



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 12, 2024

San Diego County, Air Pollution Control District
Attention: Compliance Division
10124 Old Grove Road
San Diego, CA 92131-1649

Dear Sir or Ma'am:

The USIBWC is in receipt of the July 29, 2024, Notice of Violation (NOV) APCD2024-NOV-000560, sent by the San Diego Air Pollution Control District (SDAPCD). The NOV states that the following were violated:

- District Rules 51 and 21 and
- California Health & Safety Code (Ca. Code) Section 41700

District Rule 51 states: A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public which cause or have a natural tendency to cause or damage to business or property. Ca. Code, Div. 26, Part 1, Ch. 2, Section 39013 defines "Air contaminant" or "air pollutant" as any discharge, release, or other propagation into the atmosphere and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof. Accordingly, USIBWC is only liable under its permit if it discharged air contaminants within the meaning of these provisions.

The Permit to Operate issued by SDAPCD to USIBWC states that the permit applies to the machine described in the permit and is not valid for the operation of equipment at any other location except as specified in the permit. The permitted equipment is a 21 million gallon per day wastewater pump station with associated odor reduction equipment. This pump station is the Hollister Pump Station.

The NOV states that the dates of violation are June 16, 2024, to July 29, 2024. It describes the violation of District Rule 51 as a "discharge" of air contaminants that caused nuisance to the public where (a) the Hollister Pump Station discharged 302,000 gallons of untreated wastewater and (b) a continued failure to "contain the untreated wastewater" resulted in additional release into the Tijuana River Valley, causing nuisance odors. The NOV identifies the Wastewater Odor Treatment System as the equipment type that is regulated by the permit and/or the equipment type that is at issue in the NOV. No other description of the alleged violation is in the NOV.

The USIBWC understands this NOV to be based on two different occurrences: a) a June 17 spill event where 302,000 gallons of wastewater spilled from the Hollister Pump Station and b)

untreated flows from Mexico that are ongoing and uncaptured. Each issue is addressed in turn below.

A. June 17 Spill Event:

Description/ background: Flows enter the United States from Mexico, and some are captured by the Goat Canyon and Smuggler's Gulch canyon collectors ("collectors") and are sent via pipeline to the Hollister Pump Station where they are routed to the South Bay International Wastewater Treatment Plant.

The Hollister Pump Station was damaged by Tropical Storm Hillary in August 2023. As a result, all four existing pumps were replaced with new pumps in the timeframe between September 2023 and July of 2024.

From October 2023 to April 2024 (the rainy season), the Goat Canyon and Smuggler's Gulch collectors received inordinately high amounts of sediment in the wet weather flows from Mexico due to exposed construction sites in Mexico and upstream of the collectors. This significant buildup of sediment at both collectors prevented their operation through the end of the rainy season. The USIBWC cleaned the canyon collectors, removing a significant amount of sediment, and the Hollister Pump Station was returned to operation on May 31, 2024. Flows with significant amounts of sediment continued to be received by the canyon collectors after they resumed operation on May 31st.

On June 17, 2024, a facility spill occurred at the Hollister Pump Station that required the shutdown of the pump station. Due to the excessive amounts of sediment contained within the flows from Mexico and diverted to Hollister Pump Station from the canyon collectors, the pump station was compromised. Specifically, a surge tank and pressure relief valve became inundated with sediment, causing the pressure relief valve to fail and spill wastewater into the pump station and adjacent Hollister Street. Hollister Pump Station was immediately taken out of operation to stop further spillage. Approximately 302,000 gallons of wastewater were spilled with an estimated 48,000 gallons recovered by Vactor trucks. All spillage was recovered or absorbed into the ground by June 19, ending the spill event.

During this spill event, the Wastewater Odor Treatment System at the Hollister Pump Station was fully functional, and it continues to operate. The pump station remains out of operation pending repairs.

The Hollister Pump Station failure on June 17 was due to the large and unexpected amount of sediment contained within recent flows from Mexico sent to the pump station from the canyon collectors. This sediment overwhelmed Hollister Pump Station, ultimately leading to its failure. This was not due to inadequate maintenance of the pump station.

Corrective actions: USIBWC immediately took corrective action regarding the June 17 event when:

1. USIBWC shut down Hollister to stop the spill from the pump station.

2. USIBWC shut down Goat and Smuggler's Gulch canyon collectors to prevent further flows to Hollister.
3. Vactor trucks were used to remove 48,000 gallons of the spill, ensuring no ponding remained along Hollister Street.
4. Sampling of the spillage was conducted.
5. USIBWC immediately ordered a new replacement pressure relief valve, and it has been received and is ready for installation.
6. USIBWC cleaned out the Hollister Pump Station surge tank and conducted a third-party inspection. The inspection did not indicate any risks in continuing to use the surge tank. However, the USIBWC is ordering new replacement surge tanks for both the Hollister and Goat pump stations. The existing Hollister surge tank will be restored to operation and replaced upon receipt of a new tank.
7. USIBWC is in the process of contracting all work necessary to bring the Hollister Pump Station back into operation as quickly as possible.

No Violation: USIBWC does not believe a violation occurred because the Hollister Odor Treatment System – the system identified in the NOV - remained operational during and since the June 17 event and because the failure of the Hollister Pump Station was not lack of maintenance, but was due to large volumes of sediment contained in flows from Mexico (i.e., the quality of flows from Mexico) over which USIBWC has no reasonable control. Insofar as the flows that escaped from the Hollister Pump Station during the June 17 event may have caused or contributed to odor during the duration of the event, corrective actions have already been taken to resolve the occurrence. The June 17 event ended on June 19 after USIBWC shut off the Hollister Pump Station to stop the flows emanating from the pump station, spilled flows were collected by Vactor trucks, and no ponding remained on Hollister Street.

B. Transboundary Flows:

Description: Since the June 17 shutdown of Hollister Pump Station and Goat and Smuggler's Gulch canyon collectors, transboundary flows from Mexico have bypassed the canyon collectors. The NOV indicates the SDAPCD also considers these flows violations of its permit because it lists the violation dates of June 16, 2024, through July 29, 2024.

No Violation: The USIBWC does not agree these flows are violations of the SDAPCD permit for the following reasons:

1. The SDAPCD permit does not regulate the canyon collectors or any equipment other than the Hollister Pump Station. That is, none of the flows that currently cause odors are discharged from the equipment regulated by the SDAPCD. The flows that bypass the canyon collectors never reach Hollister Pump Station. Therefore, the flows that bypass the canyon collectors are outside the scope of the permit.
2. The SDAPCD permit does not regulate the flows that bypass the canyon collectors or the odors the emanate from those flows (that never enter or reach Hollister Pump Station). The ongoing flows that bypass the canyon collectors are not flows regulated

by the SDAPCD permit. Odors in those flows are not “discharged” from any USIBWC equipment or structures, and never reach Hollister Pump Station.

3. The Hollister Pump Station shutdown does not cause or contribute to the odor emanating from Mexico’s flows. Odor in flows from Mexico exist prior to reaching Hollister Pump Station and those flows are not created by USIBWC. They pre-existed the Hollister Pump Station and USIBWC’s infrastructure. Instead, the canyon collectors attempt to capture most or all of those flows to redirect them for treatment. That is, USIBWC infrastructure is not discharging or emitting odor, nor is it causing or contributing to the odor emanating from Mexico’s flows. Thus, the permit limitations do not apply to USIBWC with regard to these flows.
4. Based on your map of complaints and other on-the-ground information, the source of odor is likely the flows in the Tijuana River. The combined transboundary flow rates through the Goats and Smuggler’s Gulch canyon collectors on July 29th were 616,587 gallons per day. The Tijuana River transboundary flow rate on July 29th was 52.5 million gallons per day. USIBWC asserts that the source of the odors is the Tijuana River flows, which are greater than 80 times larger than the flows through the canyon collectors. Your map also locates where complaints are lodged, and those locations are much closer to the Tijuana River than the Hollister Pump Station. In order to fully respond, USIBWC needs to know the dates of the odor complaints in addition to their locations. This will allow our technical staff to further research whether the Tijuana River flows are the more likely source of the odor than those under USIBWC’s control.

The USIBWC reiterates it is taking every measure possible to bring Hollister back into operation as quickly as possible.

Sincerely,

Morgan Rogers, P.E.
Area Operations Manager
San Diego Field Office, USIBWC