

INTERNATIONAL BOUNDARY AND WATER COMMISSION

United States and Mexico

Modification of plan for secondary treatment of effluent from the IWTP by providing for treatment in Mexico, and provision for additional treatment capacity in Mexico

A. General

The Commissioners reviewed the activities carried out by each country in furtherance of Minutes 283 and 296, the activities of the US Environmental Protection Agency (EPA) in regard to finalization of plans for the secondary treatment of effluent from the International Wastewater Treatment Plant (IWTP), and the recent enactment of legislation by the United States Congress, and made the following observations:

1. Under the terms of IBWC Minute 283 the United States Section has completed construction of the IWTP in the United State with a capacity of 25 million gallons per day (MGD) or 1100 liters per second (Ips). The IWTP was placed in operation on _____.

2. Also pursuant to IBWC Minute 283, the United States Section has completed construction of the South Bay Ocean Outfall (SBOO) for the discharge of the advanced primary effluent from the IWTP into the coastal waters of the United States. The SBOO was placed into operation on _____.

3. The United States Section is subject to two Cease and Desist Orders (Nos. 96-50 and 96-52) from the California Regional Water Quality Control Board, San Diego Region, relating to compliance with California water quality laws. Order no. 96-50 relates to the discharge of treated effluent through the SBOO, and Order no. 96-52 addresses a number of matters including prohibiting the discharge of effluent to the Tijuana River. Due to delays in completion of plans for the secondary treatment of effluent from the IWTP, the United States Section is at risk of being in violation of the subject Cease and Desist Orders.

4. In addition to completion of the IWTP and the SBOO, the two countries have made significant progress in order to address this trans-border sanitation problem. For example:

- a) Mexico continues to develop its wastewater characterization program designed to allow for the advanced identification of significant pollutants so as to protect the efficiency of the IWTP,
- b) Mexico continues to make progress on its program for the pre-treatment of industrial pollutants,
- c) EPA has completed..... [discussion of the collection system], and
- d) Mexico is completing arrangements for disposal, in its territory, of the

sludge generated from Tijuana wastewaters at a site approved for such disposal in accordance with applicable Mexican legislation.

5. The United States Section, in coordination with EPA, has also made progress in developing plans for the construction of a secondary treatment facility, to be located in the United States, for the secondary treatment of effluent from the FWTP. The United States Section and EPA have completed a supplemental Environmental Impact Statement (SEIS) for the purpose of reviewing alternatives for secondary treatment at a facility to be located in the United States (the US Facility). However, there have been a number of difficulties with the US Facility:

- a) There is inadequate existing federal funding to complete the project,
- b) Given rapid population growth in the Tijuana area, the planned facility is already inadequate to treat the total volume of sewage flowing into the United States,
- c) Because of the increased volume and characteristics of sewage emanating from Mexico the pollution problem in the United States is likely to continue into the future, absent immediate remedial action,
- d) The US Facility only allows for limited expansion capability, and
- e) There is significant public opposition to the location and type of facility proposed for construction by the United States Section and EPA.

6. As a result of the above-outlined circumstances, the United States Congress has enacted legislation that addresses the issue of secondary treatment of effluent from the IWTP and, in addition, addresses the need for additional sewage treatment capacity. The new legislation authorizes the United States Section and EPA to:

- a) Provide for secondary treatment of effluent from the IWTP at a location in Mexico (the Mexican Facility),
- b) Enter into a fee-for-services contract for secondary treatment services with the owner of the Mexican Facility,
- c) Provide for additional primary and secondary treatment capacity at the Mexican facility, up to 50 mgd, with such additional treatment to be paid for by the United States government, and
- d) Carry out such other actions necessary for the implementation of the legislation.

B. Resolutions

Based on the above considerations, the Commissioners adopted the following resolutions for approval of the two governments:

- 1.