U.S. ENVIRONMENTAL PROTECTION AGENCY

U. S. INTERNATIONAL BOUNDARY AND WATER COMMISSION

RECORD OF DECISION FOR

THE INTERNATIONAL BOUNDARY AND WATER COMMISSION SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

LONG TERM TREATMENT OPTIONS SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

I. INTRODUCTION

An international agreement between the United States and Mexico known as Minute 283 and called the "Conceptual Plan for the International Solution to the Border Sanitation Problem in San Diego, California/Tijuana, Baja California" was signed on July 2, 1990. Minute 283 identifies a conceptual plan to treat sewage in excess of the treatment capacity in Tijuana, Mexico. One element of the plan is the construction of a secondary wastewater treatment plant in the United States which would treat 25 million gallons per day (mgd) of dry-weather sewage flows. The purpose of the treatment plant is to provide new wastewater control facilities to assist in safeguarding public health, the environment, public beaches, water quality, and the economy of San Diego, California.

The International Boundary and Water Commission (IBWC), comprised of both the United States Section and Mexican Section, is charged by the Governments of the United States and Mexico with exercising the rights and obligations assumed by the United States and Mexico in Minute No. 283. In addition, the U.S. Environmental Protection Agency (EPA) is authorized to provide funding to the IBWC for the construction of the international wastewater treatment plant in the United States. In a 1994 Final Environmental Impact Statement (1994 Final EIS) and Record of Decision (ROD), the United States Section of the International Boundary and Water Commission (USIBWC) and the EPA, acting as lead agencies, decided to construct the 25 mgd South Bay International Wastewater Treatment Plant (SBIWTP) and South Bay Ocean Outfall (SBOO).

In order to achieve some treatment of Mexican waste as quickly as possible, the EPA and the USIBWC decided to construct the SBIWTP in phases -- by first building advanced primary facilities followed later by secondary treatment facilities. This phased construction would expedite treatment of up to 25 mgd of untreated sewage from Tijuana, which would otherwise have continued to pollute

the Tijuana River and Estuary, and coastal waters in the United States.

After the release of the May 1994 Final EIS and ROD and the decision to construct the SBIWTP in two stages, significant additional information became available and significant new circumstances occurred which warranted a reconsideration of the best means of achieving the completion of the SBIWTP project as a secondary treatment facility. These new factors include a need for consideration of environmental impacts at peak flows, an evaluation of additional technical information on the feasibility of secondary treatment ponds, budgetary constraints, and the incorporation of new technical information regarding Mexican wastewater discharges. The decision to construct the SBIWTP was also challenged by a lawsuit brought by environmental groups. The agencies decided to prepare supplemental environmental impact statements (SEIS) examining this new information, and the lawsuit was settled. In a 1997 SEIS, the agencies examined the impacts of treating and discharging IWTP effluent only to the advanced primary level. In its March 1997 ROD, the EPA and the USIBWC decided to operate the SBIWTP on an interim basis as an advanced primary facility. The SBIWTP opened in 1998 as an advanced primary plant with discharge initially through an emergency connection to the City of San Diego Point Loma treatment facility. In early 1999 the SBIWTP began discharging through the completed SBOO.

A second SEIS on long term treatment alternatives forms the basis for this decision. In January 1998, the USIBWC and the EPA issued the Draft Long Term Treatment Options SEIS (Draft SEIS), to re-evaluate secondary treatment options for the SBIWTP. A notice of availability for the Draft SEIS was published in the Federal Register on January 23, 1998, and 107 copies of the Draft SEIS were sent to interested members of the public and local libraries. A public hearing on the Draft SEIS was conducted at Southwest High School in San Diego, California. The close of the 45-day comment period was extended 15 days, to March 23, 1998, at the request of the public.

In addition, in October 1998, the agencies also issued a supplement to the 1997 Interim Operation SEIS which addressed impacts of the advanced primary treatment. This supplement disclosed new information about dioxin and acute toxicity present in the advanced primary discharge. This new information was incorporated into the Final Long Term Treatment Options Supplemental Environmental Impact Statement (Final SEIS) released in March 1999.

In accordance with NEPA and agency regulations, the Final SEIS identifies the Completely Mixed Aerated (CMA) Pond System at the Hofer Site as the Preferred Alternative. A notice of availability for the Final SEIS was published in the Federal Register on March 19, 1999 and the Final SEIS was broadly circulated.

The EPA and USIBWC have always been firmly committed to providing full secondary treatment in accordance with Minute 283 for the 25 mgd of primary effluent from the International Wastewater Treatment Plant as quickly as possible. The cause of delay in signing a ROD for secondary treatment was the decision by the agencies to conduct further review of a treatment facility

alternative in Mexico, termed the "Bajagua proposal," which both the Draft and Final SEISs rejected as infeasible. Further review has been conducted at the request of two members of the United States congressional delegation from the San Diego area and a number of commentors. This additional review and the agencies' decision to continue to reject the Bajagua proposal as a reasonable alternative is described below. Moreover, the agencies are also firmly committed to continuing to work with all stakeholders to assure adequate treatment capacity is available for all wastewater flows from Tijuana.

Since the close of the comment period on May 5, 1999, the agencies have continued to receive comments on the FSEIS. Although not required to do so, the agencies have considered these comments and responded to them in this ROD. The City of Imperial Beach urged that the agencies sign the ROD and not further delay the decision to reach secondary treatment. Congressman Brian Bilbray reiterated the continued need for a comprehensive plan for the Tijuana sewage issue even if the secondary treatment alternative of ponds was chosen. The San Ysidro Planning and Development Group informed the agencies that they opposed the CMA Pond alternative.

II. DECISION

The EPA and the USIBWC have decided to fund and construct the CMA Pond System at the Hofer Site as the long-term treatment option for 25 mgd of wastewater at the SBIWTP. (See discussion on funding page 12.) This decision is based on numerous factors, including: 1) a review of the Draft and Final Supplemental Environmental Impact Statement for the South Bay International Wastewater Treatment Plant Long Term Treatment Options (CH2M HILL, 1997 and 1999); 2) associated technical documents prepared for the project; 3) correspondence received in response to publication of the SEIS and the agencies' requirements; 4) consultations with Mexico under the terms of Treaty Minutes 296 and 283, which requires that a final design be established by the Commission in a subsequent minute; and 5) subsequent review of the Bajagua alternative. The recommendation to construct the CMA Pond System at the Hofer Site was also reviewed by the U.S. Fish and Wildlife Service, California Fish and Game, the State Historic Preservation Office, and the California Coastal Commission.

The Hofer site, owned by the USIBWC, is located adjacent to the current SBIWTP site and a USIBWC-owned parcel north of the Hofer site. The selected alternative would use a CMA ponds process preceded by treating the effluent in specialized cells called anaerobic digester pits (ADPs). This design incorporates recommended modifications per the Phase II Ponds Study (CH2M HILL, 1997). The proposed new facilities would include the following major elements:

* Four ponds with a total volume of 147 million gallons, each divided into five cells comprised of four ADPs receiving primary effluent and one CMA cell which receives effluent from all four ADPs. The ADPs will have surface aerators, and the CMA cells will be completely mixed and aerated.

* Two surface aerated ponds (26 million gallons) each divided into two cells with each pond receiving effluent from the CMA cells.

* Distribution structures.

* Pump stations.

* Control building.

This alternative would cover a total area of approximately 36 acres (14.6 hectares [ha]) with a total pond surface area of approximately 29 acres (11.7 ha).

The CMA Pond System at the Hofer Site was selected for the following reasons:

* Environmentally Preferred - Secondary treatment is the environmentally preferred alternative. The CMA Pond System at the Hofer Site is one of the secondary treatment alternatives that is designed to meet secondary treatment standards and California Ocean Plan requirements. Furthermore, the CMA Pond System at the Hofer Site is expected to have no significant adverse impact on marine and terrestrial biology, cultural and paleontological resources, land use, socioeconomic and environmental justice concerns, scenic and recreational resources, geology, noise, and energy.

* Buffering Capacity - The CMA Pond System at the Hofer Site has large holding volumes which provide greater treatment reliability by equalizing fluctuations in influent constituent concentrations. The buffering capacity of this system will provide a factor of safety against possible toxic upsets and pass through of contaminant into the final effluent.

* Land Use - The CMA Pond System at the Hofer Site is consistent with local land use designations.

* Sludge Quantity and Quality - The CMA Pond System at the Hofer Site is anticipated to produce the least amount of sludge as compared to the other non-pond secondary alternatives, considering the type of sludge stabilization required by Mexico, which is responsible for disposing of it in its country.

* Cost Effectiveness - The CMA Pond System at the Hofer Site has the lowest capital, operation, and maintenance costs, and meets all project objectives.

* Timeliness - The CMA Pond System at the Hofer Site can be implemented most

expeditiously.

* Odors and Vectors - Although nuisance odors are not anticipated under normal operating conditions, the CMA Pond System at the Hofer Site will provide an added margin of safety against possible odors because of its greater resistance to toxic upsets. No vectors are anticipated with the CMA Pond System at the Hofer Site. Design measures, such as concrete skirts and surface aeration, will be included to prevent mosquito-breeding conditions.

III. ALTERNATIVES AND CONSIDERATIONS BALANCED IN MAKING THE DECISION

In arriving at the decision to select the CMA Pond System at the Hofer Site, the EPA and the USIBWC considered seven reasonable alternatives. The selection of these seven alternatives for full consideration in the SEIS was based on: 1) the potential environmental impacts of each option; 2) the international agreements in IBWC Minutes 270, 283, and 296; 3) the status of Mexico's pretreatment program; 4) feasibility of alternative treatment facilities in the United States and Mexico; 5) the need to expeditiously provide secondary treatment to 25 mgd of Tijuana sewage, and 6) the requirements of the Clean Water Act and the Porter-Cologne Act. All seven alternatives, including the Activated Sludge/No Action Alternative, incorporate some form of primary treatment at the SBIWTP for the wastewater from Tijuana. In addition, for all alternatives, treated effluent from the SBIWTP would be discharged through the SBOO. A summary of each alternative is included below. A more detailed description of the alternatives is discussed in the Draft SEIS.

The Mexican IBWC Commissioner informed us that his Government had expected that the United States would fulfill its obligation under Minute 283 by constructing secondary treatment using an activated sludge process. On September 24, 1998, the USIBWC provided to Mexico a proposal that would recommend CMA ponds, as the preferred alternative, in accordance with Minute 283. Mexico responded in November 1998 that the CMA ponds alternative could be acceptable as a final design once concerns with sludge digestion, odor control, effluent quality, and buffer zones were considered.

Activated Sludge/No Action

Under the Activated Sludge/No Action Alternative, activated sludge secondary treatment facilities would be constructed at the existing SBIWTP as described in the 1994 Final EIS. The Activated Sludge/No Action Alternative would treat a constant flow rate of 25 mgd (1,095 liters per second [L/s]) from Mexico. This alternative would require Mexico to treat all peak flows because the SBIWTP would not have the capacity to treat flows over 25 mgd (1,095 L/s).

Since the Activated Sludge/No Action alternative would not provide treatment at the SBIWTP for

daily peak flows in Tijuana's sewage collection system, all peak flows would remain in Mexico to be treated by Mexico's San Antonio de los Buenos Treatment Plant. That plant is limited to 17 mgd treatment capacity, with expected expansion to 25 mgd. Historically, this facility has bypassed to the shoreline in Mexico raw sewage in excess of the plant's treatment capacity. The EPA and the USIBWC believe that under this alternative such bypasses would periodically continue to be a significant potential health problem. As a result, coliform levels in both treated and untreated wastewater discharged at the shoreline in Mexico would periodically continue to exceed the Ocean Plan standards in the United States from the international border to the Tijuana River, and could significantly affect local beaches in the United States The other alternatives considered would significantly reduce loadings to the San Antonio de los Buenos Treatment Plant, leading to discharge of less untreated sewage at the shoreline.

In addition, although Tijuana is currently developing a pretreatment program, there exists a potential for unusually high concentrations of toxic compounds (toxic spikes) to enter the SBIWTP from time to time. Advanced Primary Only and Partial Secondary Treatment alternatives provide lower levels of treatment than the secondary alternatives and may allow toxins to pass through to the effluent because of the lower levels of treatment. Toxic spikes can upset the secondary processes as well, reducing treatment for a period and exceeding discharge limits as a result. Of the secondary alternatives, the pond treatment systems would provide the best management of toxic spikes because of the anaerobic digester pits and the large water volume that dilute the spikes and minimize the upsets.

Other factors that the lead agencies considered with the activated sludge process included sludge production, timeliness, and cost. Approximately nine truck loads per day of sludge would be generated by the activated sludge process. This would be an amount substantially higher than with other alternatives. The activated sludge process would take longer to construct than the pond alternatives. Finally, the capital cost of the activated sludge system was higher by at least $40 million than the pond alternatives and higher by $66 million than the advanced primary only alternative. In addition, this alternative does not have the capacity to accommodate peak flows.

Activated Sludge with Flow Equalization Basin

The SBIWTP with Activated Sludge with Flow Equalization Basin (FEB) alternative would be comprised of activated sludge secondary treatment for an average flow of 25 mgd (1,095 L/s) with a FEB to accommodate peak-flow storage of advanced primary effluent and subsequent off-peak discharge to the secondary activated sludge facility. A 7 mg FEB, capable of storing peak flows greater than 25 mgd (1,095 L/s), would be constructed for this alternative.

Flow through the primary portion of the plant would follow the daily flow variations with a low flow of about 3.5 mgd (153 L/s) and a peak flow of up to 50 mgd (2,190 L/s). Before this variable flow

entered the secondary treatment facilities, it would be equalized by the basins to a steady rate of 25 mgd (1,095 L/s). The FEB would be located within the existing footprint of the SBIWTP, and the proposed new facilities would otherwise be nearly the same as the Activated Sludge/No Action Alternative.

As discussed under the Activated Sludge/No Action Alternative, any activated sludge alternative presents concerns about impacts from toxic spikes that can upset the secondary processes for a period. The cost of this alternative is higher by approximately $70 million than the advanced primary only alternative.

Activated Sludge with Expanded Capacity

For this alternative, the secondary facility would be sized to treat peak flows up to 50 mgd (2,190 L/s). To do so, the number of secondary clarifiers would be doubled from 8 to 16 to accommodate the peaks. Thus, an average flow of 25 mgd (1,095 L/s) with peak flows up to 50 mgd (2,190 L/s) would be treated by both the advanced primary and the secondary facilities. The proposed new facilities would be located on current SBIWTP property and the 40 acre Hofer site.

As discussed under the Activated Sludge/No Action Alternative, any activated sludge treatment process presents concerns about impacts from toxic spikes that can upset the secondary processes for a period, sludge production, timeliness, and cost. This is the highest cost alternative, approximately $76 million more than advanced primary alone.

Completely Mixed Aerated Pond System at the Hofer Site

The CMA Pond System at the Hofer Site would be capable of treating 25-mgd (1,095 L/s) average flow with peaks of up to 50 mgd (2,190 L/s). The influent would be treated to the secondary treatment level through the CMA Pond System at the Hofer Site.

See Section II-Decision for discussion on the selection of the CMA Pond System at the Hofer Site as the method for secondary treatment at the SBIWTP.

Advanced Integrated Pond System (AIPS) at Spooner's Mesa

Pond development on Spooner's Mesa would require converting 78 acres (31.6 ha) of currently permeable surface area to bentonite-lined ponds. The pond system would be capable of treating 25 mgd (1,095 L/s) average flow with peaks of up to 50 mgd (2,190 L/s). In this alternative, conventional primary treatment, as opposed to advanced primary treatment, would be provided at the SBIWTP to fully optimize the AIPS system. The primary effluent would be treated in the AIPS system to a secondary treatment level. The Spooner's Mesa site, where the AIPS system would be

constructed, comprises approximately 102 acres (41.3 ha), with a total pond surface area of approximately 78 acres (31.6 ha). The ponds would produce secondary-equivalent effluent quality.

The EPA and the USIBWC did not select this alternative since the development of the AIPS pond system at the Spooner's Mesa site would not be consistent with existing land use plans and policies. The San Diego County Board of Supervisors purchased the Spooner's Mesa site and surrounding land on behalf of the County Department of Parks and Recreation as park land, after the AIPS system was included in the Draft SEIS. In addition, the Spooner's Mesa site has also been designated as a preserve in the City of San Diego's Subarea Plan for the Multi-Species Conservation Program. In the future, the mesa is slated to be used for agriculture, with eventual restoration to native scrub or grassland and not for wastewater treatment facilities.

The United States and Mexico's agreement in IBWC Minute 283 provides for construction of a secondary treatment facility in the location known as Dairy Mart Road site.

Advanced Primary Only

Under this alternative, the SBIWTP's existing advanced primary facilities would continue to treat average flows of 25 mgd (1,095 L/s) and peak flows up to 50 mgd (2,190 L/s). No secondary treatment would be constructed. This alternative would require the issuance of a 301(h) waiver under the Clean Water Act.

The advanced primary treated effluent from the SBIWTP has consistently failed some of the California Ocean Plan Standards, and cannot comply with the secondary treatment requirements of the Clean Water Act. During 1997 and 1998, testing of the advanced primary effluent from the SBIWTP indicated consistent exceedances of the 7-day and 30-day limits for acute toxicity for the SBIWTP. Dioxin limits have also been exceeded on an episodic basis in the advanced primary effluent. The results of effluent monitoring for the first nine months of 1999 have shown consistent exceedances of acute toxicity limits. Chronic toxicity limits have also been violated monthly, and dioxin limits have been exceeded on occasion. Since analysis of the effluent indicates that secondary treatment would assist in resolving these exceedances, the EPA and the USIBWC consider secondary treatment to be necessary to protect human health and the ocean environment. Based on the developmental status of pretreatment programs in Tijuana, obtaining a 301(h) waiver for the SBIWTP would be difficult. Selection of the advanced primary only alternative would appear to conflict with the Clean Water Act and the Porter-Cologne Act. Furthermore, the United States and Mexico agreement in IBWC Minute 283 obligates the United States to construct secondary treatment facilities.

Partial Secondary Treatment

Under this alternative a 25 mgd (1,095-L/s) activated sludge system would be constructed. Diurnal peak flows over 25 mgd (1,095 L/s), up to 50 mgd (2,190 L/s), would receive advanced primary treatment only, thus producing a blended flow of advanced primary and secondary effluent. This alternative would require the issuance of a 301(h) waiver under the Clean Water Act.

As discussed under the Activated Sludge/No Action Alternative, any activated sludge treatment process presents concerns about impacts from toxic spikes that can upset the secondary processes for a period. The EPA and the USIBWC consider secondary treatment to be necessary to protect human health and the ocean environment. Based on the ocean monitoring data currently available and the developmental status of pretreatment programs in Tijuana, obtaining a 301(h) waiver for the SBIWTP would be difficult. Selection of the partial secondary treatment alternative at this time would appear to conflict with the Clean Water Act and the Porter-Cologne Act.

IV. MEANS TO AVOID OR MINIMIZE ADVERSE ENVIRONMENTAL EFFECTS

Potential adverse environmental impacts for all alternatives were evaluated relative to surface water and groundwater, marine water, biological resources, cultural and paleontological resources, land use, traffic and transportation, socioeconomics and environmental justice, public health and safety, and scenic, visual, and recreational resources. The following section briefly discusses the environmental impacts of the CMA Pond System at the Hofer Site and identifies design and/or construction features proposed by the lead agencies to mitigate for these impacts. (Please refer to the Draft SEIS for a complete list of proposed mitigation measures.)

Surface Water and Groundwater

There is a potential for a small increase in site runoff due to a minor increase in impervious surface at the project site. There is also the potential for erosion and sediment impacts to the Tijuana River and estuary from excavation activities. A number of project design and construction features will be implemented to provide mitigation for these impacts.

Marine Water Quality

All significant impacts to marine water quality from discharges from the SBIWTP can be mitigated to a less than significant level with the CMA Pond System at the Hofer Site. Implementation of the CMA Pond System at the Hofer Site will also mitigate impacts to marine water quality from Tijuana sewage discharges, although the degree of mitigation of impacts from sewage discharges in Mexico depends on management of sewage treatment facilities not under the control of the EPA or the USIBWC. To ensure an added measure of protection for marine water resources, Mexico has committed to and started a pretreatment program in accordance with Minute 283. In the event that

coliform levels exceed receiving water limits, the City and County of San Diego Department of Environmental Health, Cities of Imperial Beach and Coronado, California Regional Water Quality Control Board (RWQCB), and Office of Emergency Services would be notified immediately as required in the existing NPDES permit. Although coliform exceedances from the SBIWTP are not expected to occur, an emergency disinfection plan would be prepared and implemented.

Terrestrial Biological Resources

Adverse effects on wildlife are not expected to be significant because of proximity of the site to open space, the lack of native habitat and foraging at the project site, the absence of special-status species in the area, and the level of existing disturbance on the site. There is the potential, however, for construction noise and lighting impacts to wildlife, particularly truck traffic noise. To ensure adequate protection to these resources, standard construction techniques for reducing impacts to the ambient noise environment shall be employed and soil hauling would be limited to periods outside the least Bell's vireo mating season.

Marine Biological Resources

Impacts to marine biological resources from chromium, copper, lead, mercury, nickel, silver, zinc, cyanide, DDT, and HCH in effluent water and sediment would be less than significant because impacts would be limited to the 100:1 dilution zone. In addition, compared to other alternatives, the degree of expected toxicity is low. Additionally, marine toxicity would be mitigated by a pretreatment program in Mexico.

Cultural and Paleontological Resources

There is some potential to expose and damage fossils during construction. Therefore, standard practices including consultation with a qualified paleontologist, if necessary, will be followed to mitigate any adverse environmental effect.

Air Quality

Generally for pond systems, such as the CMA Pond System at the Hofer Site, anaerobic surface water conditions or overturning of the pond water column by wind and wave action are the most common causes of nuisance odors. Accumulations of scum or sludge on the edges of pond berms, pond draining, sludge removal, drying and disposal are additional factors known to contribute to nuisance odors unless engineered controls are incorporated into the design and operation. Any additional impacts to air quality which could result from increased traffic, construction equipment, and construction activities, such as grading of the site can be mitigated to a level of less than significant as described below.

Mitigation measures will be implemented during construction to control air quality impacts. These measures will include the use of low sulfur/low nitrogen diesel fuels for construction equipment, the introduction of ridesharing and carpooling programs, and the use of fugitive dust techniques to control emissions. During operation of the CMA Pond System at the Hofer Site, measures will be implemented to control air quality impacts. Sludge processing facilities will be equipped with odor and toxic emission controls, back-up generators to prevent odor and toxic emissions and to prevent anaerobic surface conditions during unanticipated power outages. Mexico has also committed to and started a pretreatment program in accordance with Minute 283.

Direct and indirect emissions from the CMA Ponds System at the Hofer Site were estimated to be below the minimum levels for Clean Air Act conformity purposes.

Aesthetics

Aesthetic concerns were raised by the public during the preparation of the Draft and Final SEIS. To address these concerns, the U.S. EPA and the U.S. IBWC will begin a dialogue with interested community members, as well as staff from Congressmen Filner and Bilbray's office to identify enhancements to the CMA ponds system to address these concerns.

V. DISCUSSION OF ISSUES AND FACTORS

General

A total of 45 responses to the SBIWTP Final SEIS were received, either as written correspondence or at a public hearing held on April 12, 1999. Of these 45 responses, 22 supported and 16 opposed the CMA Pond System at the Hofer Site as the Preferred Alternative. The remaining 7 letters were requests for clarification or additional information. Comment letters in favor of the CMA Pond System at the Hofer Site raised the following issues of support: (1) the preferred alternative is the most cost-effective feasible alternative, (2) the preferred alternative can be built in the most timely manner, (3) the preferred alternative will not disrupt sensitive habitat areas, (4) the preferred alternative is compatible with surrounding land uses, and (5) the preferred alternative is the most reliable technology which can handle wide fluctuations in various pollutant concentration levels.

Responses that did not support the CMA Pond System at the Hofer Site identified six general areas of concern, requests for clarification, or additional information. These topic areas are: (1) land use and expansion; (2) requests for consideration of additional alternatives; (3) concerns about technical feasibility of the CMA Ponds System at the Hofer Site; (4) community input; (5) air quality, odor, vectors, and visual impacts; and (6) requests for a comprehensive master plan to address issues of

sewage treatment in the Tijuana and San Diego area. Each of these general concerns is addressed below.

In addition, although not a specific issue of concern raised by commentors, any selected alternative may be affected by funding limitations. Although EPA has set aside a portion of its Border Infrastructure Funds for the secondary treatment upgrade of the SBIWTP, the agency has decided that it cannot spend these funds for the SBIWTP because of the statutory cap on EPA's spending for the SBIWTP under Section 510 of the Water Quality Act of 1987, as amended, the original federal authorization for the project. In 1994, Congress amended this authorization to limit spending on the project to $239.4 million. Of that amount appropriated to EPA by Congress, less than $10 million remains, which is enough to design but not enough to construct the secondary treatment upgrade to the SBIWTP. EPA has reserved approximately $54 million of its Border Infrastructure Funds for the secondary treatment upgrade and has previously stated that if any surplus remains after constructing secondary treatment, these funds would be available for other Tijuana wastewater projects, irrespective of what alternative is selected to achieve secondary treatment. Despite the lack of authority to spend funds to fully construct a secondary treatment alternative, EPA and the USIBWC are hopeful that we can work with Congress in lifting this cap and implementing this decision.

Expansion and Land Use

Six comment letters expressed concern that the CMA Pond System at the Hofer Site would preclude expansion of the SBIWTP or that future expansion would require removal of the ponds. The issue was raised regarding the ability of the plant to treat flows larger than 25 mgd, which was the only treatment capacity considered in the SEIS. This issue is discussed in the FSEIS in Section 4.2.1, General Response to Comments #1 and in the Executive Summary and Appendix G6 of the Draft SEIS. There is not enough space at the Hofer Site for the CMA alternative to be expanded to 50 mgd. However, the CMA ponds could be reduced somewhat in size and an activated sludge facility could be constructed within the footprint of the existing SBIWTP and the Hofer site. This approach would provide treatment capacity for a 50 mgd dry-weather average flow.

Mexico is also constructing upgrades to the San Antonio de los Buenos treatment plant that will expand the treatment capacity of that plant from 17 mgd to 25 mgd, in accordance with Minute 298. The matter of handling any additional future flows on a sustained basis in Tijuana is a subject of consultation through the IBWC under Point 8 of IBWC Minute 296. Mexico, in the context of IBWC consultations regarding future flows under Minute 296, has advised us that Baja California authorities will construct small secondary treatment plants in new growth areas and reuse the effluent in nearby industrial parks. These new plants will provide a total of 11.6 mgd treatment capacity in 2002, which with the 25 mgd treated at the SBIWTP and the expanded San Antonio de los Buenos plant, will provide treatment for nearly all flows projected in 2002.

Several of the comments stated that the treatment ponds are not the best use of the land. As described, CMA Pond System at the Hofer Site will be located on the property that lies between the primary treatment facilities to the east and the City of San Diego's two treatment facilities to the west. The use of this parcel for wastewater treatment is compatible with other adjacent land uses and existing zoning. This land use was identified as the "highest and best use" by a professional land appraisal included in the Phase II Ponds Study, which is part of the Administrative Record for this SEIS. As reported in Sections 1.5 and 3.4 of the Draft SEIS and 4.2.1.3 of the Final SEIS, this land use was the same for all of the secondary alternatives (except the AIPS at Spooner's Mesa alternative), including the Activated Sludge/No Action alternative that was forwarded from the 1994 Final EIS.

Consideration of an additional alternative: the Bajagua Proposal

Some comments requested that the agencies consider alternatives other than the ones fully addressed in the Final SEIS. In particular, commentors requested that the agencies analyze the Bajagua proposal as a reasonable alternative appropriate for full consideration. Bajagua is a proposal set forth by private investors, primarily Agua Clara, LLC, consisting of the privately-financed construction of a secondary treatment only facility in Mexico. Under this proposal the USIBWC would use the Bajagua facility to treat to secondary levels the SBIWTP primary treated effluent through a United States-financed 30 to 50 year fee-for-service agreement. In the Draft SEIS, the agencies determined that the Bajagua proposal was infeasible and did not consider it as a reasonable alternative. After receiving comments on the Draft SEIS, including ones which urged that the proposal be evaluated fully, the agencies reaffirmed in the Final SEIS the determination that Bajagua was not a reasonable alternative. The results of this review are discussed in the Final SEIS (see pp. 4-31 to 4-33 and Appendix N).

Other comment letters expressed opposition to further consideration of the Bajagua proposal as an alternative because of the lack of supporting data on its design and implementation and because a financial commitment of the United States Government to a private venture should require competitive bidding.

On April 29, 1999, six days before the close of the public comment period on the FSEIS, Agua Clara, the Bajagua project proponent, submitted information describing their proposal further and assessing some of its environmental impacts in the United States. In addition, United States Congressmen Bob Filner and Brian Bilbray, requested, in early May, that the EPA and USIBWC delay signing the Record of Decision until the proposed Bajagua project could be more fully evaluated. Since May 1999, EPA and USIBWC have given further consideration to the Bajagua proposal.

The USIBWC and EPA reviewed Agua Clara's April 29, 1999 document, entitled the Environmental Information Document (EID) for the Bajagua Project, but determined that the EID lacked critical

information necessary for adequate evaluation of its environmental impacts and feasibility. In a letter dated June 10, 1999, the federal agencies informed Agua Clara that to fulfill the intended purpose of the EID -- to serve as the basis for a full NEPA evaluation of the Bajagua project -- some additional elements needed to be included. The agencies' request consisted not only of additional information concerning the environmental impacts of the Bajagua proposal, including any environmental benefits from locating the secondary treatment upgrade in Mexico, but also more specific engineering and site location details of the proposal. The agencies requested that this additional information be submitted by August 1, 1999 so that the decision on how to upgrade the SBIWTP to secondary would not be unduly delayed. The letter also acknowledged Agua Clara's and the Congressional delegation's previous assurances that the federal agencies' concerns relating to funding and contracting, Mexico's project approval, and NPDES compliance, would be dealt with by the August 1 deadline. (For further details, see the following discussion on the three significant interim actions.)

In June and July, the USIBWC and the EPA held numerous conference calls and meetings with the supporters of the Bajagua proposal to discuss the agencies' information needs in more detail, allow the agencies to hear new information, agree on additional information to be acquired, and determine together the best approach for making the necessary additions to the Bajagua proposal. Agua Clara submitted supplemental information on the design of the project and its environmental impacts on August 2, 1999 in the form of another environmental information document. Also, in September 1999 , the House of Representatives passed a "sense of Congress" resolution which encouraged the agencies to select a Mexican alternative as the means to upgrade the SBIWTP to secondary was passed. Recently, Congressmen Filner and Bilbray have proposed legislation which could allow a Mexican alternative to go forward.

Based on the additional information received for the Bajagua proposal and for the reasons stated herein, the agencies have concluded that the proposal remains infeasible for secondary treatment of SBIWTP effluent. Our review of the further information provided for the proposal shows that significant, and as yet unrealized, interim actions would have to occur in the United States and Mexico to make the project technically, economically and environmentally feasible. The specific issues are as follows:

First, the Bajagua proposal does not meet the policy objective of providing secondary treatment in an expeditious manner. Despite the dialogue between the federal agencies and the supporters of Bajagua, the Bajagua proponents were unable to provide the necessary technical information, assurances from Mexico, and substantive changes in United States law. A lengthy Mexican review process and required enactment of new authorizing legislation by the United States are among the reasons why the agencies have concluded that timely achievement of the Bajagua proposal is remote and unlikely in the foreseeable future.

In addition, both the State of California and the Surfrider Foundation have taken actions necessary to commence lawsuits for secondary treatment violations by the SBIWTP of California Ocean Plan requirements and the federal Clean Water Act and orders issued under these laws. Specifically, the San Diego Regional Water Quality Control Board voted on August 13, 1999 to ask the California Attorney General to commence litigation compelling the USIBWC to comply with a cease and desist order issued by the Board which, among other things, requires that the SBIWTP be upgraded to secondary treatment by December 31, 2000. Subsequently, the State demanded in a letter to the U.S. Department of Justice that the Record of Decision be signed by November 15, 1999. The Surfrider Foundation, following the required 60-day notice of its intent to sue, filed suit against the USIBWC on November 16, 1999, seeking a finding that the USIBWC is in violation of the Clean Water Act, an injunction against discharging treated sewage except in conformity with an established compliance schedule, and an injunction against the USIBWC and City of San Diego monitoring program. In light of these threatened and pending lawsuits and, of course, the substantive facts underlying these suits, the agencies feel that we can no longer await the potential fulfillment of all the Bajagua contingencies -- a course of action that may take years.

Second, there are important international considerations. The Mexican IBWC Commissioner has expressed concern with the delay in construction of a secondary treatment plant as provided in Minute 283. The USIBWC recognizes that any decision regarding secondary treatment requires the agreement of Mexico, through the Mexican Section of the IBWC. The USIBWC Commissioner, with exchange of letters, has provided Mexico a description of the Bajagua proposal. The Mexican IBWC Commissioner concluded that if the concept of a large secondary treatment facility in Mexico is to be considered further there are a number of technical, legal, environmental and socio-economic studies required. He suggested such studies be conducted through a binational technical committee coordinated by the IBWC and financed by United States resources. He also advised that, in accordance with Mexico's laws, there be open participation of private firms which have the expertise to develop projects of this type. On December 1, 1999, the Mexican IBWC Commissioner reiterated the Mexican position that secondary treatment in Mexico is not a viable alternative at this time.

Furthermore, Minute 283 obligates the United States to construct secondary treatment facilities at a site near the border in the United States. Minute 283 also limits Mexican participation to treatment in the SBIWTP of 25 mgd of Tijuana sewage under cost sharing arrangements. In addition, Minute 296 established the distribution of construction, operation and maintenance costs for the secondary treatment facilities constructed in the United States as per agreements made in Minute 283. Substantial changes to these agreements, such as a decision to construct the secondary treatment facility in Mexico, would require renegotiation and new Minute agreements.

Third, the Bajagua proposal assumes a financial scenario that extends beyond the authority provided to the IBWC and to the USIBWC. The United States and Mexico provided powers, duties, responsibilities and jurisdiction to the IBWC under the terms of the 1944 Water Treaty. Within these are the requirements to each Section of the IBWC to retain jurisdiction over the part of

international projects within its respective country and to observe the laws in force in the country in which the part of the joint project is located. Bajagua's proposed financing and sole-source contracting is not provided for in existing federal law. The Competition in Contracting Act (CICA) generally requires that federal agencies follow full and open competition requirements in the award of federal contracts. The Anti-Deficiency Act requires that all necessary funding for contracts be available at the time of contract award and it is unclear how much federal money would be required for this sole-source contract. The Budget Enforcement Act generally requires that sufficient budget authority be available at enactment of legislation. It is also unclear what would happen in the event the private investor cannot continue to operate the facility. Although these limitations may be overcome by a Congressional mandate, no such legislation has been enacted.

For these reasons, the agencies conclude that the Bajagua proposal remains an infeasible alternative which should not be given further consideration for secondary treatment of SBIWTP effluent. The EPA and USIBWC believe that achieving full secondary treatment at the SBIWTP, as soon as possible, will complete the critical first step in executing a comprehensive United States-Mexican Border sewage treatment program. The matter of handling future flows in excess of the 25 mgd in the SBIWTP is a subject of consultation through the IBWC under Point 8 of IBWC Minute 296. Although achieving secondary treatment at the SBIWTP and future treatment capacity are part of any comprehensive border sewage treatment program, they will be most effectively carried out as distinct individual projects that warrant their own courses of action. The agencies acknowledge that this decision does not foreclose the many options that may exist to meet the needs of this rapidly growing region, including the possibility of constructing an alternative in Mexico for future capacity.

Technical Feasibility

One comment letter raised concerns about the technical feasibility of the CMA Pond System at the Hofer Site. The issue of technical feasibility was addressed throughout Chapter 3 of the Draft SEIS and in several appendices, particularly Appendix B5. Response to comment A15-5 of the Final SEIS explains how the CMA Pond System uses predictable treatment processes that have been in use for extended periods of time. The system is designed and constructed by conventional methods used for any treatment plant. The CMA Pond System at the Hofer Site provides secondary-level treatment by using the same biological treatment that would be used by the Activated Sludge/No Action alternative. The process is designed using the standard activated sludge kinetic equations and hydraulic analysis. The behavior of this process is well documented in numerous CMA systems that exist in the United States and other developed nations.

Community Input

One comment letter indicated concern about whether the residents of the Tijuana River Valley have been adequately informed about the impacts of a ponds system for secondary wastewater treatment. Another commentor believes that the opinion of residents of Tijuana should be taken into

consideration in the NEPA process, and another Commentor stated that Tijuana's residents have not been notified of the potential impacts from the CMA Pond System at the Hofer Site.

The EPA and the USIBWC welcomed and encouraged public involvement in the process of preparing the Draft and Final SEIS for Long Term Treatment Options and actively sought opportunities to inform the public of the progress of the evaluation of treatment alternatives. The outreach conducted by the USIBWC and the EPA for this SEIS was comprehensive and more extensive than the outreach requirements of NEPA. Regular meetings were conducted with a Focus Group whose members comprised agencies, environmental organizations, and the general public. Regular, monthly Focus Group meetings were held during the preparation of the Draft SEIS and the Final SEIS and special workshops and presentations were conducted to provide information to the public about the alternatives considered in the SEIS. Three scoping meetings, which are not required under NEPA for a SEIS, were held to obtain public input on the SEIS, and quarterly public meetings were held throughout the preparation of the SEIS.

As part of an effort to solicit public input about treatment alternatives during the preparation of the Draft SEIS, the EPA and the USIBWC also facilitated a series of workshops. These workshops supplemented the regular public meetings held to inform the public of activities associated with the project. The first set of workshops focused on selecting several pond treatment alternatives to carry forward for consideration in the Draft SEIS. The second series of workshops focused on identifying a Preferred Alternative from among the seven alternatives considered in the Draft SEIS.

Representatives from the EPA and the USIBWC also made over 20 individual presentations to organizations, including environmental organizations, elected and appointed officials, and local residents seeking additional information. Residents of the Tijuana Valley in the United States in the vicinity of the SBIWTP were contacted via mailings and invited to attend public hearings to discuss the findings of the analyses in the SEIS.

The EPA and the USIBWC have also welcomed input from Mexican government officials and residents of Tijuana throughout the development of the Draft and Final SEIS. All public meetings were open to residents of both the United States and Mexico, and numerous meetings, including those conducted by the Regional Water Quality Control Board, the EPA and the USIBWC, were attended by residents of Tijuana. The EPA and the USIBWC also provided a Spanish interpreter at all public meetings, workshops, and hearings, and all public notices were published in Spanish-speaking newspapers. As a sovereign nation, Mexico is responsible for determining the extent and nature of its own public outreach on wastewater issues. The USIBWC regularly coordinates efforts with its Mexican IBWC counterpart.

Concerns about Impacts

Four comment letters stated that, despite mitigation efforts, the CMA Pond System at the Hofer Site will have environmental impacts. Specific concerns include air quality (volatile organic compounds and odors), mosquito breeding, visual blight, ground water quality, and sludge.

Volatile organic compounds (VOCs) are a type of toxic compound that creates air emissions. Small amounts are generated by industrial wastewater sources in Tijuana and can be present in the influent to the SBIWTP. When comparing secondary treatment alternatives, the relative emissions of VOCs is determined by the aeration rate of the alternative, which is less for the CMA Pond System at the Hofer Site than for the activated sludge alternatives, including the Activated Sludge/No Action alternative (see Appendix B6 of the Draft SEIS). For the 1994 Final EIS, impacts from air emissions, including VOC emissions, were assessed for the current Activated Sludge/No Action alternative. It was determined that no adverse impacts would occur for the nearest receptors in the United States, which are 1,800 feet northeast of the SBIWTP at the Coral Gate development. The CMA Pond System at the Hofer Site, which has fewer emissions, will not produce an adverse impact. Also based on the air quality study provided in the 1994 Final EIS, air emissions are not expected to impact receptors in Tijuana, which are located 600 feet from the treatment facilities (see Section 3.9.2 and 3.9.6 of the Draft SEIS).

Potential direct and indirect construction and operation emissions were analyzed for the CMA Pond System at the Hofer Site. Based on the analysis prepared for the Draft SEIS, all operational emissions are expected to be below threshold limits. The EPA and the USIBWC have committed to implementing a set of mitigation measures that will insure construction emissions below threshold limits (25 tons per year for VOC and NOX and 70 tons per year for pm10) for conformity with the federal Clean Air Act.

Odors are a significant concern for all wastewater treatment plants and a concern for odors was expressed for this treatment plant. A variety of odor mitigation measures are incorporated into the design and future operation of CMA Pond System at the Hofer Site to maintain odors at acceptable levels (see Section 3.9 of the Draft SEIS). These measures include highly aerated surface waters through the pond system and engineered limits to algae growth. An odor study (see Appendix B6 of the Draft SEIS) used actual treatment plant performance as the basis for modeling the odor potential of the primary facilities, CMA ponds, and the conventional activated sludge alternative. The results show that CMA Pond System at the Hofer Site would produce fewer nuisance odors than the conventional activated sludge alternative. A discussion of odor generation at the SBIWTP was provided in Section 4.2.3 of the Final SEIS. The existing and planned treatment facilities will lie parallel and adjacent to the United States/Mexico boundary. All of these facilities, including the CMA ponds, will conform with a 300-foot buffer zone between the boundary and treatment facilities that was identified in the 1994 Final SEIS as the distance from the treatment facilities where air impacts would be discernable.

As with all wastewater treatment plants, mosquito breeding must be controlled. Because mosquitoes can land and breed only in still or slow-moving water, the engineered design of the CMA pond system ensures that all water surfaces will be highly agitated and unsuitable for mosquito breeding. A concrete lining at the water's edge will also prevent emergent vegetation and any pockets of still water near the plants (see 3.7.4.1 of the Draft SEIS).

The site where the SBIWTP is located and where the selected alternative will be constructed was filled to an elevation of 50 feet above the adjacent flood plain to the east and north to prevent flooding. Viewed from the floodplain and nearby roads, the pond water surface will not be visible because of the raised ground elevation. In effect, the CMA Pond System at the Hofer Site will appear as open space between the SBIWTP primary facilities to the east and the City of San Diego's treatment plants to the west. All treatment facilities will be visible from Tijuana, which is located at a higher elevation to the south. The primary facilities of the SBIWTP and the City of San Diego's facilities will have an industrial appearance, which is in accordance with the land use zoning for that area. The CMA Pond System at the Hofer Site will have an open water appearance when viewed directly. Neither of these visual effects is considered an adverse impact, particularly in comparison to the constructed facilities that would be associated with the activated sludge alternative. For additional discussion, see Section 3.8.2.3 of the Draft SEIS.

Protection of ground water quality was addressed in the Draft SEIS in Section 3.1.2.3.1. All of the ponds will be lined with proven materials for creating an impermeable barrier. The liner will comply with ground water protection requirements of the Regional Water Quality Control Board.

One commentor raised concern about sludge handling associated with implementing any of the alternatives considered in the SEIS. Two studies relating to sludge (one by the United States and one by Mexico) are addressed in the SEIS. The study conducted by the United States government evaluated the potential sludge quality from all alternatives. Compared to both United States and Mexican sludge standards, the primary and secondary sludge from all alternatives could potentially be hazardous. In contrast, the Mexican study identified the sludge as non-hazardous. The amount of sludge generated by CMA Pond System at the Hofer site is much less than the sludge generated by the primary treatment process, and pond systems have the lowest rate of sludge generation of any secondary treatment alternative. Anaerobic digester pits will greatly reduce the volume of sludge generated by secondary treatment and the sludge removed from the ponds annually to every several years**.**

The summary of the Mexican study in the Final SEIS is included to provide the reader with complete information on the Mexican Government's progress in identifying disposal sites for the sludge generated at the SBIWTP. The Government of Mexico has the obligation to dispose of the sludge in Mexico based on laws and practices in that country. The United States government has provided copies of the Draft SEIS to the Mexican government for their use in managing the sludge and for other purposes. (See Section 3.7 and Appendix B3, Sludge Quality and Quantity,) and the Final SEIS

(see Section 3.1.4 and Appendix M, *A Study of the Management, Treatment, and Disposal of the Sludge Generated by the 1,100 L/s Binational Municipal Wastewater Treatment Plant* prepared by the State Public Services Commission of Tijuana [Comision Estatal de Servicios Publicos de Tijuana].).

Comprehensive Master Plan for South Bay Sewage Treatment

In conjunction with expressing support for the CMA Pond System at the Hofer Site, seven comment letters stated the need for a Comprehensive Master Plan for treatment of Tijuana sewage. The specific requests in such an approach include plans for future expansion of primary and secondary treatment facilities, basic infrastructure improvements in Tijuana, continued testing and monitoring of water quality, construction of new sewage treatment facilities in Tijuana, and a sludge disposition program.

In particular, the City of Imperial Beach outlined the need for a comprehensive master plan to address all issues relating to sewage treatment in the South Bay area. The USIBWC and the EPA support this approach and remain committed to working with agencies, organizations, and individuals in the future in developing a comprehensive master plan. The USIBWC and the EPA recognize that the construction of the CMA Pond System at the Hofer Site is one necessary component of dealing with cross-border sewage treatment issues in the context of a larger framework of regional wastewater management. The USIBWC and the EPA have already supported improvements to Tijuana's infrastructure, including upgrading the San Antonio de los Buenos Treatment Plant from 17 mgd to 25 mgd and EPA funding to construct a Parallel Pump Station and Conveyance System in Tijuana. The United States and Mexico in IBWC Minute No. 298 established certain requirements to guard against transboundary impacts of that project. The Border Environment Cooperation Commission (BECC) has approved $500,000 in EPA funding to map and inventory the existing wastewater systems in Tijuana, and is working with Mexico to provide technical assistance to develop a project for water and sewer distribution system improvements in downtown Tijuana. The EPA will continue to work with BECC and the North American Development Bank (NADBank) to identify, evaluate, and support the funding of projects for sewage treatment and infrastructure in the area. The IBWC will also continue its consultations under Point 8 of IBWC Minute for Mexico's plans for handling future flows in excess of 25 mgd.

VI. COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

A NPDES permit for the SBIWTP for Section 402 Clean Water Act compliance and California Ocean Plan standards was issued by the San Diego Regional Water Quality Control Board (SDRWQCB) on November 14, 1996 (permit No. CA108928). The NPDES permit for the SBIWTP authorizes discharge from a secondary wastewater treatment plant using activated sludge. SDRWQCB also issued a Cease and Desist Order for the interim advanced primary discharge. The

Cease and Desist Order includes a schedule for the USIBWC to complete construction of secondary treatment facilities. The USIBWC intends to seek an amendment of the Cease and Desist Order to reflect the schedule for implementation of the CMA Pond System at the Hofer Site.

The U.S. Fish and Wildlife Service (USFWS) is responsible for oversight of the federal Endangered Species Act (ESA). As required by Section 7 of the ESA, the EPA and the USIBWC consulted with the USFWS on potential impacts evaluated in the Draft SEIS. As discussed in a November 9, 1998 letter to USFWS, project mitigation measures either demonstrate no significant impacts (for the California pelican and least tern) or reduce impacts to a level below significance (least Bell's vireo). In letters dated January 7 and April 27, 1999, the USFWS concurred with the EPA and the USIBWC's determination that by implementing mitigation measures the action was not likely to adversely affect endangered species.

Regarding the National Historic Preservation Act, the EPA and the USIBWC consulted with the California State Historic Preservation Officer (SHPO) regarding potential impacts to cultural and paleontological resources. The SHPO concurred on June 20, 1998 with the agencies' determination that there are no historic properties that may be affected by the action.

A Coastal Consistency Determination (Determination) was submitted to the California Coastal Commission (Commission) on December 18, 1998. This Determination, included in Appendix J of the Final SEIS, evaluated the long-term treatment options for the SBIWTP in consideration of the California Coastal Act of 1976 and the Coastal Zone Management Act, as amended. Based on this information, the EPA and the USIBWC determined that the implementation of the CMA Pond System at the Hofer Site Alternative would not result in direct, adverse impacts to the "coastal zone." The Determination was approved by the Commission on February 5, 1999.

In compliance with the Farmland Protection Policy Act, the SBIWTP effects to farmland were analyzed, as described in the 1994 Record of Decision for the Final EIS. The SBIWTP was found to not adversely affect prime farmlands or farmlands of statewide importance. Because CMA Pond System at the Hofer Site will be located within the geographical boundary of the SBIWTP there are no additional requirements as related to the Farmland Protection Policy Act.

Per Executive Order 11988 - Flood Plain Management, as described in the 1994 Final EIS Record of Decision, the SBIWTP is designed to minimize potential harm within the floodplain. The SBIWTP, while built in the floodplain, does not significantly raise the base flood elevation within the Tijuana River Valley. Because the CMA Pond System at the Hofer Site alternative will be located within the geographical boundary of the SBIWTP as expanded to include the Hofer parcel, there are no additional requirements as related to Flood Plain Management.

Per Executive Order 11990 - Protection of Wetlands, the SBIWTP is designed to minimize harm, as described in the 1994 Final EIS Record of Decision.

Direct and indirect emissions from the CMA Pond System at the Hofer Site were estimated to be below de-minimus levels for Clean Air Act conformity purposes. The SBIWTP has an air quality permit for current operations, and construction of the CMA Pond System at the Hofer Site will require a modification to the San Diego Air Pollution Control District's permit.

VII. SUMMARY OF DECISION

In conclusion, the EPA and the USIBWC find that the CMA Pond System at the Hofer Site represents the wastewater treatment option that best serves overall public interest and is consistent with the National Environmental Policy Act, Clean Water Act, and other federal, state and local plans and policies. The decision takes into account the direct, indirect, and cumulative impacts from the alternative. 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.

RECORD OF DECISION

FOR

THE INTERNATIONAL BOUNDARY AND WATER COMMISSION
SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

LONG TERM TREATMENT OPTIONS
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Approved by:

_____ _____

Felicia Marcus
Regional Administrator, Region IX
U.S. Environmental Protection Agency

Date

RECORD OF DECISION

FOR

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SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

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Approved by:

_____ _____

John Bernal
Commissioner, U.S. Section
International Boundary and Water Commission

Date