

USIBWC Public Meeting

August 15, 2005

Imperial Beach, CA

Clean Water Act Compliance at the South Bay International
Wastewater Treatment Plant



Presentation Outline

- Background and History
- Funding Issues
- Public Law
- Minute 311
- Court Order
- Optimization Study
- NEPA Compliance
- Final SEIS
- Preferred Alternative
- Public Law Implementation



Minute No. 283 (1990)

- Mexico to help fund a treatment plant in the U.S. in place of a planned plant in Mexico
- Design and construction of an international wastewater treatment plant
 - Secondary treatment level
 - Located at Dairy Mart Road site in U.S.
- Construction of an ocean outfall by the U.S.



Timeline

- EIS prepared. 1994 ROD selecting activated sludge secondary treatment
- 1994 Sierra Club lawsuit
- 1995 - Suit settled, USIBWC/EPA agreed to evaluate secondary treatment ponds
- 1996 – Decision to proceed with advanced primary plant until secondary facilities could be completed



Timeline

- January 1999 – Interim operation began of SBIWTP with discharge through South Bay Ocean Outfall
- March 1999 – Final SEIS released per Sierra Club settlement
- December 1999 – ROD selecting secondary treatment ponds in US



Funding Issues

- \$239.4 million spending cap on use of Section 510 funding
- \$234 million spent to date for SBIWTP, SBOO
- Congress has declined to raise the spending cap



South Bay International Wastewater Treatment Plant



South Bay International Wastewater Treatment Plant



South Bay International Wastewater Treatment Plant



Public Law 106-457 (2000)

- Secondary treatment in Mexico of effluent from the SBIWTP and of additional sewage from the Tijuana River area
- SBIWTP effluent transported to Mexico for secondary treatment
- Secondary treatment in Mexico to comply with water quality standards in Mexico, California, U.S.



Public Law 106-457

- Effluent treated in Mexico that's not reused to be discharged through SBOO
- USIBWC may enter into a fee-for-services contract with the service provider (proposed public-private wastewater treatment facility)
- 20-year contract term



Public Law 106-457

- Fees to cover costs related to development, financing, construction, operation, and maintenance
- Contract funding subject to appropriations
- Completion of Tijuana Master Plan



Minute 311

- Agreement of the US and MxIBWC for a framework to implement the public law
- Project be undertaken in conformance with applicable Mexican legislation
- Participation of a public-private service provider is to be in accordance with applicable Mexican law and regulations.



Amendments to Public Law (2004)

- USIBWC may enter into an agreement with a fee-for-services provider in advance of appropriation by Congress
- USIBWC requested to give highest priority to implement Minute 311



Court Order

- 2001 California Regional Water Quality Control Board filed suit alleging Clean Water Act violations
- December 2004 – Court order set a schedule for USIBWC to bring the SBIWTP into compliance



Court Order – Schedule

- Award contract for design and construction by December 2005
- Commence construction by September 2006
- Complete construction by August 2008
- Achieve full compliance by September 30, 2008



Optimization and Phase II Studies

- Final Optimization Report recommendations reflect promising and cost effective ways of removing additional TSS from the effluent
- Preliminary results show new polymers and coagulents could be used to achieve additional TSS removal



NEPA Compliance

- USIBWC has met court-ordered compliance milestones ahead of schedule
- Draft SEIS released December 2004
- Final SEIS released July 29, 2005
- California Coastal Commission issued a consistency determination July 9, 2005
- Record of Decision to be issued not later than October 1, 2005



Final SEIS - Alternatives

- 1. No action
- 2. Convey treated flows to Mexico while continuing to operate the SBIWTP
- 3. Connect to City of San Diego facilities



Final SEIS - Alternatives

- 4. Public Law 106-457
 - A. Operate SBIWTP as advanced primary, send treated effluent to Mexico for secondary
 - B. Cease Operation of the SBIWTP and conduct primary and secondary in Mexico
 - C. Bajagua proposal – at site and facilities proposed by Bajagua

Discharge Option I – thru SBOO

Discharge Option II – in Mexico at Punta Bandera



Final SEIS - Alternatives

- 5. Secondary Treatment in the U.S. via CMA ponds or activated sludge
- 6. Secondary treatment in the United States and Mexico
- 7. Shutdown of international plant



SEIS Preferred Alternative

- Alternative 4 C, the Bajagua Proposal, with discharge thru SBOO
 - Secondary treatment is environmentally preferred
 - Analysis and conceptual designs have been prepared, facilitating completion within timelines established in court order
 - Consistent with public law, Minute 311, and Tijuana Master Plan
 - Congress has not approved funding for the previously selected alternatives
 - Would expand treatment capacity in Mexico, promote re-use



Public Law Implementation

- USIBWC is undertaking nonbinding sole-source negotiations with Bajagua LLC
- Sole-sourcing is authorized and consistent with the Public Law.
- Competitive procedures will be used in the procurement of all services including engineering, construction and O & M
- Decision based on consultation with legal counsel and other federal agencies
- Enables the agency to meet compliance schedule as expeditiously as possible



PUBLIC LAW PROCESS

**USIBWC
Phase I**

**Engage MXIBWC and
Mexico - Phase II**

Key Issues

1. Construction cost
2. Construction schedule & milestones
3. Project financing
4. Fee-for-services determination
5. Conclusion of NEPA process

Contractor Prepares RFP

1. Design requirements
2. Construction procedures
3. Operation and Maintenance
4. Concession with CESPT - Requirements

Key Issues

1. Site studies
2. Treatment technology
3. Concession – Negotiated with CESPT
4. CWA Compliance
5. Mexican procurement laws and regulations (DBOT)



For more information

Final SEIS:

www.ibwc.state.gov/SBIWTPFinalSEIS.pdf

Press Release:

www.ibwc.state.gov/PAO/CURPRESS/2005/

[BajaguaFinalSEIS.pdf](http://www.ibwc.state.gov/PAO/CURPRESS/2005/BajaguaFinalSEIS.pdf)

South Bay International Wastewater Treatment
Plant:

www.ibwc.state.gov/html/sbiwtp.html

