

FAQs for the BAJAGUA PROJECT

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1. Q: WHAT IS THE STATUS OF THE BAJAGUA PROJECT?

A: President Clinton signed Public Law 106-457 on November 7, 2001, after being passed unanimously by the U.S. Congress. Title VIII of the law deals with the Bajagua Project and requests the relevant U.S. agencies negotiate with their Mexican counterparts to amend the governing Treaty Minute and complete the construction of the secondary sewage treatment component of the International Water Treatment Plant (IWTP) in Mexico. Currently, informal discussions are taking place to resolve concerns and answer questions in an effort to expedite negotiations between the United States and Mexico when formal negotiations convene.

2. Q: WHAT IS TREATY MINUTE 283?

A: Treaty Minute 283 is a sub-agreement to a Treaty between the U.S. and Mexico that sets forth the conceptual plan for solving wastewater collection, treatment, and disposal issues on the U.S. – Mexico border at San Diego. Minute 283 includes provisions for the construction and operation of a 25-mgd secondary wastewater treatment plant by the International Boundary and Water Commission (IBWC). The advance primary treatment component has been built and is operating. An ocean outfall has also been constructed to convey and dispose of the treated effluent approximately 3 miles offshore. Under Minute 283, Mexico has the responsibility to provide for pre-treatment, dispose of the sludge generated by the IWTP and contribute to funding the project.

3. Q: WHY DOES TREATY MINUTE 283 NEED TO BE AMENDED?

A: Presently, Treaty Minute 283 limits the treatment capacity of the IWTP to 25 mgd, and requires the plant be built in the United States. In order to treat all the

sewage being generated in Tijuana, which impacts communities on both sides of the border, the treatment capacity needs to be significantly increased. Additionally, while no suitable site is available in the US to meet the capacity demands, Mexico has many suitable sites. The Bajagua Project can facilitate current and future sewage volume when constructed in Mexico. In order to facilitate the comprehensive Bajagua solution, Treaty Minute 283 must be revised to allow for increased capacity to be built in Mexico.

4. Q: WHAT IS THE STATUS OF THE TREATY NEGOTIATION?

A: Currently, the Department of State and relevant U.S. Agencies are preparing the authorization to negotiate. The Bajagua team has been working informally with Mexican and U.S. officials to answer questions, provide documentation and help conclude this process. This informal preparation will help speed the Minute negotiations and allow for the expedient construction of the Bajagua Project.

5. Q: WHAT IS SECTION 510 AND HOW DOES IT HELP THE IBWC?

A: In 1972, the Federal Water Pollution Control Act, a.k.a. Clean Water Act, went into effect. The Clean Water Act was amended in 1987. One of the amendments was to add §510 to the Act. §510 of the Act provides the United States' Section of the IBWC (USIBWC) and the EPA with authority to construct the IWTP in the U.S. at a 25-mgd capacity. This legal authority, along with Treaty Minutes 270 and 283, form the basis of the federal agencies' conduct so far regarding their positions toward Bajagua. Funds have been appropriated under §510 for construction of wastewater projects pursuant to Minute 283. The USIBWC budget has been appropriated \$1.5 million in fiscal year 2001 to begin preliminary work on the Bajagua Project. The USIBWC anticipates the need for an additional \$1 million to fulfill its obligations under PL 106-457, including conclusion of environmental certification. Remaining §510 funds can be used to meet this need. Conclusion of the Environmental and NEPA processes are necessary steps on the way to construction of the Bajagua Project.

6. Q: WHAT IS THE RELATIONSHIP BETWEEN THE BAJAGUA PROJECT AND THE U.S. EPA COMPREHENSIVE PLAN?

A: PL 106-457 directed the U.S. EPA to conduct a 24-month comprehensive analysis of sewage treatment needs in the Tijuana region. The intent of Congress was to determine whether the Bajagua Project treatment capacity should be expanded from 50 mgd to 75 mgd. The EPA is currently hiring a consultant to perform the analysis that will form the scope of the Plan. According to the EPA, USIBWC and others, the Plan will assume a 50 mgd capacity in place at the Bajagua Project. The Bajagua Project has designed conveyance and facilities infrastructure at 75 mgd or more, in anticipation of the Plan's recommendations. This anticipation is derived from estimates already provided for population growth, the amount of treatment capacity envisioned in the Tijuana municipal system and the likely additional capacity needs on top of the already existing treatment shortfall.

7. Q: WHAT IS HAPPENING WITH MEXICO?

A: The Mexican government, at all levels, has expressed their solid support for the Bajagua Project. They want to expedite this solution in order to realize the sewage treatment capacity, as well as obtain the potential for reclaimed water to augment their critical supply needs. Mexico is awaiting a formal request for negotiations by the U.S. government as directed by PL 106-457, but has been working informally to resolve their issues in prelude to the formal proceedings. President Vicente Fox has been briefed on the Bajagua Project and has expressed, according to sources in Mexico, his enthusiastic support.

8. Q: WHAT IS THE STATUS OF THE LAWSUIT BETWEEN THE STATE OF CALIFORNIA AND THE SURFRIDER FOUNDATION v IBWC?

A: The Bajagua Project anticipates filing an Amicus Curiae brief (or “Friend of the Court”) in this lawsuit. The rationale for involvement is the direct relationship between the concerns of the court and the solution offered by the Bajagua Project. The Bajagua Project is the only option that will resolve the issues of both secondary treatment at the IWTP and the additional capacity needs to treat raw sewage volumes generated in Mexico. Further, Bajagua is the only project that can resolve the demands of the plaintiffs and the claims of the defendant by providing a timeline to implementation. It is important the court be fully and correctly informed. The court may want aspects of the Bajagua Project contemplated in its decision.

9. Q: ARE THERE OPPORTUNITIES TO RECLAIM WATER WITH THE BAJAGUA PROJECT?

A: The Bajagua Project envisions a reclaimed water component to help supplement the region's critical water needs. The growth projections for the area are enormous and will place additional strain on an already overburdened water system. Tijuana is expected to add approximately 2.6 million people to the city in the next 20 years, which could result in increased water demand of 140,400 acre-feet of water. Currently, the City of Tijuana uses approximately 65,000 acre-feet of water per year. Recent discussions on Colorado River water allocation highlight the problem of water supply in northern Baja California. The Bajagua Project, if built to treat 50 mgd of sewage, can provide nearly 37,000 acre-feet of reclaimed water per year to the City of Tijuana. This represents 56% of Tijuana's current usage. At 75 mgd, the plant can cover approximately 85% of Tijuana's current demand. Because of this, the Mexican government, at all levels, is extremely interested in getting the Bajagua Project built immediately.

10. Q: WHAT IS RECLAIMED WATER AND WHAT CAN IT BE USED FOR?

A: Reclaimed water is wastewater that has been highly treated for use as non-potable (non-drinking) purposes, which includes industrial, some agricultural uses and landscaping irrigation, such as along roads, in parks or for use with home landscaping. The treatment level envisioned for the Bajagua Project would create purified water that can be used in industrial applications in the burgeoning

maquiladora region. With advanced treatment its purity can be higher than that of potable (drinkable) water. As such, it can also potentially be used to recharge the groundwater supply.

11. Q: IS THE PROJECT ON SCHEDULE?

A: The Bajagua Project should be completed in 2003. This schedule is in keeping with previous statements about how quickly the project can be completed and operational. When the negotiations are finalized and the new Treaty Minute signed, and the DBO contract awarded, the Bajagua Project anticipates a 16-month construction schedule with operations projected for late 2003/early 2004.

12. Q: WHAT PRELIMINARY WORK HAS BEEN DONE?

A: As of now, the Bajagua Team is working with the City of Tijuana, the State of Baja, California, and the Mexican federal government to finalize the selection of the project site. Preliminary engineering has been started, and the formal bid process is in its final stage. The Statement of Qualifications (SOQ), Request for Proposals (RFP) and permitting activities are ready to commence. The U.S. federal government is nearing completion of its process prior to issuing formal negotiating and contracting authority. While this has taken longer than anticipated, the timeline for the project is still on track. Upon prompt resolution of procedural matters, the Bajagua Project is poised to aggressively pursue implementation.