

DATE ISSUED: February 2, 2005

REPORT NO. 05-033

ATTENTION: Natural Resources and Culture Committee  
Agenda of February 9, 2005

SUBJECT: South Bay International Wastewater Treatment Plant - Review of the  
Draft Environmental Impact Statement for Clean Water Act Compliance

REFERENCE: City Manager Report No. 02-016

SUMMARY:

Issue - What actions should the Natural Resources and Culture Committee take regarding comments on the Draft Supplemental Environmental Impact Statement?

Manager=s Recommendations – Direct the staff to maintain the position taken previously by the Mayor and City Council on January 22, 2002 endorsing the development of a privately funded facility in Mexico as proposed by Bajagua<sub>LLC</sub> and to send a comment letter to the International Boundary and Water Commission supporting their proposed preferred alternative, Alternative 4C, the Bajagua<sub>LLC</sub> Project.

Other Recommendations – Do not comment on the Draft Supplemental Environmental Impact Statement.

Fiscal Impact - None.

BACKGROUND

In April 1997, the International Boundary and Water Commission (IBWC) began operation of the 25 million gallon per day (mgd) South Bay International Wastewater Treatment Plant (SBIWTP) located in the Tijuana River Valley just north of the international border. The SBIWTP treats Mexican wastewater to the advanced primary level. The SBIWTP is currently in violation of its discharge permit which requires secondary treatment, and it is operating under a cease and desist order from the Regional Water Quality Control Board (RWQCB).

On November 7, 2000, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (Public Law 106-457) was signed into law and authorized the IBWC to provide for the development of a privately funded Mexican facility, through the execution of a fee-for-services contract with the owners of such facility, in order to provide for secondary treatment of flows from the SBIWTP.

On January 22, 2002, the San Diego City Council approved a resolution endorsing the development of a privately funded facility in Mexico for secondary treatment of effluent from the SBIWTP as proposed by Bajagua LLC.

On February 20, 2004 the United States and Mexican Commissioners of the IBWC signed Minute No. 311, "Recommendations for Secondary Treatment in Mexico of the sewage emanating from the Tijuana River area in Baja California, Mexico". Minute No. 311 provides a framework for the design, construction, operation, and maintenance of secondary treatment facilities in Mexico for sewage originating in Tijuana, including sewage now treated at the SBIWTP, if secondary treatment is not provided in the United States.

On December 6, 2004, the IBWC and the RWQCB signed a stipulated order resolving their lawsuit and setting out a schedule for compliance with the Clean Water Act (CWA). The order requires the IBWC to publish a Draft Supplemental Environmental Impact Statement (SEIS) for Clean Water Act compliance at the SBIWTP not later than December 31, 2004 and to issue a Final SEIS by August 1, 2005. The IBWC must achieve full compliance with CWA standards at the SBIWTP by September 30, 2008.

## DISCUSSION

On December 30, 2004, the IBWC released the Draft SEIS. A copy of the Executive Summary is attached. A full copy of the SEIS can be found at [www.ibwc.state.gov/files/SEIS/draft\\_SEIS.pdf](http://www.ibwc.state.gov/files/SEIS/draft_SEIS.pdf). The SEIS identified the following seven alternatives or disposal options:

- Alternative 1: No Action (Operation of SBIWTP as Advanced Primary Facility)
  - Option A: With no future improvements to Mexico's existing conveyance facilities
  - Option B: With future improvements to Mexico's existing conveyance facilities
- Alternative 2: Operate SBIWTP as Advanced Primary Facility with treated flows conveyed to Mexico
- Alternative 3: Operate SBIWTP with City of San Diego Connections (Interim Alternative Only)
- Alternative 4: Public Law 106-457, Secondary Treatment Facility in Mexico
  - Treatment Option A: Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico

- Treatment Option B: Cease operation of SBIWTP, secondary treatment in Mexico
- Treatment Option C: Bajagua<sub>LLC</sub> proposal – Operation of SBIWTP as advanced primary facility, secondary treatment in Mexico
- Discharge Option 1: Treated effluent discharged in United States via South Bay Ocean Outfall
- Discharge Option 2: Treated effluent discharged in Mexico at Punta Bandera
- Alternative 5: Secondary Treatment in the United States at SBIWTP
  - Option 5A: Completely Mix Aeration (CMA) Ponds at SBIWTP
  - Option 5B-1 and 5B-2: Activated Sludge Secondary Treatment at SBIWTP
- Alternative 6: Secondary Treatment in the United States and Mexico
- Alternative 7: SBIWTP Closure/Shutdown

The IBWC’s proposed preferred alternative is Alternative 4C, the Bajagua<sub>LLC</sub> proposal. This alternative was selected because it meets the requirements for secondary treatment, complies with Public Law 106-457, is consistent with Minute No. 311 and meets the long term needs of the Tijuana region because it provides the opportunity for expansion and reuse of effluent from the plant. Further, the SEIS eliminated from further consideration the Alternative to send treated flows to the City’s South Bay Water Reclamation Plant. This was consistent with a vote by the City Rules, Finance and Intergovernmental Relations Committee in November 2002 to deny a request from the IBWC to treat Tijuana sewage in the City’s Metro system on an interim basis. The City believes such treatment would pose substantial risks and we do not support any alternatives that require treatment of Tijuana sewage in the City’s system.

RECOMMENDATION

The City has long been a proponent of Public Law 106-457, dating back to August 2000 when the City supported passage of the legislation. It is recommended that the City continue to maintain the position taken in January 2002 in support of the Bajagua<sub>LLC</sub> Project. Not only does this alternative meet the requirements of the Public Law, but it also is an international solution to an international problem and has the support of the local Congressional delegation.

Respectfully submitted,

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Scott Tulloch  
 Director  
 Metropolitan Wastewater Department

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Approved by: Richard Mendes  
 Deputy City Manager

MENDES/TULLOCH/AKS:oc

Note: Attachment 1 is not available in electronic format. A copy for review is available in the Office of the City Clerk.

Attachment 1: Draft Supplemental Environmental Impact Statement, Executive Summary

[2: City Manager Report No. 02-016](#)

[3: Council Resolution RR-295986](#)