BORDERS COMMITTEE AGENDA

Friday, July 22, 2005
12:30 to 2:30 p.m.
SANDAG Board Room
401 B Street, 7th Floor
San Diego

AGENDA HIGHLIGHTS

- PRESENTATION OF THE 8TH GOOD NEIGHBOR ENVIRONMENTAL BOARD REPORT TO THE PRESIDENT AND CONGRESS
- UPDATE ON THE TRIBAL SUMMIT
- TRIBAL PRIORITIES FOR THE BORDERS COMMITTEE
- SEWAGE ISSUES ALONG THE INTERNATIONAL BORDER

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MISSION STATEMENT

The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside, and Imperial Counties and the Republic of Mexico). The preparation and implementation of SANDAG’s Binational Planning and Interregional Planning Programs are included under its purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters.
Welcome to SANDAG. Members of the public may speak to the Borders Committee on any item at the time the Committee is considering the item. Please complete a Speaker's Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Borders Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG's Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Borders Committee meeting.

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### BORDERS COMMITTEE
Friday, July 22, 2005

**ITEM #**

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Joint meeting of the Borders Committee the Committee on Binational Regional Opportunities on June 17, 2005.  

**APPROVE**

| 2. | PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS |

Members of the public will have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

**CONSENT (3)**

| 3. | 2005 BINATIONAL WORKSHOPS UPDATE  (Paul Ganster, Chair of SANDAG’s Committee on Binational Regional Opportunities) |

The COBRO is making recommendations for approval of the location and dates for the two SANDAG Binational workshops this Fall.

**REPEATS (4-8)**

| 4. | PRESENTATION OF THE 8TH GOOD NEIGHBOR ENVIRONMENTAL BOARD REPORT TO THE PRESIDENT AND CONGRESS (Mayor Diane Rose, City of Imperial Beach) |

The Good Neighbor Environmental Board (GNEB) is an independent federal advisory committee. Its mission is to advise the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico. Its recommendations are focused on environmental infrastructure needs within the U.S. states contiguous to Mexico. The 8th report of the GNEB focuses on water resources management.

**INFORMATION**

| 5. | TRIBAL INVOLVEMENT IN THE REGIONAL TRANSPORTATION PLAN UPDATE (Jane Clough-Riquelme, SANDAG) |

This item provides background information about the update of the Regional Transportation Plan (RTP) that is currently underway and proposed tribal involvement in the RTP process. It summarizes the current status of tribal government-to-government relations, describes relevant activities and studies, and recommends how tribes could be meaningfully engaged in the RTP update.

**INFORMATION/DISCUSSION**
-6. **UPDATE ON THE TRIBAL SUMMIT (Chairman Kevin Siva, Reservation Transportation Authority)**

Chairman Siva will brief the Borders Committee on the plans for co-sponsoring a Tribal Summit between the tribes in the region and the SANDAG Board of Directors as part of the Regional Transportation Plan update, including proposed summit topics, dates, and venues.

-7. **TRIBAL PRIORITIES FOR BORDERS COMMITTEE WORK PLAN FY 2006**
   **(Chairman Smith, Southern California Tribal Chairmen's Association)**

Chairman Smith will present the suggestions and priorities of tribal leaders to incorporate into the Borders Committee work plan for Fiscal Year 2006.

-8. **SEWAGE ISSUES ALONG THE INTERNATIONAL BORDER**

The following reports are in response to the presentation on sewage infrastructure along the international border made on March 18, 2005, at the Borders Committee meeting.

   A) **THE SAN DIEGO COASTAL OCEAN OBSERVING SYSTEM (SDCOOS)**
   **(Dr. Eric Terrill, Scripps Institute of Oceanography)**

   This presentation will provide an overview of SDCOOS work on providing up-to-date water quality data for the border coastal area and the rest of the San Diego coastal region.

   B) **STATUS REPORT OF INTERNATIONAL BORDER SEWAGE**
   **(Carlos Peña, International Boundary and Water Commission, IBWC)**

   This report will provide a general overview on this topic.

9. **NEXT MEETING DATE AND LOCATION**

The next Borders Committee meeting will be held on Friday, September 23, 2005, at 12:30 p.m. in the SANDAG Board Room.

+ Next to an agenda item indicates an attachment.
The regularly scheduled meeting of the San Diego Association of Governments Borders Committee was held jointly with the Committee on Binational Regional Opportunities (COBRO) and called to order at 12:39 p.m. by Borders Committee Chair Patricia McCoy (South County) and COBRO Chair Dr. Paul Ganster.

Chair McCoy welcomed meeting attendees to this joint meeting and asked for self introductions. The attendance sheet for the meeting is attached.

1. APPROVAL OF MEETING MINUTES

   a. COBRO – April 5, 2005 Minutes. Upon a motion by Elsa Saxod and a second by Angelika Villagrana, COBRO unanimously approved these minutes.

   b. Borders Committee – April 15, 2005. Upon a motion by Vice Mayor Pia Harris-Ebert (North County Inland) and a second by Deputy Mayor Crystal Crawford (North County Coastal), the Borders Committee unanimously approved the April 15, 2005, minutes.

   c. Joint Tour of the Borders Committee and COBRO – May 20, 2005. Upon a motion by Sergio Pallares and a second by Miguel Tapia, COBRO unanimously approved these minutes. Deputy Mayor Crawford (North County Coastal) noted a correction to the attendance for the joint tour on May 20, 2005. She said that Mario Orso and Bill Figge from Caltrans were in attendance. Upon a motion by Supervisor Greg Cox (County of San Diego) and a second by Deputy Mayor Crawford, the Borders Committee unanimously approved the minutes of the May 20, 2005 joint tour as amended.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Greg Thompson, Bureau of Land Management, said that there is a national Department of Interior Border Field Coordinating Committee that meets twice a year to address binational opportunities and issues. Cross border conservation is one issue. It looks like an April 2006 meeting will be held in either Calexico, Mexicali, or in San Diego. He suggested that
someone from SANDAG be scheduled on this meeting agenda to discuss the tour observations. Chair McCoy referred this request to staff.

REPORTS

3. ESTIMATING ECONOMIC IMPACTS OF BORDER WAIT TIMES AT THE SAN DIEGO-BAJA CALIFORNIA BORDER REGION (INFORMATION)

Chair McCoy stated that the joint tour of the Otay Mesa area provided insight into the various activities and the magnitude of commercial goods movement at the Otay Mesa Commercial Port of Entry. This report will enhance our understanding of some of the economic impacts on our binational region caused by people who cross the international border. Chair McCoy pointed out that this is the first time that we will have a tool to measure the impacts of border wait times.

Dr. Paul Ganster, Chair of COBRO, said he was pleased to participate in this joint meeting. He explained that part of COBRO’s mission is to advise the Borders Committee on binational issues. Past studies have evaluated the binational region’s economic interdependence, but none have been as comprehensive and conclusive as this study. This information will be a tool to provide valuable information to decision makers who help make border policy and implement projects to decrease border wait times such as the SENTRI program, new ports of entry, new technology, staff, and infrastructure.

Vice Mayor Harris-Ebert expressed her appreciation for the tour.

Councilmember Lesa Heebner (North County Coastal) agreed it was an educational tour. She was stunned about the opportunity for improved planning in that area. She asked staff to consider how planning in this area could be improved to make it a showcase for San Diego.

Deputy Mayor Crawford said that she was glad the Orange County representative, Councilmember Debbie Cook (City of Huntington Beach), could join them on the tour. Ms. Cook asked very good questions about the City of San Diego's planning for the area, and she had valuable comments to offer. Ms. Crawford mentioned that Maxx Stalheim, San Diego City Planner, was open to input they might provide. She thought that we should share our observations to those folks involved in the planning of that area.

Councilmember Phil Monroe (South County) said that with the new San Diego County Regional Airport Authority, there is a new kid on the block with an Airport Community Plan. He said that Brown Field is now considered a community airport. City planning requirements are different from the Airport Authority's requirements. Chair McCoy referred this issue back to staff.

a. Background of the Study

Elisa Arias, Senior Planner, reported that Caltrans, in conjunction with SANDAG, has been conducting a study to estimate the impact of border delays on the economy of the San Diego and the northern Baja California border region. The study assessed economic impacts due to border wait times on cross-border tourists, shopping, and
work trips, and in the future we will assess the delays’ impacts on freight movement and trade between the United States and Mexico. With the assistance of a consultant, HLB Decision Economics, SANDAG has developed an economic impact model to assess the impacts of delays at the San Diego region – Baja California ports of entry (POEs). An ad hoc working group was formed, and it has met several times. Working group members have shared their experiences with staff and the consultant. Surveys were conducted of border crossers at the three border entry points between November 2004 and February 2005. More than 3,600 surveys were conducted on weekdays and weekends during holiday and non-holiday periods. Cross-border travelers were asked about the characteristics of their trip, including origin and destinations, expected wait time at the border, the sensitivity to delays, expenditures at their destination, and lost work hours due to delays. This information was key in developing the economic impact model.

Mrs. Arias introduced Dr. Khalid Bekka, Vice President of HLB Decision Economics, to make the presentation.

**Action:** The Committee received this item for information.

**b. Results of the Economic Impact Model**

Dr. Bekka discussed three points: an overview and the objectives for the study, study success factors, and the findings of economic impacts of border wait times. The primary objective was to highlight the significance of delays at the border. Most of the different processes have been looking at this information from a national security perspective and facilitation perspective, but not from a local and regional economic impact perspective. This study deals with two main categories of crossborder travel. The first one is personal travel, and the second, which is underway, relates to freight movement. The initial results pertain to cross-border personal travel. A characteristic of this study is the ability to address changes in wait times to provide decision makers the information with which to address further delays and the resulting economic input. This model is a tool that will help stakeholders take a look at the impacts if delays get worse or the situation improves.

Dr. Bekka reviewed the study success factors. About 3,600 observations were made of crossers living on both sides of the border. He stated that the survey included a risk analysis to account for any uncertainties. There was a plus or minus two percent error rate, so it is a good sample to represent the border populations. He also said that there was continuous involvement by a panel of experts and stakeholders.

Dr. Bekka stated that having an efficient border is critical for cross-border travel. More than 60 million trips are made across the border annually, and over half of those trips are for shopping or recreation. Another 10 million trips are made for work or business, and more than 90 percent of the cross-border trips are local. This is an important fact because the economic impacts of personal travel crossings are local.
He presented a graph that showed the destination among those who live in Mexico. Two-thirds of the travel north of the border was destined for South County locations. The destinations of those who live in the United States mostly went to the Tijuana region.

The expected wait time from the survey results showed a broad distribution. Almost half of those interviewed stressed that the wait time is over 45 minutes, and the other half indicated that the wait time is below 45 minutes. The border wait time is unpredictable, and that unpredictability is more important than the wait time itself. Survey respondents felt that it is better to know how much wait time to expect rather than having to include a buffer time for travel.

Dr. Bekka reviewed the economic impact of wait times to the San Diego region. At an average wait time of 45 minutes, more than 8 million trips are lost, $1.28 billion potential revenues are lost, and 3 million potential working hours and $42 million in wages are lost. The total economic impact is between $2 billion and $2.5 billion, plus between 28,000 and 35,000 jobs.

Dr. Bekka then presented the economic impact of wait times to the Baja California region. At an average 45-minute wait time, more than 2 million trips were lost, $120 million in potential revenues were lost, and more than 500,000 potential working hours and $10 million in wages are lost. The total economic impact is between $100 million and $230 million, with a job loss of 800 to 1,900.

Mayor Pro Tem Ed Gallo (North County Inland) asked about the 8 million trips lost for the San Diego region. Dr. Bekka explained that when people were interviewed, they were asked how long they would wait before they decided not to cross the border. This determined how sensitive people are to various wait times. From the study results, the sensitivities are low. That sensitivity was used and applied backward to determine what would happen if we didn’t have a wait today. The 8 million number was a conservative estimate. People who are willing to wait are less sensitive to the wait time.

Mayor Pro Tem Gallo asked if the wait time was reduced to a consistent 15 minutes would you expect a gain of crossers. Dr. Bekka replied affirmatively.

Dr. Bekka said that for the revenue loss, we used the loss from people not coming into the San Diego area and offset it with the gain from those people spending money in their own area.

Dr. Bekka noted that the combined regional economic impact was a loss of $2.428 billion, a loss of $1.019 billion in labor income, and a job loss of 32,821, and that a 15-minute increase in wait time would lead to an additional billion dollar loss in output and 13,000 lost jobs.

Deputy Mayor Crawford questioned the time of year taken for the surveys. Dr. Bekka responded that the timing of the survey was intentional. We originally
were going to conduct two surveys, one during holiday time and one in the off season, but in the end we weighted the samples.

Gary Gallegos, Executive Director, said that the impact would be equal to holding six or seven Super Bowls in San Diego every year or twice the impact of the Convention Center. Related to the number of job losses, it would equate to having several other Qualcomms in the region.

Supervisor Cox stated that on the Summary Table 2 on page 6, the total impact of employment for San Diego County is 31,454 jobs, and the total for the State of California is 31 jobs less. Dr. Bekka explained that the impact is primarily related to the impact area and as the area is widened, the job loss is made up by other areas having job increases.

Councilmember Thomas Buckley (Riverside County) asked whether a fast border crossing is good for San Diego but a slow border crossing is better for the state. Dr. Bekka replied that if people lost their jobs because of retail closures, there is a direct impact of this loss. However, the model looks at what is going on in Orange County, and if there are jobs in Orange County, that offsets the local loss. It depends on what is happening in a particular region. A slow border hurts everyone.

Dr. Ganster said that Phase 1 looked at personal trips, and the next phase will pick up the freight movements. Then we will have a more complete picture of the region. This survey provided good information on workers who commute across the border. He asked if the survey provided the types of employment and wage ranges.

Dr. Bekka answered that the survey asked questions about type of industry and income ranges. He did not have those details with him. He pointed out that not all the jobs were low-income jobs. The second part of the study on freight movement will have more state and national implications due to trade.

Councilmember Monroe said that he heard this briefing previously by Mrs. Arias, and there was a lot more detailed information presented at that time. The survey provided valuable information, and it seemed to him that this group ought to get more details. He asked that when staff reports back with the freight segment, it also bring back more details about the personal travel as well.

Angelika Villagrana with the San Diego Regional Chamber of Commerce stated that this is fabulous information to have, especially when going to Washington, D.C. She asked how security efforts might affect this information with the opening of a third SENTRI (Secure Electronic Network for Travelers Rapid Inspection) lane at the San Ysidro POE. Dr. Bekka stated that the model is flexible enough to be updated. It is based on whatever process is implemented at the border. The down side is that there is a high potential for growth on both sides of the border, and it is hard to keep up from the supply side with that kind of growth. This problem is so big that a few additional SENTRI lanes will not have a significant impact. This region has an important challenge and has to do something drastic.
Mr. Gallegos mentioned that often when you conduct a study, it gives you only a snapshot. The idea was to develop an econometric model that we can continue to calibrate and update on a continuous basis to arm you with data.

Supervisor Pam Slater-Price (County of San Diego) commented that more United States citizens are residing in Mexico due in part to changes in land ownership laws. You can now get title insurance and financing. She said that there are about 14,000 North Americans living in Cabo San Lucas. Dr. Bekka noted that this underlines the importance of the border wait time.

Elsa Saxod, Binational Affairs, City of San Diego, stated that she had the pleasure of attending a meeting with ImPlan; the City of Tijuana’s planning organization. She suggested that we begin to work on a joint planning document that begins to address some of these issues and opportunities. The Mayor of Tijuana only has two and a half years left on his term, so there is a time constraint. This would have to be referred to staff.

Chair McCoy agreed this was a good idea because our economies are intertwined. If we don’t plan for this region then someone else from a higher level will. We should direct this to staff with a certain amount of urgency. Mr. Gallegos stated that planning is not the problem; it’s that there are not enough resources to get the work done. One of the questions asked in the surveys was if crossers would be willing to pay to cross the border. About 60 percent of those responding said they would pay $3 to cross the border, 15 percent said they will sometimes, and only 26 percent would not pay a fee to use a new port of entry in Otay Mesa east.

Supervisor Slater-Price said that Senator Feinstein proposed a $1 border fee some years ago.

Deputy Mayor Crawford stated that as we go back to Washington, D.C., to ask for money, we should develop a plan to finance this effort. She asked about the next steps to ensure that we get infrastructure improvements on the Mexican side of the border and if a toll situation could occur on both sides of the border. She also wondered how we can take this data and apply it toward implementing a new border crossing and how soon can we do that. Mr. Gallegos responded that this is the kind of information we can put on the legislative agenda. We would need authority at both the state and national level to implement a border crossing fee. He noted that we have had discussions with the state of Baja California and the municipal government in Tijuana. There is also the opportunity to have a binational public/private partner to assist with this concept.

Mayor Pro Tem Gallo welcomed Robert Smith as this is the first time the tribal governments have been represented in their role as Ex-Officio members.

David Perez-Tejada from the City of Mexicali asked how feasible it would be to do this survey in Mexicali. He thinks there is a huge impact to Imperial County as well. He pointed out that there is not even a SENTRI lane at the Imperial Valley/Mexicali border crossing. They will start working on a border crossing, but there is no date
for implementation. If we conduct this type of a survey for the Imperial Valley/Mexicali region, we would be able to get more state and federal funding. It is about coordination. We need to take the outcome of this economic impact analysis to the higher levels of the government.

Mark Baza from Caltrans said that Caltrans will be pursuing such an effort in the Imperial County/Mexicali area.

Arnold San Miguel from the Southern California Association of Governments (SCAG) asked that staff give this presentation to SCAG’s Southwest Compact Task Force meeting on July 6. He thought that this is a golden opportunity for something to be a benefit on both sides of the border.

**Action:** The Committee received this item for information.

c. **Next Steps**

Deputy Mayor Crawford asked about the next steps. Mr. Gallegos suggested that the Borders Committee direct staff to draft options and bring them back to the Borders Committee to consider and debate. He encouraged the Borders Committee to stay focused. He thought that new border crossing would be a good opportunity to use this information.

Dr. Ganster indicated that COBRO will dovetail SANDAG staff efforts. We will be working on improving coordination with ImPlan and Mexico and will work closely on this as there is a sense of urgency.

Councilmember Buckley summarized the items for direction to staff: conduct a feasibility study of the toll program; look at potential public/private partnership options; the new border crossing; and outlining a framework for joint planning across the border.

Supervisor Cox mentioned that several months ago while in Washington, D.C., there was a discussion about the potential of having a toll crossing at a limited number of locations. He stated that this was a discussion topic at a meeting between U.S. President Bush and Mexican President Fox. However, he thought they were more concerned about the crossing fee revenue going to operational costs from a security and customs standpoint as opposed to funding infrastructure.

Mr. Pallares stated that at the federal staff level, there is a paper about to be released of a proposal for a low-risk port of entry for the state of Texas. We would have to see what it would take to build a new port of entry here under those conditions. It will be requested that a similar study be conducted for Otay Mesa within the next two years.

Gary Brown, City of Imperial Beach, asked how realistic it would be to submit a bid for the Olympics jointly between the San Diego region and Tijuana. He also wondered why the airport south of our border is not considered in the study to
relocate the airport at Lindbergh Field, except you would need quick entry across the border. Supervisor Slater-Price stated that in the 1990s there was a study of a binational airport, and for different reasons it never took off.

Dr. Ganster pointed out that another important partner, Carlos Lopez, Secretariat of Infrastructure and Urban Development of the State of Baja California, has arrived, and he will be involved in terms of planning along the border.

**Action:** The Committee received this item for information and directed staff to identify next steps for the planning and implementation of border transportation infrastructure, following the completion of the Economic Impacts of Border Wait Times Study.

4. **NEXT MEETING DATE AND LOCATION**

The next meeting of the Borders Committee will be held at 12:30 p.m. on Friday, July 22, 2005, at the SANDAG Offices in the Board Room. Please note this is the new Committee meeting schedule. This and future meetings will be held on the fourth Friday of each month.

5. **ADJOURNMENT**

Chair McCoy adjourned the meeting at 1:49 p.m.
CONFIRMED ATTENDANCE
BORDERS COMMITTEE MEETING
June 17, 2005
12:30 p.m. to 2:30 p.m.

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ADVISORY/LIAISON MEMBERS

|                     |                        |                            |                   |           |
| COBRO               | -----                  | Dr. Paul Ganster           | Member            | ✓         |
|                     | -----                  | Cindy Gomppers-Graves      | Alternate         | ✓         |
| County of Riverside | City of Lake Elsinore  | Thomas Buckley             | Member            | ✓ ✓       |
| Republic of Mexico  | Consul General of Mexico| Luis Cabrera Cuaron       | Member            | ✓         |
|                     | Deputy Consul          | Ricardo Pineda             |                   | ✓         |
|                     | Deputy Consul          | Lydia Antonio              |                   | ✓         |
| Caltrans            | -----                  | Pedro Orso-Delgado         | Member            | ✓         |
|                     | -----                  | Bill Figge                 | Alternate         | ✓         |
| San Diego County Water Authority | ----- | Howard Williams | Member | ✓         |
| County of Orange    | -----                  | Debbie Cook                | Member            | ✓         |
2005 BINATIONAL WORKSHOPS UPDATE

Introduction

The Committee on Binational Regional Opportunities (COBRO) is tasked to support the organization of SANDAG’s annual binational event. This year, the COBRO recommended changing the format from a summer conference to two binational workshops to be held in October of this year (one in the San Diego region and the other in the city of Tijuana). The COBRO had also recommended the event be titled “Cross Border Collaborative Planning for Otay Mesa – Mesa de Otay.” These recommendations were already approved by the Borders Committee and SANDAG’s Board of Directors.

Recommendation

The COBRO recommends that SANDAG’s Binational Workshops be held on:

- Monday, October 3, 2005, at the South County Regional Education Center (SCREC) in National City; and
- Tuesday, October 11, 2005, at the Universidad Autónoma de Baja California (UABC) in Tijuana.

Discussion

During COBRO’s meeting on July 5, 2005, staff presented several possible dates and locations for the two Binational Workshops. After a discussion of the pros and cons of the available dates and locations, COBRO unanimously approved recommending the above-mentioned dates and locations. Staff will continue to work with COBRO on the specific format and content of these workshops and will return to the Borders Committee with additional information in September.

BOB LEITER
Director of Land Use and Transportation Planning

Key Staff Contact: Hector Vanegas; (619) 699-1972; hva@sandag.org
REPORT ON TRIBAL INVOLVEMENT IN THE REGIONAL TRANSPORTATION PLAN UPDATE

Introduction

SANDAG is committed to engaging tribal governments in the San Diego region in the regional transportation planning process. SANDAG is currently developing the next comprehensive update of the Regional Transportation Plan (RTP), which is scheduled for adoption in 2007. There are opportunities to include tribal transportation-related information in this next comprehensive RTP update and to identify a set of mutual issues that should be addressed as part of this process. This report provides a summary of the RTP update process and relevant tribal transportation studies and other activities for Borders Committee information.

Discussion

Background on RTP Update Process

As the Metropolitan Planning Organization (MPO) for the San Diego region, one of SANDAG’s major responsibilities is the development and adoption of the region’s long-range Regional Transportation Plan (RTP). The RTP is the blueprint to improve the regional transportation system. Implementation of plan will substantially improve the region’s highways and arterial roads and provide high-quality transit services in the region.

SANDAG’s current RTP, MOBILITY 2030, was adopted in 2003, and under current federal law, SANDAG must adopt a technical RTP update in 2006. At the same time, SANDAG is developing a more comprehensive RTP update for adoption in 2007, which will incorporate tribal related efforts as well as other strategic initiatives from the adopted Regional Comprehensive Plan (RCP). The current timeline for the 2007 RTP update is included as Attachment 1.

Background on Tribal Governments

Tribal Governments are sovereign domestic nations, exercising full authority over tribal territory and tribal land use and transportation plans. There are 18 tribal reservations located within the limits of San Diego County, bordering cities and the unincorporated area in the North Inland and East County subregions. Tribal nations have jurisdiction over approximately 10 percent of the land within San Diego County (Attachment 2 – Map). Each has distinct rules governing membership in the tribe, relationships among tribal members, and land use on reservation land.
Access to most of the reservations is via county roads, rural highways, and sometimes state highways. Tribal government transportation issues are complex and vary from tribe to tribe. One tribe may have issues about general access to its reservation, while another tribe’s main concern may be improving its existing reservation roads. Road maintenance issues impact all tribes with roads, yet, according to the National Indian Justice Center, there is often confusion regarding who has the financial responsibility for maintaining reservation roads.¹

The main source of federal funding for tribal roads within the reservations is the Bureau of Indian Affairs (BIA) Indian Reservations Roads (IRR) Program. However, this funding is very limited. Federal IRR funding is allocated according to a “relative need” formula. Tribes from other states, particularly larger ones, benefit from the formula because they are able to demonstrate a greater need based upon larger inventories of road miles, vehicle miles traveled, and population figures. California tribes, which generally have smaller reservations, receive a very low allocation not nearly enough to meet their needs. In 1999, the California Transportation Commission (CTC) identified $275 million in needed road improvements on Tribal lands. According to a recent report by Caltrans, if the funding formula remains as it is, the expected IRR funding over the next 10 years would be just $50 million, only 18 percent of the identified needs. Caltrans concluded that at current funding levels, it would take 55 years to fund existing needs, not taking future needs into account.²

Tribes are also eligible to receive most state transportation funds. However, tribes have had limited participation in past regional transportation planning efforts. It will be mutually beneficial to both SANDAG and the tribal governments to analyze how best to collaborate in the planning and programming of regional transportation infrastructure that affect tribal nations. Incorporating tribal transportation issues into the 2007 RTP update is one opportunity for such collaboration.

Current Status of Government-to-Government Relations with Area Tribes

SANDAG is pursuing government-to-government relations with area tribes in a variety of ways. The Borders Committee is SANDAG’s designated Policy Advisory Committee (PAC) tasked with building relationships with various tribal consortia to strengthen communication with tribal nations in the region. Through the tribal liaison program, SANDAG also is extending outreach efforts to each sovereign tribal nation and developing consultation agreements to facilitate communication on regional transportation planning and related issues. A summary of these activities are described below.

Partnerships with Tribal Consortia

SANDAG is building working relationships with two key intertribal consortia to strengthen communication and coordination with area tribes.

- **Reservation Transportation Authority (RTA):** The RTA, founded in 1998, is a consortium of Southern California Indian tribal governments designated as a Public Law 93-638 contracting entity that provides transportation education, planning, and program administration for tribal government members. SANDAG is developing a Memorandum of Understanding (MOU) with the RTA to strengthen liaison activities and

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¹ National Indian Justice Center, “Environmental Justice in Transportation for California Tribes,” 2004
tribal involvement in transportation planning. The activities outlined in the MOU are funded by an environmental justice grant from Caltrans to RTA. Collaborative efforts are focusing on: creating systematic mechanisms of communication between tribal governments and SANDAG; providing information about SANDAG to the tribal nations; developing and implementing a strategy for tribal involvement in the RTP process; and facilitating policy discussions on tribal representation in the SANDAG structure.

- **Southern California Tribal Chairmen's Association (SCTCA):** The SCTCA is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California. As an intertribal council, the SCTCA serves as a forum for a wide variety of issues for its member tribes. In June 2005, the SCTCA joined as an Ex-Officio member of the Borders Committee, similar to SANDAG's relationships with other associations of governments, including Imperial Valley Association of Governments (IVAG) and Western Riverside Council of Governments (WRCOG). It is hoped that SCTCA's involvement in the Borders Committee will further dialogue with area tribes on issues of mutual concern in transportation planning.

Outreach and Consultation Agreements with Individual Tribes

In addition to the efforts with RTA and SCTCA, Borders Committee members and SANDAG staff have been meeting with tribal nations in the region to provide information on SANDAG organization, programs, and information resources; explain the role of SANDAG in the regional transportation planning process; and begin discussing the development of consultation agreements with the government of each sovereign tribal nation.

SANDAG staff also has conducted workshops with tribal government staff on how to access SANDAG information and data resources, and has participated in a variety of workshops, conferences, and events organized by tribal nations in the region.

**Relevant Tribal Transportation Studies**

Various agencies, including Caltrans, RTA, and SANDAG are conducting a series of transportation-related studies, which will provide timely and relevant tribal information for the 2007 RTP update. Further information about these studies, which are summarized below, will be brought to future Borders Committee meetings.

- **Reservation Transportation/Transit Needs Assessment:** Caltrans and SANDAG have recently completed a transportation needs assessment survey of all 17 tribal nations in the San Diego region. The survey results are being tabulated and are expected to be analyzed by the tribal governments in early fall. Information from the needs assessment will provide the basis for discussion at the Tribal Summit planned for 2006. Caltrans is responsible for the overall transportation issues, while SANDAG will be analyzing the transit-focused needs.

- **Tribal Transportation Plans:** Two years ago, the RTA assisted area tribes in the preparation of Tribal Transportation Plans (TTP). These TTPs include: an assessment of the reservation road system and existing and projected traffic volumes. These documents may be beneficial to the RTP update process, should tribal nations choose to share this information.
- **State Route (SR) 76 Operational Improvements Study**: Caltrans and RTA are initiating a study of SR 76 east of the Interstate 15 to determine what kinds of operational improvements can be made to improve the safety of the SR 76 East corridor. The study will identify estimated costs for potential operational improvements as well as a methodology for allocating fair share contributions to the developing property owners in the corridor.

- **Reservation Transit Feasibility Study**: SANDAG’s FY 2006 Overall Work Program (OWP) includes a work element for a Reservation Transit Feasibility Study, funded by a Caltrans planning grant. Based on the findings for the Reservation Transit Needs Assessment, SANDAG will collaborate with the RTA and the SCTCA to study the feasibility of potential transit options in two key corridors serving reservations.

### Tribal Involvement in RTP Update

There are opportunities to include tribal transportation-related information in the comprehensive RTP update in 2007 and to identify a set of mutual issues that should be addressed as part of this process. As discussed in Agenda Item no. 6, the SANDAG Board of Directors, RTA, and SCTCA would co-host a Tribal Summit in late 2005/early 2006 in order to include tribal input into the 2007 RTP.

Staff would develop an issues paper for discussion at the Summit. The paper would address issues, including: How can the region better assess the potential impacts on regional facilities from reservation development and plan for the transportation facilities needed to avoid related congestion? The analysis would be done in collaboration with the individual tribes to assess the existing and planned land uses on tribal lands, and incorporate to the greatest degree possible the travel generated from these sources along with the rest of the regional inputs. The issues paper would be presented to both the Borders and Transportation Committees in preparation for the Summit.

Priorities from the Reservation Transportation/Transit Needs Assessment and other relevant tribal transportation studies also could be included in the Issues Paper. The RTA and SCTCA could act as facilitators with area tribal nations to determine how best to share relevant information from the Needs Assessment and other studies with SANDAG.

The Borders Committee should discuss this process and identify any other relevant initiatives that should be considered to incorporate tribal input into the RTP.

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**Bob Leiter**  
**Director of Land Use and Transportation Planning**

Attachments:  
1. 2007 RTP Schedule  
2. Map – Tribal Lands In The San Diego Region

Key Staff Contact: Jane Clough-Riquelme; (619) 699-1909; jcl@sandag.org
# 2007 Regional Transportation Plan Schedule

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UPDATE ON THE 2006 TRIBAL SUMMIT

Introduction

Federal and state legislation require that federally recognized Tribal Governments be consulted in the development of regional transportation plans and programs (Title 23, U.S.C.450.312). How this consultation should occur is left to the Metropolitan Planning Organizations (MPOs) and the Tribal Governments.

In October 2002, SANDAG held a Summit with eight of the 17 Tribal Governments in the San Diego region as part of the development of the current Regional Transportation Plan (RTP), MOBILITY 2030. The summit focused on regional transportation planning issues. One of the outcomes of the summit was the establishment of a SANDAG tribal liaison program to coordinate SANDAG’s regional transportation planning efforts with the planning activities of the region’s Tribal Governments. Summit participants also recommended holding future summits to continue the dialogue between SANDAG and Tribal Governments.

Recommendations for 2006 Tribal Summit

In 2004, the Reservation Transportation Authority (RTA) received an environmental justice grant from Caltrans to strengthen government-to-government relations between tribal governments and two MPOs, SANDAG and the Southern California Association of Governments (SCAG). Incorporated in 1998, the Reservation Transportation Authority (RTA) is a non-profit intertribal consortium providing transportation planning, construction, and maintenance services to 23 member tribal governments in Southern California. The RTA is the only tribal owned and operated entity of this kind in the United States.

One of RTA’s required tasks under the grant-funded project is to plan for and co-host the next Tribal Summit with SANDAG. The focus of the summit will be on regional transportation planning and related issues. The planned Summit will help enhance the development of the next comprehensive update of the RTP, currently scheduled for adoption in 2007. RTA Chairman Kevin Siva will update the Borders Committee on plans for the summit and potential issues to be addressed (Attachment 1).

Attachment 1. RTA Report on Tribal Summit

Key Staff Contact: Jane Clough-Riquelme; (619) 699-1909; jcl@sandag.org
TRIBAL SUMMIT

PLANNING AGENDA

OBJECTIVE - OPEN DIRECT LINES OF COMMUNICATION

The Reservation Transportation Authority (RTA) in keeping with its project commitment with SANDAG for establishing Open Direct Lines of Communication is committed to coordinating a Tribal Summit. RTA, established as a consortium of Southern California Tribes and in keeping with its goal to address transportation on reservations, holds great interest in co-sponsoring a tribal summit. RTA envisions the process leading up to the summit is to coordinate planning activities with SANDAG for establishing Tribal Summit parameters that will facilitate meeting the highest potential attendance by local tribes. In particular, RTA would like to coordinate efforts to incorporate the findings of the Caltrans/SANDAG Transportation Needs Assessment in a meaningful way to make clear tribal needs, concerns and requests to the appropriate agencies. Ultimately, RTA strives to use its agency as a facilitator for tribal involvement and gathering input to incorporate into SANDAG’s Regional Transportation Plan. The following provides an outline of how RTA proposes to contribute and coordinate facilitating the Tribal Summit.

1. Recommend establishing a planning committee composed of the following:
   - Member of RTA  To be named
   - SCTCA          To be named
   - SANDAG         Jane Clough-Riquelme
   - San Diego County To be named
   - CALTRANS       Mario Orso
   - Borders Committee SANDAG Staff or member

   The planning committee would be responsible for coordinating the Tribal Summit agenda with SANDAG and ensure required supportive materials such as documentation, presentations, and discussion formats are solidified.

2. Tribal Summit Location:
   - RTA will work closely with the SCTCA on establishing a viable Tribal Summit location that will facilitate the highest potential attendance.
   - RTA and SCTCA will ensure all Tribal Summit facility requirements are addressed and met.

Grant Program: Environmental Justice Context-Sensitive Planning for Communities
Project Name: Coordination with Native American Tribal Governments
Grant Recipient: Reservation Transportation Authority (RTA)
Prepared By: Tribal Consultants for RTA
Reservation Transportation Authority

3. Potential Summit Date:
   - January 2006 – This is the time of year (November/December) when tribes hold their elections for Executive Councils with January as a transition month and should not pose a problem. The RTA Executive Council will contact each tribe and establish a potential timeframe for maximum attendance. This will be presented to the Borders Committee to coordinate an actual Summit date.
   - November 2005: Possible alternative date.

4. Agenda:
   - RTA will spearhead collecting potential items for the Summit and framework for how the Summit will be conducted. The RTA Tribal Liaison will work closely with the SANDAG Tribal Liaison in merging Tribal Government and SANDAG objectives for the Summit.
   - Any preliminary documentation supporting preparation for Summit attendees will be coordinated with the RTA Tribal Liaison and the SANDAG Tribal liaison.

5. Format: *Combine workshops to educate and guide Summit attendees in preparation for the discussion portions of the Summit.*
   - Opening Remarks
   - I 8 Corridor workshop Planning Issues
   - I 15 Corridor workshop Planning Issues
   - Lunch
   - Workshop Reports
   - Open Forum
   - Adjournment

The Tribal Summit Taskforce will give a full report for the September 2005, meeting on its Tribal Summit planning progress.
TRIBAL PRIORITIES FOR BORDERS COMMITTEE WORK PLAN FY 2006

Introduction

On May 27, 2005 the SANDAG Board of Directors voted unanimously to invite the Southern California Tribal Chairmen’s Association (SCTCA) to join the SANDAG Borders Committee as an Ex-Officio member. Similar to SANDAG’s relationship with the Western Riverside Council of Governments (WRCOG) and the Imperial Valley Association of Governments (IVAG), the participation of SCTCA as an intertribal council on the Borders Committee is expected to strengthen communication and coordination with area tribes on regional issues.

The Chair of the SCTCA, Chairman Robert Smith, is gathering information and suggestions from tribal leaders about tribal priorities that could be addressed as part of future Borders Committee policy discussions. Chairman Smith will share these recommendations with the Borders Committee in an oral report. The Borders Committee should discuss how best to incorporate these into its work plan for FY 2006.

BOB LEITER
Director of Land Use and Transportation Planning

Key Staff Contact: Jane Clough-Riquelme; (619) 699-1909; jcl@sandag.org
SEWAGE ISSUES ALONG THE INTERNATIONAL BORDER

Introduction

At the March 18, 2005 meeting, Councilmember Frank Tierney, City of Coronado, presented an oral report on sewage infrastructure issues along the international border. The Borders Committee requested that staff return with additional information on this subject for the Committee to consider. Reports from the International Boundary and Water Commission (IBWC) and the City of San Diego have been attached as a general overview on border sewage issues.

Recommendation

During the past few years substantial progress has been made in addressing binational sewage issues. Agencies on both sides of the border continue to collaborate on solutions to these issues. Therefore, it is recommended that SANDAG not undertake any direct involvement in these issues at this time. However, it is also recommended that SANDAG staff provide the Borders Committee with periodic updates from the IBWC and other organizations on this matter.

Discussion

Two attachments are included to provide an overview on binational sewage issues. Attachment 1, prepared by IBWC, includes excerpts from the “Draft Supplemental Environmental Impact Statement: Clean Water Act Compliance at the South Bay International Wastewater Treatment Plan.” Attachment 2 is an issue paper prepared by the City of San Diego’s Government Relations Department, Office of Binational Affairs, which is entitled “Tijuana Sewage.”

BOB LEITER
Director of Land Use and Transportation Planning

Attachments: 1. Report Excerpts
   2. “Tijuana Sewage” (Issue Paper)

Key Staff Contact: Ron Saenz; (619) 699-1922; rsa@sandag.org
1.6 HISTORICAL SETTING

Since the 1930s, raw sewage flowing into the United States from Mexico has posed a serious threat to public health and the environment in the South Bay communities of San Diego. Before the SBIWTP was constructed, uncontrolled sewage flows entered the United States at various locations along the United States/Mexico border in the San Diego area. The USIBWC’s efforts to control these fugitive flows were defensive, involving capturing transboundary sewage and returning it to Mexico for transport in Mexico’s collection system, or sending to the City of San Diego’s Point Loma Wastewater Treatment Plant by use of the Emergency Connection, a 30-inch gravity sewer main connecting the Tijuana sewer system to the City of San Diego sewer system. The defensive measures for collection and pump back to Mexico, constructed in the mid-1980s, were removed from service about 10 years after construction of the SBIWTP and associated canyon collector systems. The USIBWC has undertaken a series of initiatives in the form of international agreements and technical studies to address this problem over the past 20 years. Figure 1.6-1 is a timeline of these activities.

1.6.1 History of Contamination

Wastewater from Tijuana, Mexico, has historically flowed into the United States via the Tijuana River or through north-draining canyons and gullies. Untreated wastewater is also discharged by Mexico to near-shore ocean waters in Mexico, 5.6 miles (9 km) south of the international border.

Wastewater contamination associated with these flow patterns has been identified in numerous emergency declarations by local, state, and federal legislative bodies and commissions. To address this international problem, the United States and Mexico entered into binational agreements (referred to as Minutes) to construct and operate new facilities in both countries to collect, treat, and dispose of wastewater. These Minutes are summarized below and are included in their entirety in Appendix B. Over the past seven decades, local agencies and governments in Mexico and the United States have undertaken various improvements to the collection, treatment, or disposal facilities in Mexico and the United States to alleviate wastewater flow coming into the United States (see Subsections 1.7.4 and 1.7.5 for a detailed description of the improvements).

Failures and breakdowns of the Mexican system have produced overland flow of sewage into canyons and gullies that empty into the Tijuana River Estuary. Sewage flows have caused beaches to be quarantined along the south San Diego coast and adversely impacted the Tijuana River estuary, a National Estuarine Research Reserve.
Figure 1.6-1. Timeline of Elements Affecting the Project
1.6.2 History of the SBIWTP

To address uncontrolled sewage flows from Mexico, Congress passed Section 510(b)(2) of the Water Quality Act of 1987 (Section 510) which directed the EPA to give financial assistance to the USIBWC and other agencies “for treatment works in the City of San Diego California to provide primary or more advanced treatment” of Mexican waste originating from Tijuana. In 1990, the United States and Mexico entered into an international agreement, IBWC Minute 283 (Conceptual Plan for the International Solution to the Border Sanitation Problem in San Diego, California/Tijuana, Baja California), which provided for the construction, operation, and maintenance of an international secondary treatment plant in San Diego with joint financing by the United States and Mexican governments.

From 1991 to 1994, Congress appropriated $239.4 million to the EPA for this project. The EPA distributed these funds to the USIBWC to plan, design, and construct the SBIWTP, to the City of San Diego to construct the SBOO, and to the United States Army Corps of Engineers to provide planning and environmental review assistance. To date, about $233 million of this amount has been expended by these agencies for all necessary planning, design, and construction for the SBIWTP, the SBOO, and related facilities in San Diego. Mexico has begun paying its commitment of approximately $16.8 million in capital costs. These costs are being paid over a 10-year period that began in 1997.

In 1991, in the original Draft EIS for the SBIWTP project, the EPA and USIBWC proposed constructing a secondary treatment facility in San Diego to achieve secondary treatment using an activated sludge technology. By the time of issuance of the 1994 Final EIS and May 1994 ROD, however, funding was inadequate to complete construction of a full secondary treatment facility. To address public health and environmental concerns and to provide some treatment capability as soon as possible, the EPA and USIBWC decided to construct the SBIWTP in two stages: building first an advanced primary wastewater facility, followed by constructing the secondary component when funds were secured.

In 1996, the EPA and USIBWC, in consultation with state and local agencies, proposed to operate the plant at the advanced primary level and to discharge the treated effluent through the SBOO upon its completion. In 1997, after the appropriate environmental documentation was completed, the EPA and the USIBWC went forward with this proposal. The decision to operate the SBIWTP as an advanced primary facility was made with the knowledge that there would probably be exceedances of the NPDES permit and the California Ocean Plan (refer to the March 1997 ROD and the December 1998 ROD).

This EPA-USIBWC decision to operate the SBIWTP as an advanced primary facility before secondary treatment facilities were completed was made to achieve some treatment of sewage flows from Mexico that were entering the United States and polluting the Tijuana River, the Tijuana Estuary, and coastal areas from the international border northward to Coronado (refer to page 5 of the March 1997 ROD). Without this treatment, dry weather untreated Mexican sewage would continue to flow into the United States, causing risks to human health and safety from

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1 These previous NEPA documents are incorporated by reference in accordance with 40 CFR 1502.21.
2 Refer to the March 1997 ROD, as amended by the December 1998 ROD. These documents are available at [http://www.epa.gov/region09/water/iwtp/](http://www.epa.gov/region09/water/iwtp/)
waterborne disease and disease-bearing vectors, impacts to a national estuarine reserve and habitat for endangered species, loss of recreational use of coastal areas and state and local parks, and substantial negative effects on the local economy (refer to pages 2 and 3 of the May 1994 ROD, page 5 of the March 1997 ROD, and page 3 of the December 1998 ROD).

Following settlement of a 1994 lawsuit involving NEPA compliance for the plant, the EPA and USIBWC reexamined the alternatives available to complete the secondary treatment component of the facility. In 1998, an additional lawsuit involving NEPA compliance for the plant’s SBOO was filed; that lawsuit was dismissed. In 1999, the EPA and USIBWC decided to build a completely mixed aerated pond system at the former Hofer site adjacent to the SBIWTP advanced primary treatment facilities (refer to the December 1999 ROD). Although the EPA and USIBWC sought congressional approval to raise the funding limits so the agencies could implement this decision, Congress declined to fund construction of the secondary treatment component in the United States.

The SBIWTP now plays a critical role in wastewater treatment in the San Diego/Tijuana border region. The SBIWTP is connected to the Tijuana wastewater collection and treatment system and, therefore, significantly alleviates the burden on that system. The SBIWTP also addresses the problem of sewage flows in the United States in two ways: (1) canyon collectors in Smuggler’s Gulch, Goats Canyon, Canyon del Sol, Stewart’s Drain, and Silva’s Drain capture dry weather raw sewage flows that would otherwise come into the United States through these canyons and gullies and sends the flows directly to the SBIWTP for treatment and discharge through the SBOO; and, (2) a river diversion structure situated on the Mexican border diverts dry weather sewage flows that would otherwise come into the United States through the Tijuana River and pumps those flows into the Tijuana wastewater system, where the sewage is sent to the SBIWTP for treatment and discharged on the United States side of the border through the SBOO, or pumped on the Mexican side of the border to the San Antonio de los Buenos Wastewater Treatment Plant (SABWWTP), Tijuana’s major wastewater treatment plant, for treatment or bypass and discharge into the Pacific Ocean at Punta Bandera about 5.6 miles south of the border. A limited amount of wet weather flow is also captured by collectors that are wet weather operable under light rainfall and runoff conditions.

Even with operation of the SBIWTP, the existing Tijuana wastewater treatment system has insufficient capacity to treat all the sewage generated in Tijuana. Consequently, Tijuana discharges approximately 6 mgd of sewage directly into the Pacific Ocean untreated about 5.6 miles south of the United States border. In addition, the Tijuana collection system infrastructure has been in disrepair for many years, routinely resulting in sewage overflows and spills in Tijuana, including spills into the Tijuana River that can enter the United States.

The USIBWC expends about $9.4 million annually to operate and maintain the electrical power, influent, effluent, sludge, ocean and surf monitoring, major capital improvements and equipment, and contract administration. Mexico shares in these operational costs and reimburses the USIBWC for about 20 percent of the costs annually, pursuant to IBWC Minute 296 (Distribution of Construction, Operation and Maintenance Costs for the International Wastewater Treatment Plant Constructed under the Agreements in Commission Minute 283 for the Solution of the Border Sanitation Problem at San Diego, California–Tijuana, Baja California).
1.6.3 **International Agreements Relating to the Treatment of Tijuana Sewage**

The United States and Mexico have entered into several international agreements to address the sewage flow problem at the border:

♦ In 1965, the United States and Mexican sections of the International Boundary and Water Commission signed Minute 222, which provided for the construction, operation, and maintenance of an emergency connection between the City of Tijuana’s sewage system and the City of San Diego’s South Metro Interceptor Sewer. The emergency connection was originally recommended in the IBWC Joint Report of the Principal Engineers dated November 29, 1965, and was later adopted as a resolution in IBWC Minute 222, titled *Emergency Connection of the City of Tijuana, Baja California to the Metropolitan Sewerage System of the City of San Diego, California*, dated November 30, 1965. This emergency connection has existed since 1966, and can accept up to 13 mgd peak flows from Tijuana for treatment and disposal at the City’s Point Loma advanced primary treatment plant and ocean outfall.

♦ In 1985, the United States and Mexican sections of the IBWC signed Minute 270, which provided for the first stage treatment and disposal of Tijuana wastewaters. In accordance with Minute 270, Mexico constructed a wastewater treatment plant at San Antonio de los Buenos in 1987 to serve the Tijuana municipality.

♦ In July 1990, the United States and Mexican sections of the IBWC signed Minute 283, which provided for the construction, operation, and maintenance of an international secondary wastewater treatment plant on the United States side of the border that would treat 25 mgd of dry weather sewage flows.

♦ In May 1997, the United States and Mexican sections of the IBWC signed Minute 296, which provided for the distribution of construction, operation, and maintenance costs for the international wastewater treatment plant constructed under Minute 283 for the solution of the border sanitation problem.

♦ In December 1997, the United States and Mexican sections of the IBWC signed Minute 298, which offered recommendations for the design-construction of works parallel to the City of Tijuana’s wastewater pumping and disposal system as well as the rehabilitation and expansion of the SABWWTP. This included design and construction of the Primary Effluent Return Connection (PERC).

♦ On February 20, 2004, the United States and Mexican sections of the IBWC signed Minute 311, Recommendations for Secondary Treatment in Mexico of the Sewage Emanating from the Tijuana River Area in Baja California, Mexico. Minute 311 provides a framework for the design, construction, operation, and maintenance of secondary treatment facilities in Mexico for sewage originating in Tijuana, including sewage now treated to the advanced primary level at the SBIWTP, if secondary treatment is not provided in the United States. Consistent with the Public Law, the Minute contemplates that the effluent from the SBIWTP will be treated to the secondary level, if not provided in the United States, at facilities to be constructed, operated, and maintained in Mexico through a public-private partnership. The Minute provides that the secondary treatment level of the facilities to be constructed in Mexico will comply with water quality laws of the United States, the state of California, and Mexico, and that effluent discharge...
treated by the Mexico facilities and discharged through the SBOO into the Pacific Ocean will comply with water quality laws of the United States and the state of California. Under Minute 311, secondary treatment of the advanced primary effluent from the SBIWTP and treatment of additional Tijuana sewage would be provided as follows, if secondary treatment is not provided in the United States:

- Plant capacity of up to 59 mgd consistent with the Tijuana Master Plan undertaken by the EPA and CESPT to determine future infrastructure needs through the year 2023.
- Any effluent discharged through the SBOO would comply with applicable water quality laws in the United States.
- The project would be implemented through a private-public partnership.
- Commission oversight of selection of contractors and monitoring and evaluation of the performance of the treatment plant as in previous Commission projects.
City of San Diego  
Government Relations Department  
Office of Binational Affairs

TIJUANA SEWAGE

April, 2005

Issue:

Eliminate untreated sewage from entering the U.S. and affecting the Tijuana River Valley and the south San Diego beaches.

Background:

Sewage flows from the Republic of Mexico have plagued residents of the San Diego area for over 70 years. Prior to 1990, untreated sewage would occasionally flow into the United States through the Tijuana River Valley due to overflows caused by rain, malfunctioning plants in Tijuana, or insufficient capacity of Mexican treatment facilities. The sewage caused health hazards, forcing the closure of beaches and impacting local businesses. Reflecting this health hazard, the City Council declared a State of Emergency in the Tijuana River Valley-and has continued that declaration to this day.

The solution to the problem is a federal responsibility. The international Boundary and Water Commission (IBWC) is the federal agency assigned to handle this responsibility. In 1990, the U.S. and Mexico determined that the permanent solution to the border sanitation problem was the construction of three international facilities:

1. 25 million gallon per day (MGD) secondary treatment plant
2. Canyon collectors in Goat Canyon and Smuggler’s Gulch
3. South Bay Ocean Outfall

In April 1997, the IBWC completed the construction and began operation of the 25 mgd advanced primary International Treatment Plant (IWTP). In January 1999, the South Bay Ocean Outfall (SBOO) was completed and sewage flows in the Tijuana River, all but ceased, with the exception of occasional flows due to shutdowns or breaks in the Mexican sewage system.

In December 1999, the IBWC and the Environmental Protection Agency (EPA) selected completely mixed aerated (CMA) ponds at the Hofer site, adjacent to the IWTP, to provide full secondary treatment. This alternative was not accepted by the community. As such, the IWTP operates today at advanced primary treatment-rather than the secondary level for which it is permitted. This has resulted in citations for acute and chronic toxicity, as well as two lawsuits, as follows:

1. Cease and desist order from the Regional Water Quality Control Board (RWQCB)
2. The Surf Rider Foundation filed suit November 16, 1999 against the IBWC for violations of the Clean Water Act. The lawsuit sought to enjoin the IBWC from discharging less than secondary treated effluent from the IWTP.

3. On February 15, 2001, the California Attorney General, on behalf of the California Regional Water Quality Control Board, San Diego Region, sued the IBWC for failing to treat its effluent to secondary treatment standards. In May 2001, these two lawsuits were consolidated into one. In December of 2004, the lawsuits were settled and a timetable was worked out for the IWTP to meet the Clean Water Act.

On November 7, 2000, the President signed into law the Tijuana River Valley Estuary and Beach Sewage Clean-up Act of 2000 (Public Law 106-457), authored by Congress members Filner and Bilbray, that provides the following:

- Authorization for the IBWC to arrange for secondary treatment through a privately funded (fee-for-services contract) facility, which can be located in Mexico.
- Direction to the Secretary of State to initiate negotiations with Mexico within 60 days of a new Treaty Minute with Mexico or modification of Treaty Minute 283, which established the agreement for construction of the IWTP. Subject to the new Treaty Minute, the IBWC is authorized and directed to provide for secondary treatment of a total of not more than 50 (MGD) of Tijuana sewage in Mexico.
- Mandate that EPA, not later than 24 months after the enactment of the Act, to develop a comprehensive plan, with stakeholder involvement, to address the transborder sanitation problems in the San Diego/Tijuana region-including an analysis of the long-term secondary treatment needs of the region, upgrades to the sewage collection system serving Tijuana, and identification of options for addressing future capacity needs.
- Authorizes the appropriation of $156 million for fiscal years 2001 through 2005.

**Status:**

- On February 20, 2004, the U.S. and Mexican Commissioners of the IBWC signed Minute No. 311, “Recommendations for Secondary Treatment in Mexico of the sewage emanating from the Tijuana River area in Baja California, Mexico”. Under the terms of the agreement, secondary treatment of the advance primary effluent from the IWTP and treatment of additional Mexican sewage would be provided as follows, if secondary treatment is not provided in the U.S.: (1) Plant capacity of up to 59 MGD consistent with the Tijuana-Playas de Rosarito Master Plan, (2) Effluent discharged through the SBOO would comply with applicable water quality laws of the U.S., (3) Project implemented through a private-public partnership, (4) Commission oversight of selection of contractors and monitoring and evaluation of the performance of the treatment plant.
- The Tijuana-Playas de Rosarito Master Plan was completed in June 2003. This Master Plan outlines a 20 year program of infrastructure development and improvements.
- IBWC has announced a schedule for completion of a Supplemental Environmental Impact Statement for Clean Water Act compliance for the IWTP.
* Draft SEIS: December, 2004
* Final EIS: Summer, 2005
* Record of Decision: October, 2005
* Operations begin: September, 2008

In November of 2004, Congress approved and the President signed HR 4794, a re-authorization act which will make necessary technical corrections to the base law and suggests using “such funds as may be necessary” to complete the project.

On December 6, 2004, the IBWC settled the lawsuit with the State of California and signed a stipulated order which requires the IBWC to comply with the Clean Water Act by September 2008.

On January 22, 2002, the San Diego City Council approved a resolution endorsing the development of a privately funded facility in Mexico for secondary treatment of effluent from the IBWC, as proposed by Bajagua Project LLC.

On February 28, 2005, the City of San Diego submitted comments to IBWC on the EIS. The City is in concurrence with the proposed preferred alternative identified as Alternative r, Treatment Option C: Bajagua Proposal.