

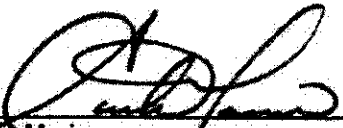
---

REVISED RECORD OF DECISION  
FOR THE  
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT  
FOR

INTERNATIONAL BOUNDARY AND WATER COMMISSION

CLEAN WATER ACT COMPLIANCE AT THE  
SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT  
SAN DIEGO COUNTY, CALIFORNIA

Approved by:

  
\_\_\_\_\_  
Carlos Marin  
Commissioner, U.S. Section  
International Boundary and Water Commission

5/15/08  
\_\_\_\_\_  
Date



REVISED RECORD OF DECISION  
INTERNATIONAL BOUNDARY AND WATER COMMISSION  
CLEAN WATER ACT COMPLIANCE AT THE  
SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT  
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

---

**I. INTRODUCTION**

The United States Section, International Boundary and Water Commission (USIBWC) has prepared this Revised Record of Decision on the July 2005 Final Supplemental Environmental Impact Statement for Clean Water Act Compliance at the South Bay International Wastewater Treatment Plant (SBIWTP) (hereinafter referred to as the "Final SEIS"). On September 30, 2005, the USIBWC issued a Record of Decision ("ROD") which selected Alternative 4, Treatment Option C, Discharge Option I (Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico) as the means for achieving CWA compliance at the SBIWTP. Reevaluation of the alternatives for achieving compliance was prompted by the inability to timely implement the selected alternative and by changes in financial considerations relevant to the decision of whether to provide secondary treatment in Mexico or in the United States. The 2008 Consolidated Appropriations Act made available up to \$66 million for the USIBWC for a secondary wastewater treatment facility, subject to certain conditions. In accordance with that law, the Government Accountability Office (GAO) completed a report on the two alternatives for improving wastewater treatment at the United States-Mexico border and provided it to both the Senate and House Appropriations Committees, Senator Diane Feinstein (D-CA), and Representatives Bob Filner (D-CA) and Duncan Hunter (R-CA) on April 24, 2008 detailing which project would bring USIBWC into compliance with the Clean Water Act most rapidly, and which project is more cost effective. This Revised ROD supplements the prior 2005 ROD, reflects the results of the Agency's reevaluation of alternatives and was prepared in compliance with 40 CFR 1505.2. This Revised ROD incorporates by reference the text of the 2005 Record of Decision and each of its sections, except where revised in this document and noted below. Where there is any inconsistency between the Revised Record of Decision and the prior Record of Decision this Revised Record of Decision is the controlling document. The 2005 ROD is attached.

**II. DECISION**

Section II of the 2005 ROD is completely revised and replaced by the following:

After reevaluation, which is discussed below, the USIBWC has decided to upgrade the SBIWTP to secondary treatment in the United States (Secondary Treatment in the United States, Alternative 5, Option B-2, Activated Sludge with Expanded Capacity, with discharge Option 1) to achieve compliance with the CWA and the NPDES permit.

This decision revises the USIBWC's Record of Decision issued September 30, 2005, in which the USIBWC selected the Bajagua Project, LLC (Bajagua) proposal (Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico, Alternative 4, Treatment Option C, Discharge Option I), as the means for achieving CWA compliance at the SBIWTP. The USIBWC selected the Bajagua Project based on numerous factors, including: 1) the USIBWC was informed that Bajagua's preliminary planning, studies and site identification had been completed, and thus the Bajagua proposal would allow for the completion of a facility consistent with the deadlines set forth in a Court Order in *People of the State of California ex rel. the Regional Water Quality Control Board, San Diego Region v. Marin et al*, Civ. 01-CV-0270 (consolidated with *The Surfrider Foundation v. Marin*, Case No. 99-CV-2441), issued by the U.S. District Court for the Southern District of California in late 2004, which ruled that the USIBWC must come into compliance with the Clean Water Act by no later than September 30, 2008; 2) the Bajagua Project was consistent with Title VII of Public Law 106-457, the *Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000*, as amended, IBWC Minute 311, and the Potable Water and Wastewater Master Plan for Tijuana and Playas de Rosarito, prepared by the State Commission of Public Services Tijuana

(CESPT) and the EPA; 3) the Bajagua Project did not have the funding constraints associated with a project in the U.S. namely, that Congress had declined requests by USIBWC and EPA to authorize an increase to the funding cap that had been placed upon EPA's appropriation of Section 510 funds for the project, and Congress had not otherwise appropriated funds necessary to upgrade the SBIWTP.

On February 14, 2006, the USIBWC entered into a Development Agreement with Bajagua giving the company exclusive rights to pursue development of a Mexican facility. Under the Development Agreement, Bajagua agreed to pursue required permits, acquisition of rights to real estate, and other prerequisites necessary to enter into a construction contract for secondary wastewater treatment facilities in Mexico. Consistent with the Court Order, the Development Agreement required the new treatment facilities to be operating in conformance with the U.S. Clean Water Act requirements by September 30, 2008; it also established interim milestones. Under the Development Agreement, Bajagua agreed to achieve some of those milestones by September 12, 2006 (i.e., to obtain all of the rights to purchase real estate in Mexico; to acquire rights-of-way in Mexico and the United States necessary for the project facilities; and to make all reasonable efforts to obtain a new discharge permit from the San Diego Regional Water Quality Control Board for discharge of the effluent from the Mexican facilities into the South Bay Ocean Outfall). The Development Agreement also required Bajagua to meet additional milestones by May 2, 2007 (i.e., to secure necessary authorization to treat wastewater in Mexico; to secure all debt and equity financing necessary to construct project facilities and ancillary costs with all funds deposited into a trust account; and to execute a design-build-operate subcontract).

A number of tasks remain to be accomplished under the Development Agreement. Bajagua was unable to obtain a concession or other approval from Mexico for the project site, required under the Development Agreement by September 12, 2006, until a conditional approval was granted by Mexico on August 1, 2007. No permits have been acquired for the rights-of-way necessary for the pipeline to the Bajagua plant. On or before May 2, 2007 Bajagua agreed to obtain from the Mexican Government all necessary approvals to treat to secondary standards up to 34 mgd of untreated wastewater discharged by sources in the Tijuana, Baja California, Mexico area. In February of 2007, Bajagua notified the USIBWC that it would be unable to meet the May 2, 2007 milestones set forth in the Development Agreement, and on April 25, 2007, Bajagua notified the USIBWC that it would be unable to complete a facility in Mexico in time to achieve compliance with the Clean Water Act by September 30, 2008. On May 8, 2007, the USIBWC notified Bajagua that it was suspending all USIBWC activities under the Development Agreement since it lacked authority to extend the court ordered deadline for compliance.

The President's Fiscal Year 2008 budget, which was submitted to Congress in February of 2007, requested funding for the USIBWC to begin construction of the secondary treatment upgrade of the SBIWTP at the plant in the U.S. should Bajagua not meet all of the obligations and milestones detailed in the Development Agreement on or before May 2, 2007. As a result, when Congress enacted the Omnibus Appropriations Act for 2008, it included Section 117 in the Department of State, Foreign Operations, and Related Programs Appropriation Act, 2008 (P.L. 110-161), which appropriated up to \$66 million to construct secondary wastewater treatment capability of at least 25 million gallons per day (mgd) from the Tijuana River, subject to three conditions. Those three conditions were: (1) IBWC shall resume negotiations in accordance with section 804 of Public Law 106-457; (2) IBWC shall prepare design and engineering plans to upgrade the SBIWTP to treat 25 mgd to secondary treatment and update its conceptual designs for a scalable project capable of treating up to 100 mgd to secondary at the facility; and (3) none of the funds made available by this section may be obligated for construction before the Government Accountability Office (GAO) completes a report on the proposed projects.

The USIBWC resumed negotiations on a fee-for-service contract with Bajagua on January 9, 2008. USIBWC also contracted on January 14, 2008 for the review and updating of its existing design and engineering plans to upgrade the SBIWTP to treat 25 million gallons per day (mgd) to secondary standards and to update its conceptual designs for a scalable project capable of treating up to 100 mgd to secondary at this facility.

On April 24, 2008, the USIBWC provided the Appropriations Committees with an analysis comparing the cost and timelines for construction of secondary wastewater treatment facilities in the United States and in Mexico for the treatment of Tijuana sewage, pursuant to the joint explanatory statement language accompanying Section 117 of the Department of State, Foreign Operations, and Related Programs Appropriation Act, 2008 (Div. J, P.L. 110-161). In addition, on April 24 2008, the GAO released its report, entitled "International Boundary and Water Commission: Two Alternatives for Improving Wastewater Treatment at the United States-Mexico Border to the public and to Congressional representatives. The report evaluated cost and schedule information submitted by Bajagua and USIBWC. Bajagua provided cost estimates of \$195.6 million in 2008 dollars to construct a plant with secondary treatment capacity of 59 mgd, a 20-year cost for construction and operation of \$539 million, and estimated a beginning operations date for the Mexican facility in March of 2010. The USIBWC estimated a cost of \$101.5 million in 2008 dollars to upgrade the SBIWTP to secondary treatment capacity, a 20-year cost of \$331 million, and a beginning operations date for the SBIWTP upgrade in January 2011.

Furthermore, the GAO report found that "neither projects' estimates of costs and timelines fully meets GAO's criteria for reliability, but the estimated costs and timelines for the SBIWTP upgrade may be somewhat more reliable than those for the Bajagua LLC proposal". According to GAO, "while neither timeline estimate meets GAO's criteria, the greater number of uncertainties related to Bajagua LLC's timeline reflects more potential risk in that schedule". The GAO report also found that "the SBIWTP upgrade and the Bajagua plant cost estimates both met some of our criteria for being well documented, comprehensive and accurate, but overall the SBIWTP upgrade estimate met more of these criteria than the Bajagua plant estimate".

Additionally the GAO report found that "the Bajagua LLC project includes more unresolved issues than the SBIWTP upgrade, such as the need to obtain over 30 permits, approvals and concessions from both U.S. and Mexican authorities, the need to resolve significant issues in its draft fee-for-services agreement with USIBWC, and other legal and technical issues which could delay its schedule". This would include the need to complete additional IBWC Minutes and potential environmental assessment of the new Bajagua LLC site. The GAO report further found that "estimates vary on when Bajagua's extra capacity may be needed". Finally, the GAO Report noted that "the Bajagua LLC proposal is more logistically complex due in part to the movement of wastewater back and forth across the border for primary and secondary treatment".

The USIBWC believes that secondary treatment facilities in the United States can be implemented more quickly than the Bajagua Project, especially given the uncertainties and complications of building a facility in Mexico that have already affected and will likely continue to affect the implementation schedule. The USIBWC believes that it can be more assured of meeting its estimated completion date of January 2011 than meeting the estimated completion date of March 2010 for the Bajagua Project, since there are fewer risks and contingencies associated with the construction schedule for secondary treatment in the United States. With respect to the Bajagua Project, there are inherent uncertainties relating to the attainment of annual project funding, the nature of the proposed fee-for-services contract between Bajagua and the USIBWC, the development and execution of agreements with various levels of government in Mexico relative to the Design, Build and Operate (DBO) subcontract, and the negotiation and conclusion of implementing Minutes required to obtain the U.S. and Mexican Government's approval of the fee-for-services contract and the design, construction, and O&M parameters.

Completing secondary treatment facilities in the United States at the SBIWTP would also be consistent with Title VIII of Public Law 106-457, the "*Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000*", amended by Public Law No. 108-425 (codified as amended at 22 USCA § 277d-43-46 (2004)). Section 277d-44 provides that the USIBWC is "directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico-- (A) of effluent from the IWTP *if such treatment is not provided for at a facility in the United States.*" [emphasis added].

From an engineering perspective, completing secondary facilities at the existing SBIWTP site is a more sound technical solution than capturing Mexican sewage for advanced primary treatment in the United

States, pumping that effluent across the border 8.6 miles uphill for secondary treatment in Mexico and then pumping that effluent back across the border again for discharge through the SBOO, with all of the associated utility charges involved. Building secondary facilities in the United States would also have the following advantages:

- USIBWC would have direct oversight of the project during all phases of construction, operation, and maintenance;
- USIBWC owns the land necessary for expansion of the existing plant up to 100 mgd;
- a final design has already been prepared to construct a 25 mgd secondary treatment component, compatible with the existing treatment process, and is currently being updated to current design standards (final design is scheduled for completion by the end of June);
- secondary treatment in the United States is provided for in existing International Boundary and Water Commission (IBWC) Minutes and thus no additional agreements with Mexico are required;
- minimal site preparation, environmental mitigation, or other permits or approvals are required; and
- construction and operation of a secondary treatment facility in the United States would be subject only to the laws of the United States.

Due to the developments described above, the USIBWC has determined that Alternative 5 B-2 is the most feasible and cost effective solution for Clean Water Act compliance for the SBIWTP. The analysis of the Final SEIS remains relevant and applicable to this decision and provides all of the information and data necessary supporting this reevaluation of the alternatives for achieving compliance. The purpose and need for achieving compliance with the CWA and NPDES permit, the range of alternatives for achieving compliance, the affected environment, the environmental consequences of each alternative, and the regulatory considerations have not significantly changed since 2005—thus, no additional or supplemental NEPA analysis is required or necessary. USIBWC reviewed the 2005 Final SEIS and information received since the 2005 ROD and has determined that the SEIS remains adequate for NEPA compliance.

The decision to select Alternative 5, Option B-2 continues interim operation of the advanced primary treatment plant, until construction of the upgrade occurs in the United States at the existing SBIWTP site.

*Description of Alternative 5, Option B-2: Activated Sludge with Expanded Capacity*

Under the Activated Sludge with Expanded Capacity Alternative (Alternative 5 Option B-2), activated sludge secondary treatment facilities would be constructed on the existing SBIWTP property and on a portion of the 40-acre former Hofer site as described in the 2005 Final SEIS. This alternative would use activated sludge as the secondary treatment process and the capacity of the facilities would be expanded to accommodate peak flows. For this alternative, an average flow of 25 mgd with peak flows up to 50 mgd would be treated by the advanced primary and the secondary facilities. The proposed new facilities, which would be located on the current SBIWTP property, would include these major elements:

- ♦ Six single-pass conventional activated sludge tanks with fine bubble diffusers and anoxic zone selectors, including one aeration blower structure with four blowers.
- ♦ Sixteen secondary sedimentation tanks with return-activated sludge pump facilities, a secondary skimming pump station, and an electrical local control center.
- ♦ Two 27-foot-diameter dissolved air flotation thickeners with chemical addition facilities.
- ♦ One 34-foot-diameter sludge storage tank.
- ♦ Extension of the support facilities such as yard piping to accommodate the expanded site and facilities for the secondary treatment facilities.

The proposed activated sludge and related facilities would be sized to treat an average monthly organic loading of 390 mg/L BOD<sub>5</sub>, 315 mg/L TSS, and an average flow of 25 mgd plus in plant recycle flows from the sludge dewatering. The facilities would be designed to treat peak flows of 50 mgd. The activated

sludge facilities would be designed to provide an effluent quality of approximately 19 mg/L BOD5 and 19 mg/L TSS.

#### ***Reasons for Selection***

In the Final SEIS issued in 2005 USIBWC considered a range of feasible alternatives that would allow it to achieve compliance with CWA and its NPDES permit. As stated above, the USIBWC is now selecting ***Alternative 5, Option B-2: Activated Sludge with Expanded Capacity*** as the means for achieving CWA compliance at the SBIWTP for the following reasons:

The design and construction of secondary treatment facilities in the United States would be completed within 18-24 months after construction contract is awarded and notice to proceed is issued.

The USIBWC originally envisioned the construction of such secondary facilities in the U.S. adjacent to the SBIWTP and has previously issued Records of Decision for such facilities. The USIBWC was unable to implement these decisions due to lack of adequate funding; however, the 2008 Consolidated Appropriations Act included funding for construction of a secondary wastewater facility.

This alternative would be consistent with Title VIII of Public Law 106-457, the *Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000*, as amended.

This alternative has expansion potential up to 100 mgd that could address long-term needs of the San Diego/Tijuana region.

- ◆ The estimated capital and 20-year life cycle cost of this alternative would be substantially less than the Bajagua project (Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico, Alternative 4, Treatment Option C, Discharge Option I).
- ◆ This alternative would provide the USIBWC with direct oversight and control of the project during all phases of construction and operation and maintenance.
- ◆ This alternative is subject to fewer contingencies and uncertainties than construction of a new treatment plant, pipeline and ancillary facilities in Mexico, and could proceed in a manner similar to other domestic public projects.
- ◆ This alternative would be constructed on land that the USIBWC already owns.
- ◆ A final design has already been prepared for this alternative that is compatible with the existing treatment process and requires only minimal updating to current design standards.
- ◆ This alternative would not be subject to the permitting processes or laws of another country.
- ◆ This alternative would not be subject to the approval of Mexican federal, state and local entities.
- ◆ This alternative would not require the conclusion of additional IBWC Minutes.

The USIBWC has considered the comments that were provided in response to the Draft SEIS concerning the preferred and other alternatives and addressed these comments in the Final SEIS. USIBWC has also considered written comments received since the issuance of the Final SEIS in response to the notice published in the Federal Register.

Section III of the 2005 ROD is not revised and is incorporated by reference into this Revised ROD.

#### IV.

#### ENVIRONMENTALLY PREFERRED ALTERNATIVE

---

The Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) require that the Record of Decision specify "the alternative or alternatives which were considered to be environmentally preferable" (40 C.F.R. §1505.2(b)). The environmentally preferable alternative is the alternative that will cause the least damage to the biological and physical environment. It is the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

The environmentally preferred alternative is the alternative that would bring the SBIWTP into compliance with the CWA and its NPDES permit in the shortest amount of time. In the Draft SEIS, IBWC selected secondary treatment as the environmentally preferred alternative. In the 2005 ROD, the environmentally preferred alternative was refined to the Bajagua Project, because it was considered to be the fastest method of achieving secondary treatment. However, because of the change in circumstances noted in this Revised ROD, the IBWC considers *Alternative 5, Option B-2: Activated Sludge with Expanded Capacity, Discharge Option 1* as the environmentally preferred alternative. The USIBWC believes that construction of secondary treatment facilities pursuant to *Alternative 5, B-2* would provide secondary treatment in the United States that would allow the SBIWTP's effluent to meet CWA secondary treatment standards and California Ocean Plan requirements faster than the other alternatives. It has expansion capability of up to 100 mgd that could address long-term sewage treatment needs of the region by treating current and future projected increased raw sewage flows from the Tijuana area of Mexico, and will have a lower energy use than Alternative 4C. All practicable means to avoid or minimize environmental harm from the alternative selected have been adopted. Monitoring and mitigation are addressed in Chapter 5 of the Final SEIS.

#### V.

#### MEANS TO AVOID OR MINIMIZE ENVIRONMENTAL EFFECTS

---

Section V of the 2005 ROD is completely revised and replaces with the following:

NEPA regulations and guidance require the Record of Decision to contain a concise summary of the mitigation measures which the agency has committed itself to adopt. The USIBWC commits to the following mitigation measures:

##### A. Terrestrial Biological Resources

- ♦ Mitigation would be required for the loss of up to 30 acres of non-native grassland, a sensitive biological resource in the City of San Diego. Mitigation would be required typically at a 0.5 to 1 mitigation ratio. Mitigation may be accomplished with preservation or restoration/creation of similar or better quality habitat. The mitigation completed for impacts to non-native grassland would offset the temporary loss of foraging habitat for raptors. With incorporation of this mitigation measure, impacts to terrestrial biological resources would be mitigated to a less than significant level.
- ♦ Standard techniques for reducing construction noise impacts such as using noise suppressing mufflers on construction equipment and complying with the local noise control ordinance would be undertaken to reduce potential noise impacts on least Bell's vireo in the vicinity of the SBIWTP to a less than significant level.
- ♦ Generally accepted measures and practices in the industry to effectively address potential adverse effects to the least Bell's vireo from construction noise will be required. Specifically, during the least Bell's vireo's breeding season (March 15 to September 15) measures will be required to ensure that construction noise not exceed ambient noise levels of 60 decibels hourly (dBA  $L_{eq}$ ) at the edge of riparian habitat constituting least Bell's vireo territories. A qualified acoustician will establish monitoring stations where activities from construction may infiltrate the least Bell's vireo habitat, and will monitor noise levels during construction activities and verify that the average hourly noise levels do not exceed 60 dBA or ambient levels at those stations. If noise from construction activities exceeds these levels, construction

activities will be modified or curtailed to ensure that noise levels do not exceed 60 dBA  $L_{eq}$  or average ambient levels within or immediately adjacent to suitable least Bell's vireo habitat.

#### *B. Cultural Resources*

In the event cultural materials are encountered during construction, the contractor shall immediately suspend work in the area of the find until the material can be evaluated by a qualified cultural resource specialist. Cultural resources discovered during excavation would be evaluated for National Register of Historic Properties (NRHP) eligibility following their discovery or considered eligible for listing by default and subjected to impact mitigation as called for in the March 1994 Programmatic Agreement. Impacts to historic properties discovered within the excavation path would be mitigated to a level below significance through implementation of the terms of the 1994 Programmatic Agreement. With incorporation of this mitigation measure into project planning, impacts to cultural resources would be considered mitigated to a less than significant level.

#### *C. Paleontological Resources*

Due to the potential for disturbance to paleontological resources in the highly fossiliferous San Diego formation at the SBIWTP and in the surrounding area, paleontological monitoring of construction of pipelines and the pump station would be required of the contractor by USIBWC. A Paleontological Resource Mitigation Plan will be prepared by a qualified paleontologist and implemented by the contractor. The plan will identify:

- ♦ Specific areas to be monitored during excavation and other ground-disturbing activities;
- ♦ Procedures for recovery and preservation of paleontological material found on the site (including transfer of fossils to repositories); and
- ♦ Reporting of these findings.

With incorporation of this mitigation measure into project planning, impacts to paleontological resources would be considered mitigated to a less than significant level.

#### *D. Best Management Practices*

The following best management practices would also be implemented to avoid or minimize adverse effects:

- ♦ Facilities would be sited, designed and constructed in accordance with applicable engineering standards for seismic resistance.
- ♦ Recommendations of the geotechnical site investigation would be incorporated into project design and planning to avoid or minimize erosion and sedimentation of natural drainage areas associated with hillside grading.
- ♦ Site watering would be conducted during ground-disturbing construction activities to reduce generation of fugitive dust.

### *VI. DISCUSSION OF ISSUES AND FACTORS*

---

The change to preferred alternative, *Alternative 5, Option B-2: Activated Sludge with Expanded Capacity, Discharge Option 1*, is not in conflict with the issues raised during the public review of the Draft and Final SEIS. Section VI of the 2005 ROD is not changed, except as noted below, and is incorporated by reference into this Revised ROD.

## 12. Japanese Credit Plant Effluent

Mexico has advised the United States that two Japanese Credit Plants in Tijuana (La Morita and Monte de los Olivos) are currently under construction and scheduled to be completed in 2008. Effluent from these plants will be discharged to the Tijuana River, captured by the IBWC pumping plant, and conveyed to Punta Bandera via the rehabilitated original conveyance channel (OCC). The new plants will have a combined capacity of 16.3 mgd. Substantially less untreated flow is expected to be discharged to the Tijuana River and the Pacific Ocean at Punta Bandera in the short term than was anticipated in the 2005 ROD. Distribution of projected wastewater flows between the San Antonio de los Buenos treatment facility and the new Japanese credit plants is uncertain at this time. Despite general improvements to the treatment capacity in Tijuana, there have been no significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts since the 2005 SEIS.

### **VII. COMMENTS ON FINAL SEIS**

---

The change to preferred alternative *Alternative 5, Option B-2: Activated Sludge with Expanded Capacity, Discharge Option 1*, is not in conflict with issues raised during the public review of the Draft and Final SEIS. Section VII of the 2005 ROD is not revised and is incorporated by reference into this Revised ROD.

### **VIII. Compliance with Environmental Requirements**

This section from the 2005 ROD is incorporated by reference, except as noted below.

#### **D. Coastal Consistency**

The USIBWC has submitted a series of consistency determinations since 1994 for the collection, treatment and discharge of wastewater that flows by gravity into the United States from Mexico. In February of 1994 the Coastal Commission concurred with a consistency determination (CD-002-94) submitted by the USIBWC for construction of a 25 mgd secondary wastewater treatment plant on a 75-acre site on the west bank of the Tijuana River at the International Border in California, 3.5 miles inland from the Pacific Ocean.

#### **E. Air Quality**

Alternative 5, Option B-2 would result in short-term air quality impacts associated with the construction of secondary treatment infrastructure at the SBIWTP. The primary source of air pollution emissions would be temporary and short term in nature from equipment and vehicles on the site. Construction-related emissions are expected to be below significance threshold values. After the secondary plant is constructed, the air quality at the SBIWTP would be similar to current conditions. Construction-related air quality impacts in Mexico would not affect the surrounding community near the SBIWTP because of distance. Impacts to air quality would not be considered significant. Based on previous studies, odors would not be expected to impact the surrounding area as long as the plant is properly maintained and continues normal operating conditions. The SBIWTP has an air permit for current operations which will require modification for expansion of operations.

### **IX. SUMMARY OF DECISION**

---

This section from the 2005 ROD is completely revised and replaced with the following:

In conclusion, the USIBWC finds that Secondary Treatment in the United States (Alternative 5, Option B-2, Activated Sludge with Expanded Capacity, Discharge Option 1) represents the wastewater treatment option that best serves the overall public interest and is consistent with the National Environmental Policy Act, Clean Water Act, and other federal, state and local plans and policies. This alternative includes all practicable means to avoid or minimize environmental harm, while providing for the treatment of wastewater from Tijuana, Baja California, Mexico as described in existing international agreements and Public Law 106-457, as amended.