



March 15, 2021

Mr. Andrew Sawyers
Mr. Tomás Torres
EPA Co-Chairs; USMCA Eligible Public Entities Coordinating Group
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Dear Mr. Sawyers and Mr. Torres,

As the local representatives to the Eligible Public Entities Coordinating Group (EPECG), we appreciate and recognize the effort from the U.S. Environmental Protection Agency (EPA) to identify and assess projects for a comprehensive solution to the transboundary wastewater and stormwater pollution crisis in the Tijuana River Valley. The San Diego Regional Water Quality Control Board (Water Board), San Diego Unified Port District, City of San Diego, County of San Diego, City of Chula Vista, and City of Imperial Beach are committed to the success of the EPA's United States-Mexico-Canada-Agreement (USMCA) Tijuana River Infrastructure Technical Analysis (Technical Analysis). The purpose of this joint letter is to unequivocally state our minimum expectations for USMCA projects and evaluation criteria as the EPA develops project alternatives and proceeds with its environmental assessment.

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For the reasons stated below, we believe Project 1, New Tijuana Diversion System in the U.S. and Treatment in the U.S., is an indispensable component of the comprehensive solution to the Tijuana River Valley sewage crisis.

Based on the most recent EPECG Meeting held on February 25, 2021, and the public stakeholder meeting held on February 26, 2021, we wanted to reiterate the shared position of local leaders, state officials, and congressional representatives to prioritize USMCA funds on U.S. side main channel infrastructure projects. We are concerned that the metrics identified to demonstrate project efficacy are skewed against diversion and treatment in the United States; and that the project concept has been reimagined in a way that detracts from its ability to achieve its purpose.

As indicated above, we are concerned that the project scoring criteria are skewed to the enhancement of Mexico's sewage infrastructure and the reduction of flows to San Antonio de los Buenos (SAB) rather than protection of water quality within California's Tijuana River Valley. While replacement of SAB is desirable and may improve coastal water quality, emphasizing that expediency in lieu of addressing the longstanding impacts to water quality in the Tijuana River watershed—which watershed is documented in the Clean Water Section 303(d) List of Impaired Waters—presents the prospect of normalizing the status quo in the Tijuana River Valley to the detriment of the California communities and ecosystems.

To that point, the EPA's focus on biochemical oxygen demand (BOD) and total suspended solids (TSS) impacts as the main metrics for project efficacy is troubling. Understanding BOD and TSS impacts is clearly important to the design of any new sewage treatment facility. Reliance solely on those metrics, however, misrepresents the true impacts of pollution in the river valley, estuary, and beach closures along the coast. Comparing BOD and TSS reductions at SAB Creek and the Tijuana River mouth as a proxy for Project efficacy discounts the upstream impacts of Tijuana River flows on endangered species and other receptors in the Estuary and River Valley; ignores BOD and TSS deposition and subsequent re-mobilization during flushing flows in the U.S.; disregards BOD and TSS contributions from community discharges in Mexico to the north of SAB Creek; and misses the mark as to the primary pollutants of concern, specifically indicator bacteria, which are the main driver of beach closures in the U.S.

Instead, project success should be measured by results, including increased capture of fugitive sewage and substantial reductions in transboundary flow days in the Tijuana River and tributary canyons. The downstream communities, habitats, and beneficial uses within the U.S. will continue to suffer, if USMCA projects do not address those conditions, irrespective of BOD and TSS improvements at SAB. Accordingly, reduction in transboundary flow days and reduction in beach closure days based on current indicator bacteria health standards must be the primary project evaluation metric. Project reliability (and susceptibility to enforcement mechanisms) should be a close second, to ensure that projects benefits are consistently realized.

Additionally, the description of Project 1 as an exclusively wet weather diversion is not consistent with either the SB 507 Needs and Opportunities Assessment Report, nor the many references to date in the USMCA coordination process. While capturing the first flush and ebbing post storm event flows is desirable, Project 1 has been consistently discussed and studied as primarily a dry weather diversion and treatment system to complement the poorly designed, undersized, and inconsistently operated PB CILA diversion system that does not provide treatment of diverted flows. Even with the recent upgrades at PB CILA, we still strongly believe there is a critical need for a second dry weather diversion system that is operated and maintained in the U.S. as a reliable defense against future transboundary flow events.

We encourage the EPA to conduct a more detailed analysis of different diversion options for Project 1 that cover the practical range for a U.S. side diversion system that includes: dry weather only; dry weather plus pre and post storm flows; and a maximum alternative that includes the diversion of wet weather events.

As Eligible Participating Entities, we believe it is important to reiterate that in order for the EPA's efforts to result in meaningful, lasting improvement of the health and wellbeing of our communities, EPA must implement U.S.-side infrastructure projects centered on the International Boundary and Water Commission's (IBWC) flood control channel. Project 1 combined with the management of trash is the only solution that adds the necessary defensive infrastructure that protects the river valley and downstream communities from pollution after flows cross the border, and that will achieve compliance with forthcoming total maximum daily loads (TMDL) for the Tijuana River. Without main channel infrastructure diverting and treating as much wastewater as possible, as much of the time as possible, as soon as possible, we fear that the long history of failed action on the Tijuana River will repeat, and our communities will continue to suffer from the effects of poorly maintained and deficient infrastructure in Mexico.

We recognize that Project 1 poses practical and legal hurdles that are not present with EPA's proposed projects in Mexico, including compliance with state and federal environmental laws; heightened standards for construction, operation, and maintenance; designation of an accountable project operator; and identification of ongoing operations and maintenance funding. But these are exactly the reasons why this critical infrastructure must be built in the United States, as the likelihood of surmounting these hurdles is, as history has repeatedly demonstrated, markedly higher in the United States than in Mexico. This is why conveyance-to-treatment is an integral part of the New River Strategy, as it should be in the Tijuana River Valley. Moreover, omitting Project 1 leaves open the question of compliance with the TMDLs being developed to restore water quality in the Tijuana River and Estuary—a question that the EPA and IBWC may need to answer in not-so-distant future, but potentially after USMCA funds have been committed.

Thank you for considering our comments and your continued commitment to improving conditions in the Tijuana River Valley. We respectfully request a meeting as soon as

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possible to discuss the EPA's position on these issues, and to obtain additional clarification on EPA's process between now and June, when the USMCA preferred project grouping alternative will be announced.

Please reach out directly to any of our agencies if you have any questions.



Serge Dedina, Mayor,
City of Imperial Beach



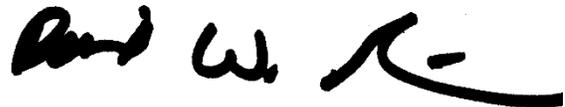
Todd Gloria, Mayor,
City of San Diego



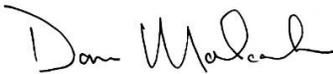
Nathan Fletcher, Chairman,
Supervisor, District 4,
County of San Diego



Nora Vargas, Supervisor,
District 1, County of San Diego



David Gibson, Executive Officer,
San Diego Regional Water Quality Control Board



Dan Malcolm, Vice Chairman,
San Diego Unified Port
District



Mary Salas, Mayor,
City of Chula Vista