18, 2023**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Information regarding the affordability and operational and capital costs of General Atomics' Industrial Supercritical Water Oxidation (iSCWO) technology system used to treat PFAS and the energy needs associated with the system. | Warren, Olson | Spring 2024 |
| Information regarding "Blue Baby Syndrome" and how it is related to nitrogen in drinking water and groundwater such as private wells. | Cantú | Spring 2024 |
| Updates on the status of all upgrades at the South Bay International Wastewater Treatment Plant, especially when USIBWC will not meet estimated completion dates provided in previous Executive Officer Reports | Olson | Ongoing |
| Update regarding USIBWC's data integrity, upload issues, and any potential new upload methods. | Cantú | Complete March 2024 |

**February 14, 2024**

| Requested Agenda Item | Board Member | Status |
|---|---|---|
| Information on waste reduction methods that could be used to limit the amount of waste generated at the fireworks shows and how much of the waste is toxic. | Strawn | Spring 2024 |
| Update regarding the annual homeless populations surveys that occur in many watersheds in our Region, including information regarding the water quality impacts in the areas of identified homeless populations | Strawn, Cantú | Summer 2024 |

California Water Boards

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

## San Diego Regional Water Quality Control Board

September 5, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water
Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject:** **Notice of Violation No. R9-2023-0162 to the United States International Boundary and Water Commission for Violations of 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***

Dr. Maria-Elena Giner:

As detailed in the attached Notice of Violation (NOV) No. R9-2023-0162, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) alleges that the United States International Boundary and Water Commission (USIBWC or Discharger) has violated 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).

The San Diego Water Board appreciates USIBWC's transparency and open communication regarding the state of the South Bay International Wastewater Treatment Plant (SBIWTP). The San Diego Water Board acknowledges the operational challenges presented in treating wastewater from a collection system in Mexico outside the USIBWC's direct control or authority and appreciates the efforts to coordinate operations and improvements with agencies in Mexico through Minute 320 and Minute 328. During our meeting with USIBWC staff on August 16, 2023, the pathway to return to compliance with the Order and Cease and Desist Order R9-2021-0709 (CDO) was described in detail.

Tropical Cyclone Hilary (Hilary) brought significant inflow and infiltration with excessive sedimentation and debris into the SBIWTP. Throughout the storm itself and in the day following, USIBWC staff kept the San Diego Water Board informed regarding operations and impacts. The damage to the SBIWTP is extensive and serious throughout the

treatment plant. The San Diego Water appreciates the detailed plans USIBWC shared on August 31, 2023, to make emergency repairs and restore operations.

Nonetheless, it is imperative that USIBWC take note of the secondary exceedances pre- and post-Hilary and overdue reports and continue to make every possible effort to restore the SBIWTP to operational status and compliance with the Order and CDO in the shortest possible time. It should be noted that at other, non-federal facilities, the 86 Chronic Violations and 125 Serious Violations reported would constitute 211 Minimum Mandatory Penalty Violations and would result in assessment of Administrative Civil Liabilities of $633,000. Implementation of the plan shared on August 16, 2023, to restore compliance with the Order and CDO in the shortest possible time is a critical environmental responsibility.

Regarding the overdue submission of the Tijuana River Valley Monitoring Program Work Plan (Att. E, section 4.2.4 (pp.E-62,E-63), it has been indicated that this is planned as a binational project being developed as a Minute 320 project. In the interest of the most useful and informative monitoring and assessment of water quality in the Tijuana River watershed, please work with the Minute 320 Secretariats and Commissioner Resendez of the Comisión International de Limites y Aguas (CILA, the Mexican Section of the IBWC) to expedite completion of the draft plan and a schedule for implementation to achieve compliance with the Order at the soonest date.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

David W. Gibson
Executive Officer

Attachment: Notice of Violation (NOV) No. R9-2023-0162

Copies to:

Laurie Walsh, San Diego Water Board, Laurie.Walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, Brandi.Outwin-Beals@waterboards.ca.gov

Morgan Rogers, Commissioner, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2023-0162) | 453821 |
| WDID | 9 000000732 |

| Tech Staff Info & Use (continued) | |
|---|---|
| Violation IDs | 1095194, 1095195, 1095939, 1095941, 1095942, 1095943, 1098935, 1098937, 1100628, 1103622, 1103623, 1103624, 1103625, 1103626, 1103628, 1103629, 1103630, 1103631, 1103632, 1103633, 1103634, 1103635, 1103636, 1103637, 1103638, 1103943, 1103944, 1103945, 1103947, 1103948, 1103949, 1103950, 1103951, 1103952, 1103953, 1103954, 1103955, 1103956, 1103957, 1103958, 1104355, 1104356, 1104357, 1104358, 1104359, 1104360, 1104361, 1104362, 1104363, 1104364, 1104365, 1104366, 1104368, 1104369, 1105851, 1105852, 1105853, 1105854, 1105855, 1105856, 1105857, 1105858, 1105860, 1105861, 1105862, 1105863, 1105864, 1105865, 1106693, 1108811, 1108812, 1108814, 1108815, 1108816, 1108817, 1108819, 1108820, 1108821, 1108822, 1109623, 1109624, 1109625, 1109626, 1109627, 1109628, 1109630, 1109631, 1109632, 1109633, 1110722, 1110723, 1110724, 1110725, 1110726, 1110727, 1110729, 1110731, 1110732, 1110733, 1110734, 1110735, 1110736, 1111588, 1111589, 1111590, 1111591, 1111592, 1111593, 1111595, 1111597, 1111598, 1111599, 1111600, 1111601, 1112867, 1112868, 1112869, 1112870, 1112871, 1112872, 1112873, 1112874, 1112875, 1112877, 1112878, 1112879, 1112881, 1112882, 1112883, 1113382, 1114378, 1114380, 1114381, 1114382, 1114383, 1114384, 1114385, 1114386, 1114387, 1114388, 1114390, 1114391, 1114392, 1114393, 1114394, 1114947, 1114948, 1114949, 1114950, 1114951, 1114953, 1114954, 1114955, 1114956, 1114957, 1114959, 1114960, 1114961, 1114962, 1114963, 1114964, 1115867, 1115868, 1115869, 1115870, 1115871, 1115872, 1115873, 1115874, 1115875, 1115876, 1115877, 1115879, 1115880, 1117391, 1117392, 1117393, 1117394, 1117395, 1117396, 1117397, 1117398, 1117399, 1117400, 1117401, 1117402, 1117403, 1118212, 1118213, 1118215, 1118216, 1118217, 1118218, 1118219, 1118220, 1118221, 1118222, 1118223, 1118224, 1118225, 1118890, 1118892, 1118893, 1118894, 1118895, 1118896, 1118897, 1118898, 1118899, 1118900, 1118901, 1118902, 1118903, 1118904 |

**Notice of Violation No. R9-2023-0162**

**to the United States International Boundary and Water Commission for Violations of 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) hereby issues Notice of Violation (NOV) No. R9-2023-0162 to the United States International Boundary and Water Commission (USIBWC or Discharger) for violations of 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). These violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to maintain and operate the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between September 30, 2021, and June 30, 2023, the Discharger self-reported 208 violations, and the San Diego Water Board identified six missing or late reports. The Discharger reported that most of the violations were caused by the inflow of sewage from Tijuana, Mexico exceeding the design flow capacity of the SBIWTP.

## 2. Summary of Alleged Violations the Order

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1.

**Observation:** The Discharger self-reported 208[1] exceedances of the effluent limitations in the California Integrated Water Quality System (CIWQS) database.

**2.2. Section 6.3.2.1 of the Order:** The Discharger was required to submit an Updated Flow Prevention/Response Plan Section 6.3.2.1.2 by December 28, 2021.

**Observation**: This Discharger submitted the Updated Flow Prevention/Response Plan Section 6.3.2.1.2 on December 15, 2022.

**2.3. Section 6.3.2.5.1 of the Order:** The Discharger was required to submit an Asset Management Plan by December 28, 2021.

**Observation**: This Discharger submitted the Asset Management Plan on December 5, 2022.

**2.4. Section 6.3.3.2.5 of the Order:** The Discharger was required to submit a Pollutant Minimization Program Annual Status Report by February 1, 2022.

[1] Exhibit 1, List of Violations

**Observation**: This Discharger submitted the Pollutant Minimization Program Annual Status Report on December 15, 2022.

**2.5. Section 6.3.3.2.5 of the Order:** The Discharger was required to submit a Pollutant Minimization Program Annual Status Report by February 1, 2023.

**Observation**: This Discharger submitted the Pollutant Minimization Program Annual Status Report on February 21, 2023.

**2.6. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger had 214 violations of the Order.

**2.7. Attachment E, Section 4.2.4 of the Order:** The Discharger was required to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021.

**Observation**: This Discharger has not submitted the TRVMP Work Plan.

**2.8. Attachment E, Section 3.3.6 of the Order:** The Discharger was required to submit an Initial Investigation TRE Work Plan by September 29, 2021.

**Observation**: This Discharger submitted the Initial Investigation TRE Work Plan on March 8, 2022.

## 3. Potential Enforcement Actions

The alleged violations may potentially subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Resources Control Board (State Water Board). The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 1 | 1095939 | 09/05/21 through 09/11/21 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 milliliters per liter (ml/L) with a result of 1.8 ml/L. |
| 2 | 1095943 | 9/8/2021 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 3.4 ml/L. |
| 3 | 1095941 | 9/9/2021 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 4 ml/L. |
| 4 | 1095942 | 9/10/2021 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 4 ml/L. |
| 5 | 1095194 | 09/30/21 through ongoing | Late Report | Tijuana River Valley Work Plan (Doc ID:2523482), due 09/29/2021, has not been submitted. |
| 6 | 1095195 | 09/30/21 through 03/08/22 | Late Report | Initial Investigation TRE Work Plan (Doc ID:2523481), due 09/29/2021, was submitted on 3/8/2022. |
| 7 | 1098935 | 12/29/21 through 12/15/22 | Late Report | Updated Flow Prevention/Response Plan Section 6.3.2.1.2 (Doc ID:2528203), due 12/28/2021, was submitted on 12/15/2022. |
| 8 | 1098937 | 12/29/21 through 12/05/22 | Late Report | Asset Management Plan (Doc ID:2528204), due 12/28/2021, was submitted on 12/5/2022. |
| 9 | 1103943 | 02/01/22 through 02/28/22 | CAT1 | Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 milligram per liter (mg/L) with a result of 55 mg/L. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 10 | 1103945 | 02/01/22 through 02/28/22 | CAT1 | Total Suspended Solids (TSS) percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.59%. |
| 11 | 1103951 | 02/01/22 through 02/28/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 100 mg/L. |
| 12 | 1103952 | 02/01/22 through 02/28/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 pounds per day (lb/day) with a result of 14,151 lb/day. |
| 13 | 1103954 | 02/01/22 through 02/28/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 26,591 lb/day. |
| 14 | 1103955 | 02/01/22 through 02/28/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85 % with a result of 76.21 % |
| 15 | 1103958 | 02/01/22 through 02/28/22 | OEV | Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 2.68 ml/L. |
| 16 | 1100628 | 02/02/22 through 12/15/22 | Late Report | Pollutant Minimization Program Annual Status Report (Doc ID:2528201), due 02/01/2022, was submitted on 12/15/2022. |
| 17 | 1103948 | 02/13/22 through 02/19/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L. |
| 18 | 1103956 | 2/16/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L. |
| 19 | 1103944 | 02/20/22 through 02/26/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 142.09 mg/L. |

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**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 20 | 1103947 | 02/20/22 through 02/26/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 264 mg/L. |
| 21 | 1103949 | 02/20/22 through 02/26/22 | OEV | Turbidity concentration exceeded the weekly average effluent limitation of 100 Nephelometric Turbidity Units (NTU) with a result of 169.6 NTU. |
| 22 | 1103950 | 02/20/22 through 02/26/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 79,454 lb/day. |
| 23 | 1103953 | 02/20/22 through 02/26/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 41,591 lb/day. |
| 24 | 1103957 | 2/23/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 800 NTU. |
| 25 | 1104360 | 02/27/22 through 03/05/22 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 146.33 NTU. |
| 26 | 1103622 | 03/01/22 through 03/31/22 | OEV | Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.78 ml/L. |
| 27 | 1103624 | 03/01/22 through 03/31/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 57.1%. |
| 28 | 1103629 | 03/01/22 through 03/31/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 143 mg/L. |
| 29 | 1103631 | 03/01/22 through 03/31/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 33,887 lb/day. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 30 | 1103636 | 03/01/22 through 03/31/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 48 mg/L. |
| 31 | 1103637 | 03/01/22 through 03/31/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 82.06%. |
| 32 | 1103638 | 03/01/22 through 03/31/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 11,102 lb/day. |
| 33 | 1103625 | 03/06/22 through 03/12/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.94 ml/L. |
| 34 | 1103630 | 03/13/22 through 03/19/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 40,701 lb/day. |
| 35 | 1103632 | 03/13/22 through 03/19/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 194 mg/L. |
| 36 | 1103634 | 03/13/22 through 03/19/22 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 124.19 NTU. |
| 37 | 1103623 | 03/27/22 through 04/02/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 13,722 lb/day. |
| 38 | 1103633 | 03/27/22 through 04/02/22 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 75 NTU with a result of 83.4 NTU. |
| 39 | 1103635 | 03/27/22 through 04/02/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 65.29 mg/L. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 40 | 1104358 | 03/27/22 through 04/02/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.51 ml/L. |
| 41 | 1103626 | 3/29/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 38 ml/L. |
| 42 | 1103628 | 3/29/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 797 NTU. |
| 43 | 1104355 | 04/01/22 through 04/30/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 62.39%. |
| 44 | 1104356 | 04/01/22 through 04/30/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 128 mg/L. |
| 45 | 1104357 | 04/01/22 through 04/30/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 77.91%. |
| 46 | 1104359 | 04/01/22 through 04/30/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 25,897 lb/day. |
| 47 | 1104364 | 04/01/22 through 04/30/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 61 mg/L. |
| 48 | 1104366 | 04/01/22 through 04/30/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 12,351 lb/day. |
| 49 | 1104363 | 4/16/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 5 ml/L. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 50 | 1104361 | 04/24/22 through 04/30/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 267 mg/L. |
| 51 | 1104362 | 04/24/22 through 04/30/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 65,429 lb/day. |
| 52 | 1104368 | 04/24/22 through 04/30/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 135.29 mg/L. |
| 53 | 1104369 | 04/24/22 through 04/30/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 27,819 lb/day. |
| 54 | 1104365 | 4/26/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 227 NTU. |
| 55 | 1105852 | 05/01/22 through 05/31/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 77 mg/L. |
| 56 | 1105853 | 05/01/22 through 05/31/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 45 mg/L. |
| 57 | 1105854 | 05/01/22 through 05/31/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 14,442 lb/day. |
| 58 | 1105857 | 05/01/22 through 05/31/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 82.3%. |
| 59 | 1105860 | 05/01/22 through 05/31/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 8,325 lb/day. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 60 | 1105862 | 05/01/22 through 05/31/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 76.87%. |
| 61 | 1105851 | 05/08/22 through 05/14/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.67 ml/L. |
| 62 | 1105856 | 05/08/22 through 05/14/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 173 mg/L. |
| 63 | 1105861 | 05/08/22 through 05/14/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 18,794 lb/day. |
| 64 | 1105863 | 05/08/22 through 05/14/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 31,258 lb/day. |
| 65 | 1105864 | 05/08/22 through 05/14/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 104 mg/L with a result of 40 mg/L. |
| 66 | 1105865 | 05/08/22 through 05/14/22 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 113.84 NTU. |
| 67 | 1105855 | 5/10/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 286 NTU. |
| 68 | 1105858 | 5/10/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 11 ml/L. |
| 69 | 1106693 | 06/05/22 through 06/11/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 45.57 mg/L. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 70 | 1108811 | 08/01/22 through 08/31/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 32 mg/L. |
| 71 | 1108814 | 08/01/22 through 08/31/22 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 31.31 MGD. |
| 72 | 1108815 | 08/01/22 through 08/31/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 15,890 lb/day. |
| 73 | 1108820 | 08/01/22 through 08/31/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 8,327 lb/day. |
| 74 | 1108821 | 08/01/22 through 08/31/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 78.78%. |
| 75 | 1108822 | 08/01/22 through 08/31/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 62 mg/L. |
| 76 | 1108812 | 08/21/22 through 08/27/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 49.4 mg/L. |
| 77 | 1108819 | 08/21/22 through 08/27/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 12,175 lb/day. |
| 78 | 1108816 | 08/28/22 through 09/03/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 45 mg/L with a result of 82 mg/L. |
| 79 | 1108817 | 08/28/22 through 09/03/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 9,383 lb/day with a result of 20,267 lb/day. |
| 80 | 1109623 | 09/01/22 through 09/30/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 84.37%. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 81 | 1109624 | 09/01/22 through 09/30/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 39 mg/L. |
| 82 | 1109627 | 09/01/22 through 09/30/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 72 mg/L. |
| 83 | 1109628 | 09/01/22 through 09/30/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 19,365 lb/day. |
| 84 | 1109631 | 09/01/22 through 09/30/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 76.7%. |
| 85 | 1109633 | 09/01/22 through 09/30/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 10,372 lb/day. |
| 86 | 1109625 | 09/25/22 through 10/01/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 54.46 mg/L. |
| 87 | 1109626 | 09/25/22 through 10/01/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 15,122 lb/day. |
| 88 | 1109630 | 09/25/22 through 10/01/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 27,487 lb/day. |
| 89 | 1109632 | 09/25/22 through 10/01/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 99 mg/L. |
| 90 | 1110722 | 10/01/22 through 10/31/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 46 mg/L. |
| 91 | 1110724 | 10/01/22 through 10/31/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 12,355 lb/day. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 92 | 1110725 | 10/01/22 through 10/31/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 70.5%. |
| 93 | 1110727 | 10/01/22 through 10/31/22 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 32.17 MGD. |
| 94 | 1110731 | 10/01/22 through 10/31/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 88 mg/L. |
| 95 | 1110735 | 10/01/22 through 10/31/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 23,519 lb/day. |
| 96 | 1110736 | 10/01/22 through 10/31/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 80.46%. |
| 97 | 1110723 | 10/30/22 through 11/05/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 81.81 mg/L. |
| 98 | 1110729 | 10/30/22 through 11/05/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 151 mg/L. |
| 99 | 1110732 | 10/30/22 through 11/05/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 21,821 lb/day. |
| 100 | 1110733 | 10/30/22 through 11/05/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 40,368 lb/day. |
| 101 | 1110734 | 10/30/22 through 11/05/22 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 104.51 NTU. |
| 102 | 1111591 | 10/30/22 through 11/05/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 159 mg/L. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 103 | 1111593 | 10/30/22 through 11/05/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 41,982 lb/day. |
| 104 | 1111595 | 10/30/22 through 11/05/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 88.43 mg/L. |
| 105 | 1110726 | 10/31/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 389 NTU. |
| 106 | 1111588 | 11/01/22 through 11/30/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 130 mg/L. |
| 107 | 1111589 | 11/01/22 through 11/30/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 36,536 lb/day. |
| 108 | 1111590 | 11/01/22 through 11/30/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 19,647 lb/day. |
| 109 | 1111592 | 11/01/22 through 11/30/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 70 mg/L. |
| 110 | 1111597 | 11/01/22 through 11/30/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 72.08%. |
| 111 | 1111598 | 11/01/22 through 11/30/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 61.1%. |
| 112 | 1111600 | 11/06/22 through 11/12/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 2.51 ml/L. |
| 113 | 1111601 | 11/06/22 through 11/12/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 23,468 lb/day. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 114 | 1111599 | 11/9/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 mg/L with a result of 17 mg/L. |
| 115 | 1112868 | 12/01/22 through 12/31/22 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 67 mg/L. |
| 116 | 1112869 | 12/01/22 through 12/31/22 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 17,511 lb/day. |
| 117 | 1112871 | 12/01/22 through 12/31/22 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 28.64 MGD. |
| 118 | 1112877 | 12/01/22 through 12/31/22 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 77.07%. |
| 119 | 1112878 | 12/01/22 through 12/31/22 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 68.06%. |
| 120 | 1112879 | 12/01/22 through 12/31/22 | OEV | Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.39 ml/L. |
| 121 | 1112882 | 12/01/22 through 12/31/22 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 117 mg/L. |
| 122 | 1112883 | 12/01/22 through 12/31/22 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 31,147 lb/day. |
| 123 | 1112867 | 12/25/22 through 12/31/22 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 31,849 lb/day. |
| 124 | 1112870 | 12/25/22 through 12/31/22 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 121.91 mg/L. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 125 | 1112872 | 12/25/22 through 12/31/22 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 184 mg/L. |
| 126 | 1112873 | 12/25/22 through 12/31/22 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 49,021 lb/day. |
| 127 | 1112875 | 12/25/22 through 12/31/22 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L. |
| 128 | 1112874 | 12/28/2022 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 283 NTU. |
| 129 | 1112881 | 12/28/2022 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L. |
| 130 | 1114378 | 01/01/23 through 01/31/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 37 mg/L. |
| 131 | 1114380 | 01/01/23 through 01/31/23 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 27.46 MGD. |
| 132 | 1114381 | 01/01/23 through 01/31/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 75 mg/L. |
| 133 | 1114382 | 01/01/23 through 01/31/23 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 86.86%. |
| 134 | 1114386 | 01/01/23 through 01/31/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 78.31%. |
| 135 | 1114387 | 01/01/23 through 01/31/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 21,856 lb/day. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 136 | 1114388 | 01/01/23 through 01/31/23 | OEV | Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.6 ml/L. |
| 137 | 1114392 | 01/01/23 through 01/31/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 10,748 lb/day. |
| 138 | 1114383 | 01/15/23 through 01/21/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 9,383 mg/L with a result of 39,877 mg/L. |
| 139 | 1114384 | 01/15/23 through 01/21/23 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 1.51 ml/L. |
| 140 | 1114391 | 01/15/23 through 01/21/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 54.61 mg/L. |
| 141 | 1114385 | 01/29/23 through 02/04/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 19,840 lb/day. |
| 142 | 1114393 | 01/29/23 through 02/04/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 112 mg/L. |
| 143 | 1114951 | 01/29/23 through 02/04/23 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 3.74 ml/L. |
| 144 | 1114390 | 1/31/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 314 NTU. |
| 145 | 1114394 | 1/31/2023 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 25 ml/L. |
| 146 | 1114948 | 02/01/23 through 02/28/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 47.94%. |

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| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 147 | 1114949 | 02/01/23 through 02/28/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 39,243 lb/day. |
| 148 | 1114954 | 02/01/23 through 02/28/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 146 mg/L. |
| 149 | 1114959 | 02/01/23 through 02/28/23 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 28.83 MGD. |
| 150 | 1114960 | 02/01/23 through 02/28/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 84 mg/L. |
| 151 | 1114961 | 02/01/23 through 02/28/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 22,471 lb/day. |
| 152 | 1114963 | 02/01/23 through 02/28/23 | OEV | Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 87.99 NTU. |
| 153 | 1114964 | 02/01/23 through 02/28/23 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.25%. |
| 154 | 1113382 | 02/02/23 through 02/21/23 | Late Report | Pollutant Minimization Program Annual Status Report (Doc ID:2528232), due 02/01/2023, was submitted on 2/21/23. |
| 155 | 1114947 | 02/12/23 through 02/18/23 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 167.09 NTU. |
| 156 | 1114950 | 02/12/23 through 02/18/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 242 mg/L. |
| 157 | 1114953 | 02/12/23 through 02/18/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 123 mg/L. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 158 | 1114955 | 02/12/23 through 02/18/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 35,298 lb/day. |
| 159 | 1114962 | 02/12/23 through 02/18/23 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 70,259 lb/day. |
| 160 | 1114957 | 2/13/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 620 NTU. |
| 161 | 1114956 | 2/23/2023 | OEV | Settleable Solids concentration exceeded the instantaneous maximum 3 ml/L with a result of 5 ml/L. |
| 162 | 1115870 | 02/26/23 through 03/04/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 20,801 lb/day. |
| 163 | 1115871 | 02/26/23 through 03/04/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 84.54 mg/L. |
| 164 | 1115867 | 03/01/23 through 03/31/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 63 mg/L. |
| 165 | 1115868 | 03/01/23 through 03/31/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 14,957 lb/day. |
| 166 | 1115872 | 03/01/23 through 03/31/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 145 mg/L. |
| 167 | 1115873 | 03/01/23 through 03/31/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 34,885 lb/day. |
| 168 | 1115877 | 03/01/23 through 03/31/23 | OEV | Settleable Solids concentration exceeded the monthly average effluent limitation of 1 ml/L with a result of 1.82 ml/L. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 169 | 1115879 | 03/01/23 through 03/31/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 44.17%. |
| 170 | 1115869 | 03/05/23 through 03/11/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 174 mg/L. |
| 171 | 1115876 | 03/05/23 through 03/11/23 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 47,873 lb/day. |
| 172 | 1115880 | 3/11/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 279 NTU. |
| 173 | 1115874 | 03/12/23 through 03/18/23 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 1.5 ml/L with a result of 5.8 ml/L. |
| 174 | 1115875 | 3/15/2023 | OEV | Settleable Solids concentration exceeded the instantaneous maximum effluent limitation of 3 ml/L with a result of 40 ml/L. |
| 175 | 1117403 | 04/01/23 through 04/30/23 | OEV | Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 93.35 NTU. |
| 176 | 1117393 | 04/01/23 through 04/30/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 198 mg/L. |
| 177 | 1117395 | 04/01/23 through 04/30/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 116 mg/L. |
| 178 | 1117398 | 04/01/23 through 04/30/23 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 34.41%. |
| 179 | 1117399 | 04/01/23 through 04/30/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 19.81%. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 180 | 1117400 | 04/01/23 through 04/30/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 20,602 lb/day. |
| 181 | 1117401 | 04/01/23 through 04/30/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 35,389 lb/day. |
| 182 | 1117396 | 04/09/23 through 04/15/23 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 115.43 NTU. |
| 183 | 1117397 | 4/21/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 236 NTU. |
| 184 | 1117391 | 04/23/23 through 04/29/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 142.29 mg/L. |
| 185 | 1117392 | 04/23/23 through 04/29/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 25,628 lb/day. |
| 186 | 1117394 | 04/23/23 through 04/29/23 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 41,825 lb/day. |
| 187 | 1117402 | 04/23/23 through 04/29/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 232 mg/L. |
| 188 | 1118212 | 04/30/23 through 05/06/23 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 125.86 NTU. |
| 189 | 1118220 | 04/30/23 through 05/06/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 188 mg/L. |
| 190 | 1118221 | 04/30/23 through 05/06/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 26,431 lb/day. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 191 | 1118222 | 04/30/23 through 05/06/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 108.86 mg/L. |
| 192 | 1118225 | 04/30/23 through 05/06/23 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 42,864 lb/day. |
| 193 | 1118215 | 05/01/23 through 05/31/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 130 mg/L. |
| 194 | 1118216 | 05/01/23 through 05/31/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 29,778 lb/day. |
| 195 | 1118217 | 05/01/23 through 05/31/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 53.36%. |
| 196 | 1118218 | 05/01/23 through 05/31/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 17,513 lb/day. |
| 197 | 1118219 | 05/01/23 through 05/31/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 76 mg/L. |
| 198 | 1118223 | 05/01/23 through 05/31/23 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 26.89 MGD. |
| 199 | 1118224 | 05/01/23 through 05/31/23 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 63.17%. |
| 200 | 1118213 | 5/1/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 409 NTU. |
| 201 | 1118892 | 06/01/23 through 06/30/23 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 29.43 MGD. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 202 | 1118894 | 06/01/23 through 06/30/23 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 161 mg/L. |
| 203 | 1118895 | 06/01/23 through 06/30/23 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 20,850 lb/day. |
| 204 | 1118896 | 06/01/23 through 06/30/23 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 40,187 lb/day. |
| 205 | 1118898 | 06/01/23 through 06/30/23 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 65.07%. |
| 206 | 1118901 | 06/01/23 through 06/30/23 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 83 mg/L. |
| 207 | 1118903 | 06/01/23 through 06/30/23 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 44.71%. |
| 208 | 1118904 | 06/01/23 through 06/30/23 | OEV | Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 80.94 NTU. |
| 209 | 1118893 | 06/11/23 through 06/17/23 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 25,202 lb/day. |
| 210 | 1118897 | 06/11/23 through 06/17/23 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 199 mg/L. |
| 211 | 1118899 | 06/11/23 through 06/17/23 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 49,968 lb/day. |
| 212 | 1118900 | 06/11/23 through 06/17/23 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 107.78 NTU. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 213 | 1118902 | 06/11/23 through 06/17/23 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 101.29 mg/L. |
| 214 | 1118890 | 6/13/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 278 NTU. |

**Notice of Violation R9-2023-0162**
**Exhibit 1, List of Violations**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| Occurrence Date(s) | Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| Violation Description | Narrative description of the violation. |
| Violation ID | Identification number assigned to a violation in CIWQS. |

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

# San Diego Regional Water Quality Control Board

October 27, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject: Notice of Violation No. R9-2023-0205 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001**

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0205 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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). These alleged violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between July 1, 2023, and August 30, 2023, the Discharger self-reported 27 effluent limitation exceedances. The Discharger reported that most of the effluent limitation exceedances were caused by the inflow of sewage from Tijuana, Mexico exceeding the design flow capacity of the SBIWTP. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

**2. Summary of Alleged Violations of the Order**

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

**Observation:** The Discharger self-reported 27[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

**2.2. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger self-reported 27 exceedances of effluent limitations.

**2.3 Attachment E, Section 7.2 of the Order:** The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

**Observation:** The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

**3. Potential Enforcement Actions**

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

[1] Exhibit 1, List of Violations

Respectfully,

Laurie A. Walsh, P.E.
Supervising Water Resource Control Engineer
Surface Water Protection Branch

Attachment: Exhibit 1, List of Violations

Copies to:

Brandi Outwin-Beals, San Diego Water Board,
Brandi.Outwin-Beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, Vicente.Rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2023-0205) | 454744 |
| WDID | 9 000000732 |
| Violation IDs | 1119739, 1119743, 1119745, 1119746, 1119747, 1119749, 1119750, 1119751, 1119740, 1119744, 1119748, 1119752, 1119753, 1120606, 1120607, 1120608, 1120609, 1120610, 1120611, 1120613, 1120614, 1120601, 1120602, 1120604, 1120612, 1120603, 1120605, 1121285, 1121286, 1121287, 1121288, 1121289 |

**Notice of Violation R9-2023-0205**
**Exhibit 1**

**Table 1 – List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 1 | 1119739 | 07/01/2023 through 07/31/2023 | OEV | Turbidity cloudiness exceeded the monthly average effluent limitation of 75 Nephelometric Turbidity Units (NTU) with a result of 86 NTU. |
| 2 | 1119743 | 07/01/2023 through 07/31/2023 | CAT1 | Total Suspended Solids (TSS) mass emission rate exceeded the monthly average of effluent limitation of 6,255 pounds per day (lb/day) with a result of 49,323 lb/day. |
| 3 | 1119745 | 07/01/2023 through 07/31/2023 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 51%. |
| 4 | 1119746 | 07/01/2023 through 07/31/2023 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 30 milligram per liter (mg/L) with a result of 174 mg/L. |
| 5 | 1119747 | 07/01/2023 through 07/31/2023 | CAT1 | Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) mass emission rate exceeded the monthly average of effluent limitation of 5,213 lb/day with a result of 23,975 lb/day. |
| 6 | 1119749 | 07/01/2023 through 07/31/2023 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 33 MGD. |
| 7 | 1119750 | 07/01/2023 through 07/31/2023 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 69%. |
| 8 | 1119751 | 07/01/2023 through 07/31/2023 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 85 mg/L. |

**Notice of Violation R9-2023-0205**
**Exhibit 1**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 9 | 1119740 | 07/09/2023 through 07/15/2023 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 114 NTU. |
| 10 | 1119744 | 07/09/2023 through 07/15/2023 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 101 mg/L. |
| 11 | 1119748 | 07/09/2023 through 07/15/2023 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 27,804 lb/day. |
| 12 | 1119752 | 07/09/2023 through 07/15/2023 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 62,306 lb/day. |
| 13 | 1119753 | 07/09/2023 through 07/15/2023 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 227 mg/L. |
| 14 | 1120606 | 08/01/2023 through 08/31/2023 | OEV | Flow volume rate exceeded the monthly average effluent limitation of 25 MGD with a result of 27 MGD. |
| 15 | 1120607 | 08/01/2023 through 08/31/2023 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 67%. |
| 16 | 1120608 | 08/01/2023 through 08/31/2023 | CAT1 | CBOD mass emission rate exceeded the monthly average of effluent limitation of 5,213 lb/day with a result of 18,013 lb/day. |
| 17 | 1120609 | 08/01/2023 through 08/31/2023 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 52%. |
| 18 | 1120610 | 08/01/2023 through 08/31/2023 | CAT1 | TSS mass emission rate exceeded the monthly average of effluent limitation of 30 lb/day with a result of 142 lb/day. |

**Notice of Violation R9-2023-0205**
**Exhibit 1**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 19 | 1120611 | 08/01/2023 through 08/31/2023 | CAT1 | TSS mass emission rate exceeded the monthly average of effluent limitation of 6,255 lb/day with a result of 34,835 lb/day. |
| 20 | 1120613 | 08/01/2023 through 08/31/2023 | OEV | Turbidity cloudiness exceeded the monthly average of effluent limitation of 75 NTU with a result of 83 NTU. |
| 21 | 1120614 | 08/01/2023 through 08/31/2023 | CAT1 | CBOD concentration exceeded the monthly average of effluent limitation of 25 mg/L with a result of 73 mg/L. |
| 22 | 1120601 | 08/06/2023 through 08/12/2023 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 110 mg/L. |
| 23 | 1120602 | 08/06/2023 through 08/12/2023 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 275,415 lb/day. |
| 24 | 1120604 | 08/06/2023 through 08/12/2023 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 45,716 lb/day. |
| 25 | 1120612 | 08/06/2023 through 08/12/2023 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 184 mg/L. |
| 26 | 1120603 | 08/20/2023 through 08/26/2023 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 126 NTU. |
| 27 | 1120605 | 08/21/2023 | OEV | Turbidity cloudiness exceeded the instantaneous maximum effluent limitation of 225 NTU with a result of 708 NTU. |

**Notice of Violation R9-2023-0205**
**Exhibit 1**

**Table 2 - Definitions**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| Occurrence Date(s) | Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| Violation Description | Narrative description of the violation. |
| Violation ID | Identification number assigned to a violation in CIWQS. |

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

# San Diego Regional Water Quality Control Board

November 16, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject: Notice of Violation No. R9-2023-0216 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001**

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0216 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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). These alleged violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between September 1, 2023, and September 30, 2023, the Discharger self-reported ten effluent limitation exceedances.

## 2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

**Observation:** The Discharger self-reported ten[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

[1] Exhibit 1, List of Violations

**2.2. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger self-reported 10 exceedances of effluent limitations.

**3. Potential Enforcement Actions**

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals, P.E.
Senor Water Resource Control Engineer
Source Control Regulation Unit

Attachment: Exhibit 1, List of Violations

Copies to:

Laurie A. Walsh, San Diego Water Board, Laurie.Walsh@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, Vicente.Rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2023-0216) | 455044 |
| WDID | 9 000000732 |
| Violation IDs | 1121385, 1121387, 1121388, 1121389, 1121392, 1121386, 1121390, 1121393, 1121394, 1121391 |

**Notice of Violation R9-2023-0216**
**Exhibit 1**

**Table 1 – List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 1 | 1121385 | 09/01/2023 through 09/30/2023 | CAT1 | Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 29 mg/L. |
| 2 | 1121387 | 09/01/2023 through 09/30/2023 | CAT1 | Total Suspended Solids (TSS) percent removal did not meet the monthly average minimum requirement of 85% with a result of 76%. |
| 3 | 1121388 | 09/01/2023 through 09/30/2023 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 60 mg/L. |
| 4 | 1121389 | 09/01/2023 through 09/30/2023 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 13,035 lb/day. |
| 5 | 1121392 | 09/01/2023 through 09/30/2023 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 6,268 lb/day. |
| 6 | 1121386 | 09/17/2023 through 09/23/2023 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 60 lb/day. |
| 7 | 1121390 | 09/17/2023 through 09/23/2023 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 32,230 lb/day. |
| 8 | 1121393 | 09/17/2023 through 09/23/2023 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 13,650 lb/day. |
| 9 | 1121394 | 09/17/2023 through 09/23/2023 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 141 mg/L. |
| 10 | 1121391 | 09/20/2023 | OEV | Turbidity cloudiness exceeded the instantaneous effluent limitation of 225 NTU with a result of 405 NTU. |

**Notice of Violation R9-2023-0216**
**Exhibit 1**

**Table 2 - Definitions**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| Occurrence Date(s) | Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| Violation Description | Narrative description of the violation. |
| Violation ID | Identification number assigned to a violation in CIWQS. |

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

# San Diego Regional Water Quality Control Board

December 21, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject: Notice of Violation No. R9-2023-0222 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001**

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2023-0222 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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). These alleged violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between October 1, 2023, and October 31, 2023, the Discharger self-reported 16 effluent limitation exceedances. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

## 2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

**Observation:** The Discharger self-reported 16[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

**2.2. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger had 22 violations of the Order.

**2.3. Attachment E, Section 7.2 of the Order:** The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

**Observation:** The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

**3. Potential Enforcement Actions**

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Kelly Dorsey
Assistant Executive Officer

[1] Exhibit 1, List of Violations

Attachment: Exhibit 1, List of Violations

Copies to:

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2023-0222) | 455365 |
| WDID | 9 000000732 |
| Violation IDs | 1122285, 1122286, 1122276, 1122277, 1122281, 1122282, 1122287, 1122288, 1122289, 1122290, 1122275, 1122280, 1122283, 1122284, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290, 1122278, 1122279 |

**Notice of Violation R9-2023-0222**
**Exhibit 1**

**Table 1 – List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 1 | 1122285 | 10/01/2023 | OEV | Turbidity cloudiness exceeded the instantaneous effluent limitation of 225 NTU with a result of 653 NTU. |
| 2 | 1122286 | 10/01/2023 | OEV | Settleable Solids concentration exceeded the instantaneous effluent limitation of 3 mg/L with a result of 21 mg/L. |
| 3 | 1122276 | 10/01/2023 through 10/31/2023 | CAT1 | Total Suspended Solids (TSS) concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 233 mg/L. |
| 4 | 1122277 | 10/01/2023 through 10/31/2023 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 51,038 lb/day. |
| 5 | 1122281 | 10/01/2023 through 10/31/2023 | CAT1 | Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C (CBOD) concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 89 mg/L. |
| 6 | 1122282 | 10/01/2023 through 10/31/2023 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 19,520 lb/day. |
| 7 | 1122287 | 10/01/2023 through 10/31/2023 | OEV | Turbidity cloudiness exceeded the monthly average effluent limitation of 75 NTU with a result of 144 NTU. |
| 8 | 1122288 | 10/01/2023 through 10/31/2023 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 20%. |
| 9 | 1122289 | 10/01/2023 through 10/31/2023 | OEV | Flowrate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 25.41 MGD. |
| 10 | 1122290 | 10/01/2023 through 10/31/2023 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 59%. |

**Notice of Violation R9-2023-0222**
**Exhibit 1**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 11 | 1122275 | 10/08/2023 through 10/14/2023 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 79,055 lb/day. |
| 12 | 1122280 | 10/08/2023 through 10/14/2023 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 31,994 lb/day. |
| 13 | 1122283 | 10/08/2023 through 10/14/2023 | OEV | Settleable Solids concentration exceeded the weekly average effluent limitation of 2 mg/L with a result of 3 mg/L. |
| 14 | 1122284 | 10/08/2023 through 10/14/2023 | OEV | Turbidity cloudiness exceeded the weekly average effluent limitation of 100 NTU with a result of 235 NTU. |
| 15 | 1121285 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for April 2022 - Not Submitted. Doc ID: 2528323 |
| 16 | 1121286 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for May 2022 - Not Submitted. Doc ID: 2528324 |
| 17 | 1121287 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for June 2022 - Not Submitted. Doc ID: 2528325 |
| 18 | 1121288 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for July 2022 - Not Submitted. Doc ID: 2528326 |
| 19 | 1121289 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for August 2022 - Not Submitted. Doc ID: 2528327 |
| 20 | 1121290 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for September 2022 - Not Submitted. Doc ID: 2528328 |

**Notice of Violation R9-2023-0222**
**Exhibit 1**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 21 | 1122278 | 10/29/2023 through 10/31/2023 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 327 mg/L. |
| 22 | 1122279 | 10/29/2023 through 10/31/2023 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 134 mg/L. |

**Table 2 - Definitions**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| Occurrence Date(s) | Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| Violation Description | Narrative description of the violation. |
| Violation ID | Identification number assigned to a violation in CIWQS. |

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

# San Diego Regional Water Quality Control Board

January 18, 2023

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject: Notice of Violation No. R9-2024-0026 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001**

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2024-0026 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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). These alleged violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between November 1, 2023, and November 30, 2023, the Discharger self-reported 11 effluent limitation exceedances. In addition, the Discharger has not submitted six self-monitoring reports with appropriate units and values consistent with the Order, as directed by the State Water Resources Control Board (State Water Board). The missing reports are for the months of April 2022 through September 2022.

## 2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

**Observation:** The Discharger self-reported 11[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

**2.2. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger had 17 violations of the Order.

**2.3. Attachment E, Section 7.2 of the Order:** The Discharger is required to submit self-monitoring reports to CIWQS consistent with the Order.

**Observation:** The Discharger submitted six self-monitoring reports for the months of April 2022 through September 2022 (CIWQS Document IDs 2528323 2528324, 2528325, 2528326, 2528327, and 2528328). The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew the submitted reports and directed the Discharger to re-submit the self-monitoring reports with the corrected units and values.

The Discharger has not submitted self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

**3. Potential Enforcement Actions**

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals
Senior Water Resource Control Engineer
Source Control Regulation Unit

[1] Exhibit 1, List of Violations

Attachment: Exhibit 1, List of Violations

Copies to:

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Isela Canava, International Boundary and Water Commission, U.S. Section, isela.canava@ibwc.gov

Rebecca Rizzuti, International Boundary and Water Commission, U.S. Section, rebecca.rizzuti@ibwc.gov

David Gibson, San Diego Water Board, david.gibson@waterboards.ca.gov

Kelly Dorsey, San Diego Water Board, kelly.dorsey.gibson@waterboards.ca.gov

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2024-0026) | 455560 |
| WDID | 9 000000732 |
| Violation IDs | 1122951, 1122952, 1122953, 1122954, 1122956, 1122957, 1122959, 1122950, 1122955, 1122958, 1122960, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290 |

**Notice of Violation R9-2024-0026**
**Exhibit 1**

**Table 1 – List of Violations**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 1 | 1122951 | 11/01/2023 through 11/30/2023 | OEV | Flowrate exceeded the monthly average effluent limitation of 25 million gallons per day (MGD) with a result of 26.22 MGD. |
| 2 | 1122952 | 11/01/2023 through 11/30/2023 | CAT1 | CBOD percent removal did not meet the monthly average minimum requirement of 85% with a result of 74%. |
| 3 | 1122953 | 11/01/2023 through 11/30/2023 | CAT1 | CBOD concentration exceeded the monthly average effluent limitation of 25 mg/L with a result of 69 mg/L. |
| 4 | 1122954 | 11/01/2023 through 11/30/2023 | CAT1 | CBOD mass emission rate exceeded the monthly average effluent limitation of 5,213 lb/day with a result of 15,900 lb/day. |
| 5 | 1122956 | 11/01/2023 through 11/30/2023 | CAT1 | TSS percent removal did not meet the monthly average minimum requirement of 85% with a result of 53%. |
| 6 | 1122957 | 11/01/2023 through 11/30/2023 | CAT1 | TSS concentration exceeded the monthly average effluent limitation of 30 mg/L with a result of 168 mg/L. |
| 7 | 1122959 | 11/01/2023 through 11/30/2023 | CAT1 | TSS mass emission rate exceeded the monthly average effluent limitation of 6,255 lb/day with a result of 39,390 lb/day. |
| 8 | 1122950 | 11/12/2023 through 11/18/2023 | CAT1 | CBOD mass emission rate exceeded the weekly average effluent limitation of 8,340 lb/day with a result of 26,180 lb/day. |
| 9 | 1122955 | 11/12/2023 through 11/18/2023 | CAT1 | CBOD concentration exceeded the weekly average effluent limitation of 40 mg/L with a result of 110 mg/L. |
| 10 | 1122958 | 11/12/2023 through 11/18/2023 | CAT1 | TSS mass emission rate exceeded the weekly average effluent limitation of 9,383 lb/day with a result of 69,648 lb/day. |

**Notice of Violation R9-2024-0026**
**Exhibit 1**

| No. | Violation ID | Occurrence Date(s) | Violation Type | Violation Description |
|---|---|---|---|---|
| 11 | 1122960 | 11/12/2023 through 11/18/2023 | CAT1 | TSS concentration exceeded the weekly average effluent limitation of 45 mg/L with a result of 292 mg/L. |
| 12 | 1121285 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for April 2022 - Not Submitted. Doc ID: 2528323 |
| 13 | 1121286 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for May 2022 - Not Submitted. Doc ID: 2528324 |
| 14 | 1121287 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for June 2022 - Not Submitted. Doc ID: 2528325 |
| 15 | 1121288 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for July 2022 - Not Submitted. Doc ID: 2528326 |
| 16 | 1121289 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for August 2022 - Not Submitted. Doc ID: 2528327 |
| 17 | 1121290 | 10/18/2023 | Late Report | Failure to re-submit report following withdrawal. Monthly self-monitoring report for September 2022 - Not Submitted. Doc ID: 2528328 |

**Notice of Violation R9-2024-0026**
**Exhibit 1**

**Table 2 - Definitions**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| Occurrence Date(s) | Date that a violation occurred. For continuing violations, such as a monthly average, the days of the reporting period are used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| Violation Description | Narrative description of the violation. |
| Violation ID | Identification number assigned to a violation in CIWQS. |

California Water Boards

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

# San Diego Regional Water Quality Control Board

February 14, 2024

Dr. Maria-Elena Giner, P.E.
Commissioner
International Boundary and Water
Commission, United States Section
4191 N. Mesa
El Paso, Texas 79902
mariaelena.giner@ibwc.gov

**Sent by Email Only**

**In reply refer to:**
**257821:VRodriguez**

**Subject: Notice of Violation No. R9-2024-0045 to the United States International Boundary and Water Commission for Violations of Order No. R9-2021-0001**

Dr. Maria-Elena Giner:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) hereby issues Notice of Violation (NOV) No. R9-2024-0045 to the United States International Boundary and Water Commission (USIBWC or Discharger) for alleged violations of 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). These alleged violations are a result of the Discharger's failure to comply with the Order.

## 1. Background

The Discharger is required to operate and maintain the South Bay International Wastewater Treatment Plant (SBIWTP) in compliance with requirements contained in the Order. Consistent with the Order, the Discharger is required to submit self-monitoring reports and other technical reports. Between December 1, 2023, and December 31, 2023, the Discharger self-reported 16 effluent limitation exceedances, and the San Diego Water Board identified a missing report. In addition, the Discharger has not re-submitted 18 self-monitoring reports with appropriate units and values consistent with the Order.

## 2. Summary of Alleged Violations of the Order

The Discharger is alleged to have violated the following sections of the Order:

**2.1. Section 4 of the Order:** The Discharger is required to maintain compliance with effluent limitations in section 4.1.1.1 of the Order.

**Observation:** The Discharger self-reported 16[1] exceedances of effluent limitations in the California Integrated Water Quality System (CIWQS) database.

**2.2. Attachment E, Section 4.2.4 of the Order:** The Discharger was required to submit a Tijuana River Valley Monitoring Plan (TRVMP) Work Plan by September 29, 2021.

**Observation**: This Discharger has not submitted the TRVMP Work Plan.

**2.3. Attachment D, Section 1.1 of the Order:** The Discharger is required to comply with all terms, requirements, and conditions of the Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action including permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof.

**Observation:** The Discharger had 35 violations of the Order.

**2.4. Attachment E, Section 7.2 of the Order:** The Discharger is required to submit Self-Monitoring Reports to CIWQS consistent with the Order.

**Observation:** The Discharger submitted 18 self-monitoring reports for the months of April 2022 through March 2023, August 2023, November 2023, and quarters Q2 2022, Q3 2022, Q4 2022, Q1 2023. (CIWQS Document IDs 2528323, 2528324, 2528227, 2528325, 2528326, 2528327, 2528328, 2528228, 2528329, 2528330, 2528229, 2528331, 2528332, 2528333, 2528249, 2528334, 2528339, 2528342).

The State Water Board identified that the values for arsenic, cadmium, cyanide, copper, lead, molybdenum, nickel, selenium, silver, thallium, and zinc were submitted with incorrect units and calculated values.

On December 1, 2022, the State Water Board withdrew six of the submitted reports (April 2022 through September 2022) and directed the Discharger to re-submit the Self-Monitoring Reports with the corrected units and values.

On January 18, 2024, the Discharger requested that self-monitoring reports for the months of May 2022 through November 2023 and all quarters listed above be withdrawn, so the Discharger could re-submit with corrected values.

The Discharger has not re-submitted the self-monitoring reports to CIWQS with appropriate units and values consistent with the Order.

**3. Potential Enforcement Actions**

The alleged violations may subject the Discharger to additional enforcement by the San Diego Water Board or the State Water Board. The San Diego Water Board intends and desires to continue to engage proactively and constructively with the Discharger through judicious and progressive enforcement efforts.

[1] Exhibit A, List of Violations

For questions or concerns regarding this NOV, please contact Vicente Rodriguez by phone at 619-521-3966 or by email at Vicente.Rodriguez@waterboards.ca.gov. In the subject line of any written response, please include the following: 257821:VRodriguez.

Respectfully,

Brandi Outwin-Beals
Senior Water Resource Control Engineer
Source Control Regulation Unit

Attachment: Exhibit A, Record of Violations

Copies to:

Morgan Rogers, Area Operations Manager, International Boundary and Water Commission, U.S. Section, morgan.roger@ibwc.gov

Isela Canava, International Boundary and Water Commission, U.S. Section, Isela.canava@ibwc.gov

Rebecca Rizzuti, International Boundary and Water Commission, U.S. Section, rebecca.rizzuti@ibwc.gov

David Gibson, San Diego Water Board, david.gibson@waterboards.ca.gov

Laurie A. Walsh, San Diego Water Board, laurie.walsh@waterboards.ca.gov

Brandi Outwin-Beals, San Diego Water Board, brandi.outwin-beals@waterboards.ca.gov

Vicente Rodriguez, San Diego Water Board, vicente.rodriguez@waterboards.ca.gov

| Tech Staff Info & Use | |
|---|---|
| Technical Information | Number |
| Order No. | R9-2021-0001 |
| NPDES No. | CA0108928 |
| CW Place ID (South Bay International WTP) | CW-257821 |
| CW Party/Organization ID (IBWC-US & Mexico Section) | 21523 |
| CW Party/Person ID (Dr. Maria-Elena Giner) | 634777 |
| CW Regulatory Measure (Order No. R9-2021-0001) | 442331 |
| CW Regulatory Measure (NOV R9-2024-0045) | 455817 |

| Tech Staff Info & Use | |
|---|---|
| WDID | 9 000000732 |
| Violation IDs | 1095311, 1121285, 1121286, 1121287, 1121288, 1121289, 1121290, 1123495, 1123496, 1123497, 1123498, 1123499, 1123500, 1123501, 1123502, 1123503, 1123504, 1123505, 1123506, 1123507, 1123508, 1123509, 1123510, 1123930, 1123931, 1123932, 1123933, 1123934, 1123935, 1123936, 1123937, 1123938, 1123939, 1123940, 1123941 |

**EXHIBIT A**
**RECORD OF VIOLATIONS**
**NOTICE OF VIOLATION R9-2024-0026**

**United State International Boundary and Water Commission**
**South Bay International Wastewater Treatment Plant**
RECORD OF VIOLATIONS (December 1, 2023 – December 31, 2023)
Data reported under Monitoring and Reporting Programs R9-2021-0001

**Table A. Effluent Violations**[2]

| Item | Date | Parameter | Units | Permit Limit | Measured / Calculated | Period | Violation Type | CIWQS Violation ID |
|---|---|---|---|---|---|---|---|---|
| 1 | 12/08/2023 | Turbidity | NTU | 225 | 483 | Instantaneous Maximum | OEV | 1123502 |
| 2 | 12/09/2023 | TSS | mg/L | 45 | 363 | Average Weekly | CAT1 | 1123497 |
| 3 | 12/09/2023 | TSS | lb/day | 9,383 | 105,325 | Average Weekly | CAT1 | 1123501 |
| 4 | 12/09/2023 | Turbidity | NTU | 100 | 269 | Average Weekly | OEV | 1123506 |
| 5 | 12/09/2023 | CBOD | mg/L | 40 | 159 | Average Weekly | CAT1 | 1123507 |
| 6 | 12/09/2023 | CBOD | lb/day | 8,340 | 46,431 | Average Weekly | CAT1 | 1123510 |
| 7 | 12/22/2023 | Settleable Solids | ml/L | 3 | 23 | Instantaneous Maximum | OEV | 1123504 |
| 8 | 12/23/2023 | Settleable Solids | ml/L | 2 | 3 | Average Weekly | OEV | 1123498 |
| 9 | 12/31/2023 | CBOD | lb/day | 521 | 25,987 | Average Monthly | CAT1 | 1123495 |
| 10 | 12/31/2023 | Flow | MGD | 25 | 29 | Average Monthly | OEV | 1123496 |
| 11 | 12/31/2023 | TSS | % | 85 | 24 | Average Monthly | CAT1 | 1123499 |
| 12 | 12/31/2023 | TSS | mg/L | 30 | 242 | Average Monthly | CAT1 | 1123500 |
| 13 | 12/31/2023 | TSS | lb/day | 6,255 | 62,599 | Average Monthly | CAT1 | 1123503 |
| 14 | 12/31/2023 | Turbidity | NTU | 75 | 172 | Average Monthly | OEV | 1123505 |
| 15 | 12/31/2023 | CBOD | mg/L | 25 | 98 | Average Monthly | CAT1 | 1123508 |
| 16 | 12/31/2023 | CBOD | % | 85 | 60 | Average Monthly | CAT1 | 1123509 |

[2] See Exhibit A, Table C for definitions of abbreviations.

**EXHIBIT A**
**RECORD OF VIOLATIONS**
**NOTICE OF VIOLATION R9-2024-0026**

**Table B. Reporting Violations**

| Item | Report | Document ID | Due Date | Date Submitted | Date Withdrawn | CIWQS Violation ID |
|---|---|---|---|---|---|---|
| 1 | Tijuana River Valley Monitoring Program Work Plan | 2528207 | 09/29/2021 | -- | Not Applicable | 1095311 |
| 2 | April 2022 Monthly | 2528323 | 06/01/2022 | 05/23/2022 | 12/1/2022 | 1121285 |
| 3 | May 2022 Monthly | 2528324 | 07/01/2022 | 06/30/2022 | 12/1/2022 | 1121286 |
| 4 | Q2 2022 Quarterly | 2528227 | 08/01/2022 | 07/30/2022 | 1/18/2024 | 1123930 |
| 5 | June 2022 Monthly | 2528325 | 08/01/2022 | 07/30/2022 | 12/1/2022 | 1121287 |
| 6 | July 2022 Monthly | 2528326 | 09/01/2022 | 08/31/2022 | 12/1/2022 | 1121288 |
| 7 | August 2022 Monthly | 2528327 | 10/01/2022 | 09/30/2022 | 12/1/2022 | 1121289 |
| 8 | Q3 2022 Quarterly | 2528228 | 11/01/2022 | 10/31/2022 | 1/18/2024 | 1123931 |
| 9 | September 2022 Monthly | 2528328 | 11/01/2022 | 10/31/2022 | 12/1/2022 | 1121290 |
| 10 | October 2022 Monthly | 2528329 | 12/01/2022 | 11/30/2022 | 1/18/2024 | 1123932 |
| 11 | November 2022 Monthly | 2528330 | 01/01/2023 | 12/30/2022 | 1/18/2024 | 1123933 |
| 12 | December 2022 Monthly | 2528331 | 02/01/2023 | 01/31/2023 | 1/18/2024 | 1123934 |
| 13 | Q4 2022 Quarterly | 2528229 | 02/01/2023 | 01/31/2023 | 1/18/2024 | 1123935 |
| 14 | January 2023 Monthly | 2528332 | 03/01/2023 | 03/08/2023 | 1/18/2024 | 1123936 |
| 15 | February 2023 Monthly | 2528333 | 04/01/2023 | 03/28/2023 | 1/18/2024 | 1123937 |
| 16 | Q1 2023 Quarterly | 2528249 | 05/01/2023 | 04/26/2023 | 1/18/2024 | 1123938 |
| 17 | March 2023 Monthly | 2528334 | 05/01/2023 | 04/27/2023 | 1/18/2024 | 1123939 |
| 18 | August 2023 Monthly | 2528339 | 10/01/2023 | 09/27/2023 | 1/18/2024 | 1123940 |
| 19 | November 2023 Monthly | 2528342 | 01/01/2024 | 12/28/2023 | 1/18/2024 | 1123941 |

**EXHIBIT A**
**RECORD OF VIOLATIONS**
**NOTICE OF VIOLATION R9-2024-0026**

**Table C - Definitions**

| TERM | DEFINITION |
|---|---|
| CAT1 | Category 1 violation type. This violation type is identified when the water quality effluent parameter is part of the Group I pollutant. |
| CAT2 | Category 2 violation type. This violation type is identified when the water quality effluent parameter is part of the Group II pollutant. |
| CBOD | Carbonaceous Biochemical Oxygen Demand 5-day @ 20°C |
| CIWQS | California Integrated Water Quality System database. |
| GROUP | The list of pollutants is based on Appendix A to section 123.45 of title 40 of the Code of Federal Regulations. |
| lb/day | pounds per day |
| mg/L | milligrams per liter |
| MGD | million gallons per day |
| ml/L | milliliters per liter |
| NTU | Nephelometric Turbidity Units |
| Date | Date that a violation occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due. |
| OEV | Violation of any constituent-specific effluent limitation not included in Group I or Group II. |
| TSS | Total Suspended Solids |
| Violation ID | Identification number assigned to a violation in CIWQS. |

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
OPERATIONS AND MAINTENANCE DIVISION
SAN DIEGO FIELD OFFICE

February 16, 2024

State Water Resources Control Board
Division of Water Quality, NPDES Unit, 15-35A
Attn: Discharge Monitoring Report Procession Center
P.O. Box 100
Sacramento, CA 95812-1000

SUBJECT: Self-Monitoring Reports Data Corrections for the South Bay International Wastewater Treatment Plant, San Diego, California, Order No. R9-2021-0001 as amended, NPDES Permit No. CA0108928

Dear Sirs:

Incorrect data has been identified within various monthly and quarterly self-monitoring reports submitted to the California Integrated Water Quality System (CIWQS) database for the South Bay International Wastewater Treatment Plant (SBIWTP) by the United States Section of the International Boundary and Water Commission (USIBWC). Specific self-monitoring reports have been identified in the Notices of Violation issued by the San Diego Regional Water Quality Control Board (SDRWQCB) to the USIBWC. This letter provides an update on the corrections to self-monitoring reports.

USIBWC has determined that the laboratory data is correct. The source of incorrect data submittals to CIWQS has been attributed to software problems encountered during the data upload process. These problems have been troubleshooted and resolved.

To date, quarterly self-monitoring data has been successfully uploaded to CIWQS and certified for the first quarter of 2024. If this quarterly submittal to CIWQS is acceptable to SDRWQCB, data for withdrawn past quarterly self-monitoring reports can be re-uploaded by end of February 2024.

In addition, monthly self-monitoring data for January 2024 will be uploaded to CIWQS by end of February 2024. If this monthly submittal to CIWQS is acceptable to SDRWQCB, data for withdrawn past monthly self-monitoring reports can be re-uploaded by March 15, 2024.

All corrected and resubmitted data will include method detection limits (MDLs) and reporting limits (RLs) as appropriate. Laboratory test methods have been confirmed as sufficiently sensitive as required by section 3 of Attachment D and section 1.9 of Attachment E of Order No. R9-2021-0001 as amended.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you require additional information, please contact me at (619) 662-7601.

Sincerely,

Morgan Rogers
Area Operations Manager

**Table 1: December 2023 – Summary of Transboundary Flows from Mexico by Event[1]**

| Location | Transboundary Flow Start Date | Transboundary Flow End Date | Weather Condition[2] | Total Volume (Million Gallons)[3] | Total Volume Recovered[3] | Total Volume Reaching Surface Waters (Billion Gallons)[3] | Additional Details Reported By USIBWC |
|---|---|---|---|---|---|---|---|
| Tijuana River Main Channel | 2023-10-11 | ongoing | Wet and Dry | 3000 | 0 | 3000 | Wet and dry weather flows from numerous sources in Mexico. |
| Goat Canyon | 2023-12-25 | ongoing | Dry | 1.4 | 0 | 1.4 | Collector shutdown due to excessive sediment. |
| Smugglers Gulch | 2023-12-25 | ongoing | Dry | 7.5 | 0 | 7.5 | Collector shutdown due to excessive sediment. |

[1] Transboundary flow volumes are obtained from self-monitoring reports submitted by USIBWC pursuant to Order No. R9-2021-0001.

[2] 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 0.83 inches as recorded in Marron Valley in December 2023. The rain gauges at Goats Canyon and Smugglers Gulch were not operable and are scheduled for maintenance and repair.

[3] Total transboundary flow volume, total volume recovered, and total volume reaching surface waters is an estimate provided by USIBWC.

**Table 2: December 2023 - Summary of Transboundary Flows from Mexico**

| Location | Month/Year | Number of Transboundary Flows | Total Volume (Million Gallons) | Total Volume Recovered (Gallons) | Total Volume Reaching Surface Waters (Million Gallons) |
|---|---|---|---|---|---|
| Tijuana River Main Channel | December 2023 | 0 | 0 | 0 | 0 |
| Canyon Collectors | December 2023 | 2 | 8.9 | 0 | 8.9 |
| South Bay International Wastewater Treatment Plant | December 2023 | 0 | 0 | 0 | 0 |
| **All Locations** | **December 2023** | **2** | **8.9** | **0** | **8.9** |

## Figure 1: Number of Transboundary Flows

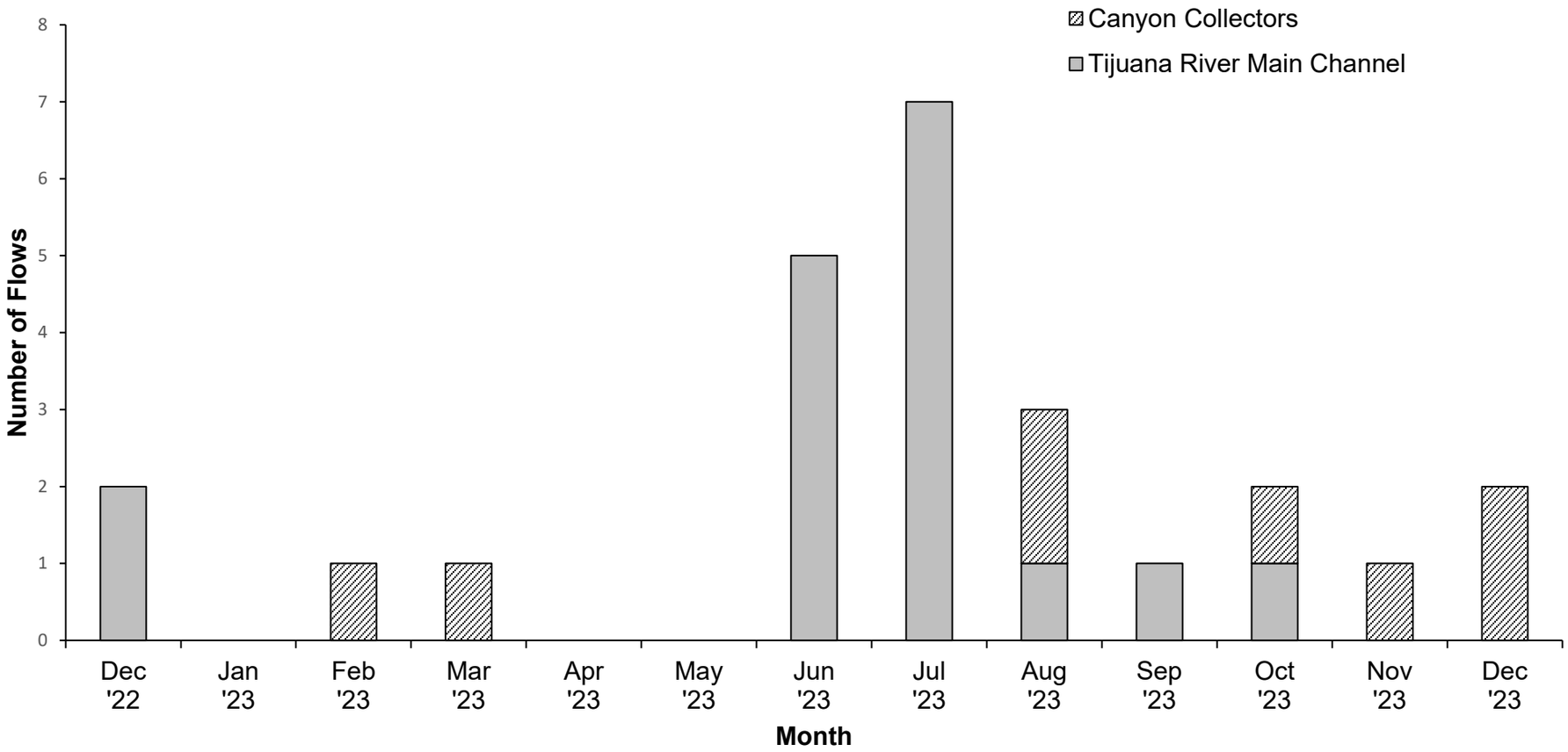


**Figure 1:** Number of reported transboundary flows per month from December 2022 through December 2023 at the canyon collector systems and the Tijuana River main channel. For transboundary flows that start and end in different months, the figure includes the transboundary flow in month the transboundary flow started. For example, flows in November through December 2023 that started in October 2023 are only shown in October 2023.

## Figure 2: Tijuana River Transboundary Flow Volume

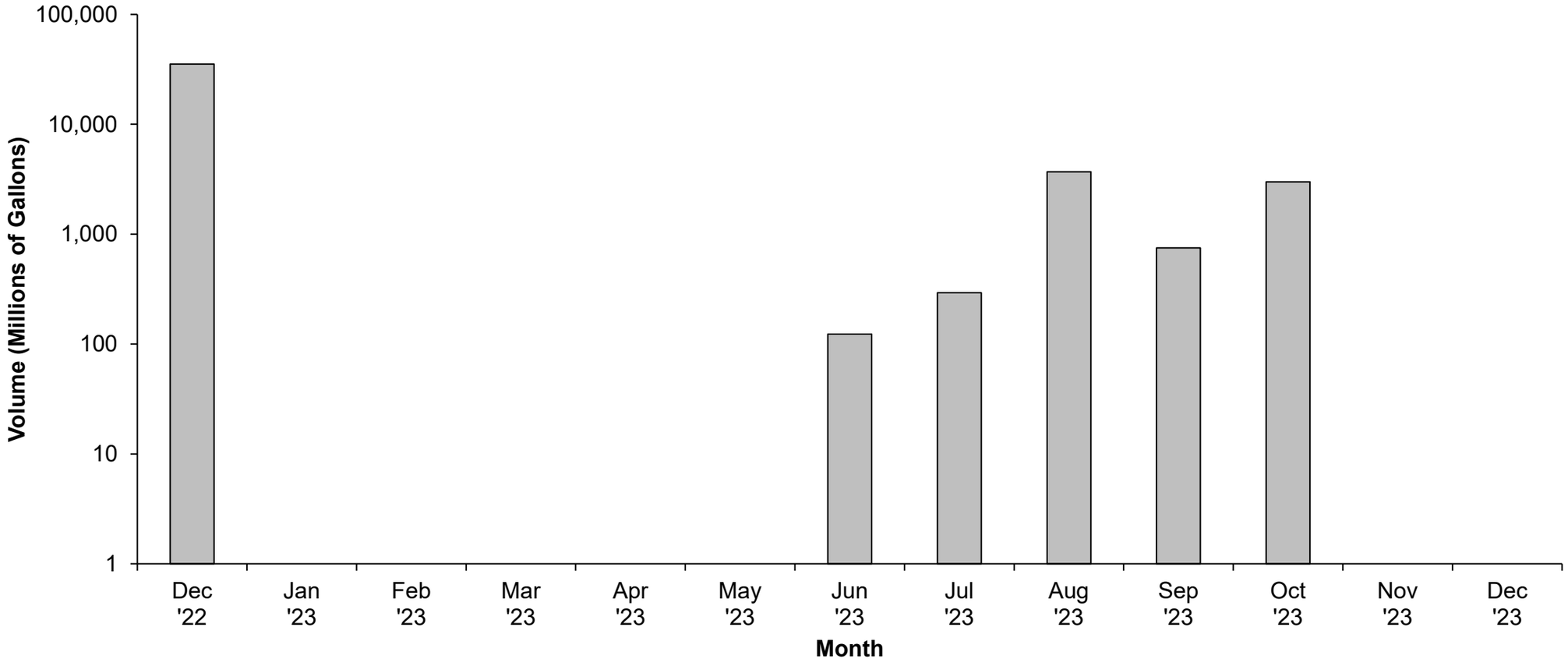


**Figure 2:** Volume of reported transboundary flows per month from December 2022 through December 2023 at the Tijuana River main channel. For transboundary flows that start and end in different months, the figure includes the total volume of the transboundary flow in the month the transboundary flow started. For example, flows in November through December 2023 that started in October 2023 are only shown in October 2023. Note the logarithmic scale on the vertical axis to accommodate the variation in transboundary flow volumes.

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

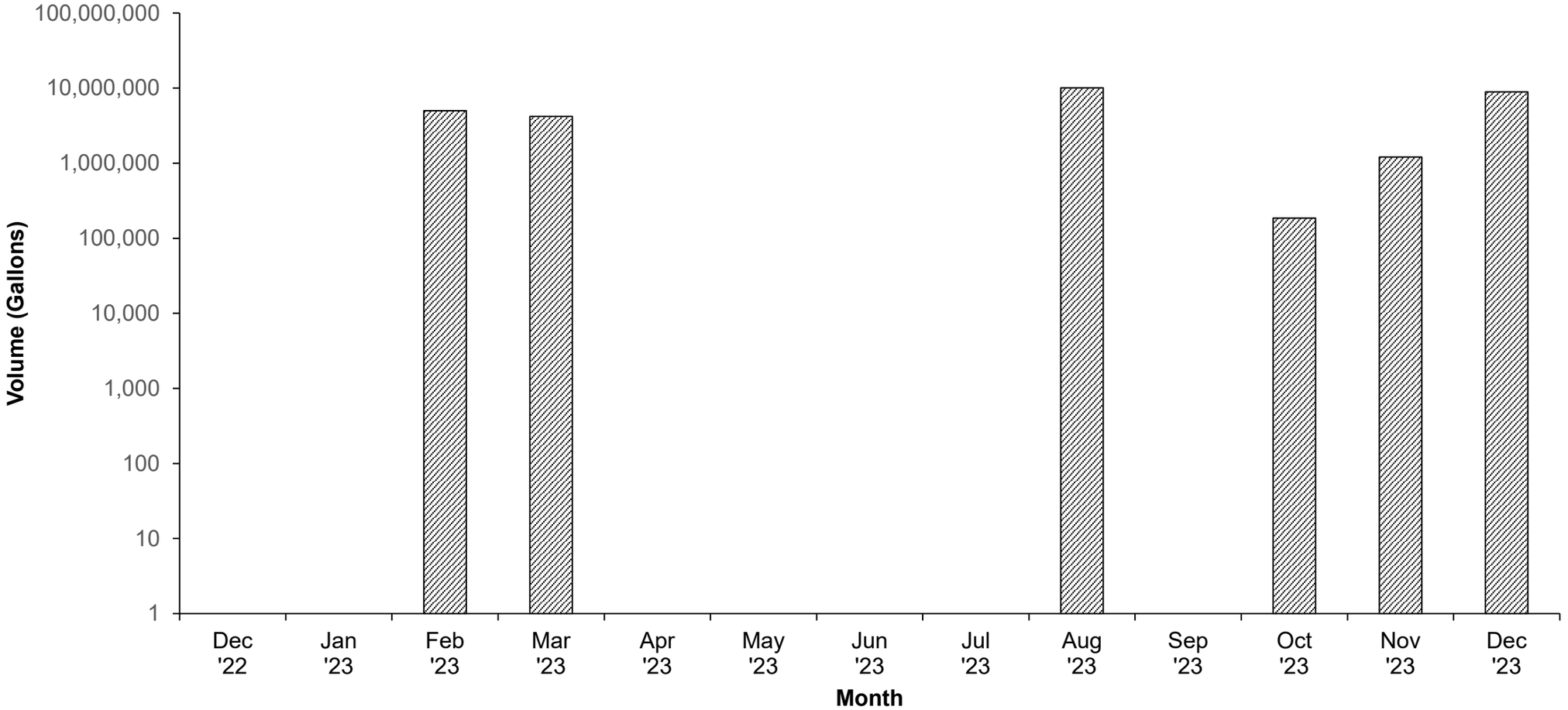


**Figure 3:** Volume of reported transboundary flows per month from December 2022 through December 2023 at the canyon collector systems. Note the logarithmic scale on the vertical axis to accommodate variation in transboundary flow volumes.