

**APPENDIX A**

**RESPONSE TO COMMENTS ON DRAFT PROGRAMMATIC ENVIRONMENTAL  
IMPACT STATEMENT**

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# Final Programmatic Environmental Impact Statement

## USMCA Mitigation of Contaminated Transboundary Flows Project

### Response to Comments on Draft Programmatic Environmental Impact Statement

November 4, 2022

Approved by:



**U.S. Environmental Protection Agency**  
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Washington DC 20460



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Prepared by:



**Eastern Research Group, Inc.**

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## ABBREVIATIONS, ACRONYMS, AND SYMBOLS

APTP	Advanced Primary Treatment Plant
BA	Biological Assessment
BIF	beach impact fraction
BMP	best management practice
BOD <sub>5</sub>	biochemical oxygen demand over a five-day period
BWIP	Border Water Infrastructure Program
CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESPT	Comisión Estatal de Servicios Públicos de Tijuana
CFR	Code of Federal Regulations
CILA	Comisión Internacional de Limites y Aguas
CONAGUA	Comisión Nacional del Agua
ddPCR	droplet digital polymerase chain reaction
DEHQ	San Diego County Department of Environmental Health and Quality
DHS	Department of Homeland Security
DPEIS	Draft Programmatic Environmental Impact Statement
DPR	Department of Parks and Recreation
EIS	Environmental Impact Statement
EJ	environmental justice
EJ IWG	Environmental Justice Interagency Working Group
EPA	United States Environmental Protection Agency
EPECG	Eligible Public Entities Coordinating Group
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
HDPE	high-density polyethylene
IB	Imperial Beach
IBWC	International Boundary and Water Commission
ITP	South Bay International Wastewater Treatment Plant
LBV	least Bell's vireo
MGD	million gallons per day
NADBank	North American Development Bank
NAISMA	North American Invasive Species Management Association
NEPA	National Environmental Policy Act
NGO	non-governmental organization
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
OPR	California Governor's Office of Planning and Research
PB1-A	Pump Station 1A
PB1-B	Pump Station 1B
PB-CILA	Planta de Bombeo CILA
PEIS	Programmatic Environmental Impact Statement
PVC	polyvinyl chloride
QSP	Quino checkerspot butterfly
ROD	Record of Decision
SAB	San Antonio de los Buenos
SABTP	San Antonio de los Buenos Wastewater Treatment Plant

SB 507	Senate Bill 507
SBLO	South Bay Land Outfall
SBOO	South Bay Ocean Outfall
SCCWRP	Southern California Coastal Water Research Program
SDAS	San Diego Audubon Society
SEMARNAT	State Public Services Commission of Tijuana
SEPROA	Baja California Secretariat for Water Management, Sanitation, and Protection
SRE	Secretaría de Relaciones Exteriores
TMDL	Total Maximum Daily Load
TRNERR	Tijuana River National Estuarine Research Reserve
TRV	Tijuana River Valley
TRVEA	Tijuana River Valley Equestrian Association
TRVRT	Tijuana River Valley Recovery Team
UCSD	University of California San Diego
USC	United States Code
USFWS	United States Fish and Wildlife Service
USIBWC	United States Section of the International Boundary and Water Commission
USMCA	United States–Mexico–Canada Agreement
WWTP	wastewater treatment plant

## CODE 1A. SUPPORT THE PROPOSED ACTION (GENERAL)

### Summary of Comments:

- Commenters support the efforts to address transboundary flows; the projects should be implemented as soon as possible.
- The impact of transboundary pollution is far worse than the impacts of the projects themselves.

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**Commenter Name:** Juan Vargas et al.

**Commenter Affiliation:** Congress of the United States

**Commenter Type:** Government (U.S. Federal)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0005-A1

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:**

Transboundary water flow crossing into the United States from Mexico have raised environmental, water quality, and public health concerns for decades. That's why we were proud to fight for and secure \$300 million as part of the United States-Mexico-Canada Agreement to address transboundary pollution in the watershed. We are grateful to the Environmental Protection Agency (EPA) and Administrator Regan for coming out to see the Tijuana River Valley pollution firsthand in August 2021 as they work towards taking the necessary steps to solve this decades - long problem that has disproportionately impacted working-class minority communities on the California — Mexico border and across San Diego County.

We have been told that the projects considered in the EPA and U.S. Section of the International Boundary and Water Commission's (USIBWC) Comprehensive Infrastructure Solution for mitigating transborder water pollution might significantly improve the quality of water in the Tijuana River and on the beaches of both Mexico and the United States. To ensure rapid relief for affected communities, we encourage the Biden administration to provide these projects full and fair consideration on the merits that are consistent with all applicable laws and regulations to ensure that these projects proceed as expeditiously as possible.

We look forward to continuing to work with our colleagues, the EPA and the USIBWC on these issues moving forward.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:** Information

The County of San Diego (County) has been working on efforts to address impacts related to transboundary flows that enter the Tijuana River Valley in the United States from Mexico for many years, and we appreciate the forward movement, multi-agency coordination and efforts at the binational, federal, State and local level to implement projects that will address this longstanding issue. Previous County efforts include an expanded water quality testing program and completion of the Senate Bill 507 (SB 507) funded Needs and Opportunities Assessment in March 2020. The SB 507 Needs and Opportunities Assessment includes a comprehensive review and assessment of current and potential management strategies that could be implemented on the United States side of the border to address transboundary flows of sewage, trash, and sediment into the Tijuana River Valley. The analysis ultimately identified 27 potential projects to address concerns related to transboundary flows regardless of constraints associated with funding, project ownership, or land ownership. Additionally, on February 9, 2021, the County Board of Supervisors declared pollution within the Tijuana River Valley a Public Health Crisis, and Vice Chair Nora Vargas created the South County Environmental Justice Task Force to propose solutions and priorities to address the ongoing transboundary flows.

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**Commenter Name:** Richard Bailey  
**Commenter Affiliation:** City of Coronado, Office of the Mayor  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0011-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

As acknowledged in the Draft PEIS, the San Diego-Tijuana region has been dealing with the transboundary flows of wastewater originating from Mexico for decades. Contamination from Mexico has caused beaches in San Diego County to be closed countless times. It has major impacts on the economy, quality of life and most importantly public health and safety of the region. The City support all efforts to eliminate these flows and the impacts they have on communities in San Diego County.

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**Commenter Name:** Richard Bailey  
**Commenter Affiliation:** City of Coronado, Office of the Mayor  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0011-A1  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

Throughout the Draft PEIS, EPA and IBWC acknowledge potential environmental impacts from the projects. It is important to review and acknowledge these impacts. However, the impact of not addressing the transboundary pollution that these projects will help remedy is far worse than the impacts of the projects themselves. The City urges EPA and IBWC to act with all possible expediency to complete these projects.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Surfrider Foundation appreciates the U.S. Environmental Protection Agency's ("EPA") and the U.S. International Boundary and Water Commission's ("USIBWC") efforts in addressing contaminated transboundary flows that cause adverse public health and environmental impacts to the Tijuana River Valley watershed and helping to find a solution to the coastal border water quality crisis.

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**Commenter Name:** David W. Gibson et al.  
**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1  
**Comment Excerpt Number:** 33  
**Flag Excerpt as Containing Submitted Info:**

The undersigned individuals would like to thank EPA and USIBWC for working with the Federal, State, and local stakeholders in the Eligible Public Entities Coordinating Group (EPECG) to identify the set of project options to be considered for evaluation. Resources appropriated and leveraged by the USMCA Implementation Act will be transformative for communities and wildlife within and nearby the Tijuana River border region.

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**Commenter Name:** Angela Howe  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0296  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Thank you for the hard work towards water quality improvements

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**Response from the United States Environmental Protection Agency (EPA) and the United States Section of the International Boundary and Water Commission (USIBWC):**

- EPA and USIBWC appreciate the comments in support of the efforts to address transboundary flows. The Proposed Action would reduce transboundary flows from Tijuana that convey pollutants, sewage, and/or trash into the U.S. and cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas as
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described in Section 1.3 (Causes and Impacts of Contaminated Transboundary Flows from Tijuana) of the PEIS.

- EPA and USIBWC are working closely with other stakeholders to ensure that the projects are funded, designed, permitted, and implemented as soon as possible. See the response to Code 8 regarding the ongoing efforts to secure additional funding.
- EPA and USIBWC agree with commenters that the long-term adverse environmental and public health impacts of continued transboundary pollution (if no action is taken) would be worse than the impacts of implementing these projects. If EPA and USIBWC do not implement the Proposed Action, the impacts described in Section 1.3 of the PEIS would persist unabated and would worsen over time as wastewater infrastructure in Tijuana continues to deteriorate and the population continues to grow without access to adequate wastewater treatment infrastructure. EPA and USIBWC acknowledge that implementation of the Proposed Action would result in adverse environmental impacts during construction and operation of the proposed infrastructure, as described throughout Section 4 of the PEIS. However, impacts would be mitigated as described in Section 5 of the PEIS and would be limited to a relatively small geographic area, as compared to the expansive areas throughout the Tijuana River Valley and southern San Diego County beaches that are impacted by contaminated transboundary flows. In addition, all construction-related impacts would be temporary and would cease upon completion of the new infrastructure.

## CODE 1B. SUPPORT THE PROPOSED ACTION (SPECIFIC ALTERNATIVE)

### Summary of Comments:

- Commenters support the comprehensive Alternative 2, which should be reviewed, funded, and implemented as soon as possible.
- While Alternative 1 is a logical start, Alternative 2 will be most effective at addressing water quality, trash, public health, climate change, and environmental justice concerns.
- Components of Alternative 2 are critical to achieving the waste load reductions in the draft Total Maximum Daily Loads (TMDLs) for Bacterial Indicators and Trash.
- Alternative 1 should support continued investments to expand the Tijuana and Tecate water purveyance and wastewater collection systems and develop effective recycled water reuse options, including potable reuse.
- The No-Action Alternative does not meet the purpose and need for action.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue

**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 3

**Flag Excerpt as Containing Submitted Info:** Information

In July 2018, after Surfrider Foundation’s San Diego Chapter had already engaged in a decades long “No Border Sewage” and “Clean Border Water Now” campaign, Surfrider filed a lawsuit against the USIBWC for its Clean Water Act violations affecting the waters of the U.S.-Mexico border region, including the coast off Imperial Beach and Coronado, California. Surfrider’s lawsuit sought to protect the surfing, swimming, and other recreational resources of the San Diego coast, defend threatened species and habitats, reduce trash pollution, and ensure clean coastal waters. Surfrider’s lawsuit sought to compel wastewater infrastructure upgrades for the Tijuana River Valley, including those that improve interception and diversion of solid waste, wastewater collection and treatment, and water quality monitoring (with timely public notification of pollution). The lawsuit settled on the merits in April 2022 with a settlement agreement requiring many improvements for water quality designed to complement the USMCA<sup>1</sup> Comprehensive Infrastructure Solution. Surfrider is committed to seeing the full Comprehensive Infrastructure Solution implemented by EPA and USIBWC and will continue to advocate for full watershed protection so that our members and the public can enjoy this treasured coastal area.

<sup>1</sup> USMCA section 821 mandates EPA, in coordination with eligible public entities, to carry out the planning, design, construction, operation and maintenance of high priority treatment works for solutions to pollution coming across the border from Mexico.

**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue

**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 6

**Flag Excerpt as Containing Submitted Info:**

### **No Action Alternative is not a Realistic Alternative Considering Project Need and History of Litigation.**

The “no action alternative” is a non-starter, as it would do nothing to address the border pollution crisis. Local, state and federal governmental entities, including U.S. Congress, have acknowledged that the extent of pollution in this area is untenable and have committed to action on the issue. Surfrider Foundation appreciates that the EPA admitted, during the July 20, 2022 USMCA Public Comment Meeting on the Draft PEIS, that the No Action Alternative does not meet the purpose and need of the project but merely serves as a baseline.

### **Surfrider Foundation Strongly Advocates for Alternative 2 Comprehensive Solution**

In order to address the egregious water pollution in the Tijuana River Valley that has plagued the watershed for decades and spurred a round of three Clean Water Act litigation cases in 2018, including the Surfrider Foundation case mentioned above, the EPA and USIBWC must commit to implementation of the Alternative 2 Comprehensive Solution evaluated in the draft PEIS. The Alternative 1 would merely implement core projects and would exclude the trash booms, increased diversion rates, effluent reuse and coastal sewage treatment components needed to more comprehensively address the ongoing water quality violations. The Alternative 2 Comprehensive Solution is necessary to more effectively address Clean Water Act violations and abate occurrences of polluted transboundary flows. In fact, as acknowledged by EPA, Alternative 1 would only address 56% of transboundary flows while Alternative 2 is projected to address 76% of transboundary flows and lead to a 95% reduction in summer beach closures.

On November 8, 2021, the EPA announced its intention to move forward on a bold solution to address transboundary water pollution. The EPA chose the Comprehensive Infrastructure Solution (“CIS”) Alternative I-2 after substantial analysis and public input. The CIS combined several individual projects that together will reduce sewage in canyon flows, sewage discharged to the coast, and wastewater in the Tijuana River. The revealed project included a 35 million gallons per day (“MGD”) expansion of the existing South Bay International Wastewater Treatment Plant and a new 60 MGD primary treatment plant, both on the U.S. side of the border. It included plans to improve canyon collector functions, allow for water reuse and improve capture of polluted water south of the border, and protection of coastal waters through upgraded treatment at the Punta Bandera coastal outfall on the Mexican coastline. The EPA plan reported that it expected to reduce the amount of beach closures due to water quality impairment by 95% in the summer, which is of the utmost importance to residents and visitors of south San Diego County beaches. The new sewage capacity was designed to accommodate population growth until 2050. The plan was also designed to provide the U.S. more oversight to treat wastewater and ensure sewage stays out of the river and ocean. Surfrider was pleased to see the CIS closely reflect the stakeholder solutions that the San Diego Chapter worked hard to develop over several years of active monitoring, analysis and engagement with agencies and communities. The EPA’s CIS Alternative I-2 most closely resembles the draft PEIS Alternative 2, including core projects and supplemental projects, with Project A:

Expanded ITP at the Option 3 60MGD level. Surfrider Foundation strongly advocates that EPA maintain its commitment under the USMCA Mitigation of Contaminated Transboundary Flows process and pursue the strongest project evaluated in the draft PEIS.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 10  
**Flag Excerpt as Containing Submitted Info:** Information

*Climate Change Concerns Demand Comprehensive Action*

Climate change impacts may come in many forms. Some of the most notable impacts that can affect the mitigation of transboundary pollution include sea level rise, flash floods, sedimentation, increased drought, and ocean acidification. Sea level rise is affecting coastal communities throughout the region; sea level rise can diminish sand supply, narrow beaches, degrade essential sewage infrastructure and adversely affect beach access opportunities. This is especially true in the case of Imperial Beach, a low-lying city that is highly susceptible to sea level rise impacts. If sediment from the Tijuana River was no longer contaminated with untreated sewage, chemical waste, and trash, it could increase the City's sea level rise resilience by providing an important source of natural beach sand replenishment to the Imperial Beach shoreline. Sadly, this cannot occur at present due to legitimate concerns over contamination. Increased sand supply to the Imperial Beach coastline would also provide additional resilience to the Tijuana River Estuary, Southern California's largest remaining coastal wetland. With water quality impacts leading to loss of opportunity for beach recreation, the reduced beach access due to sea level rise will exacerbate the concern.

Coastal estuaries, such as the Tijuana River Estuary, are important to sequester and store carbon in battling climate change. The Tijuana River Estuary, including the tidal salt marsh and wetlands, is influenced by sediment flow, wave action and tidal shifts. The Estuary contains riparian habitat and is very significant ecologically, as well as acting as an important buffer against sea level rise and habitat loss from climate change. The ecological function and climate change abatement ability of the Tijuana River Estuary will be most protected through the Alternative 2 Core + Supplemental Projects that will reduce contaminated transboundary flows most effectively.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 14  
**Flag Excerpt as Containing Submitted Info:** Information

**Environmental Justice Will Be Best Served with Alternative 2 Comprehensive Solution**

Surfrider Foundation is committed to the protection and enjoyment of coastal resources for *all people*. As noted above, NEPA requires federal agencies to consider environmental justice in their activities. EPA must strive to ensure EJ issues are adequately considered when there is federal agency action that may involve environmental impacts on minority populations, low-income populations, and/or indigenous communities. The EPA also has an environmental justice mandate: “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies” (EPA, 2021c). Within California law, environmental justice is called for in municipal planning efforts, including the mandate to cities and counties to identify “disadvantaged communities” and include EJ goals when updating their general plans. Cal. Gov. Code Sec. 65302) The California Governor’s Office of Planning and Research (OPR) released recommendations on how to define disadvantaged communities, which provides potential connections for these “environmental Justice requirements to be included in an agency’s CEQA compliance. Additionally, the U.S.-Mexico-Canada Agreement itself indicates a priority for environmental justice, stating “The Parties recognize that the environment plays an important role in the economic, social, and cultural well-being of indigenous peoples and local communities, and acknowledge the importance of engaging with these groups in the long-term conservation of the environment.” (USMCA article 24:2(4)).

In the Tijuana River Valley and adjacent communities, there are ongoing environmental justice concerns, especially in San Ysidro, Nestor, and Imperial Beach, regarding trash accumulation and unsanitary conditions in the Valley. There is also a concern amongst environmental justice communities regarding pollution that has become airborne as well with aerosolized pathogens and irritants, which should be accounted for, as well. The City of Imperial Beach is a majority-minority community, with 68% of the population reporting as non-white and 51% hispanic. (PEIS at 3-90). The South San Diego County border region is also home to residents with lower income than the County as a whole, who face greater health disparities, and who experience inequities in access to parks and healthy outdoor spaces. Environmental justice demands that these communities receive fair treatment and meaningful involvement in the enforcement of environmental laws. While the build out and implementation of the projects may have some temporary and/or negative environmental effects, the Alternative 2 Core + Supplemental Projects is designed to remedy a grave and long-standing environmental injustice with the chronic pollution of these environmental justice communities through contaminated transborder waterflows. In fact, the enforcement of the Clean Water Act is the exact desire evinced by the Cities of Imperial Beach and Chula Vista in filing suit against USIBWC in February 2018. The USMCA’s Comprehensive Infrastructure Solution (most closely resembling Alternative 2 in the current PEIS) was designed to address those water quality violations and bring clean water back to the border communities.

### **Funding is Available from Several Sources**

In addition to the United States-Mexico-Canada Agreement mandate to address transboundary pollution at the U.S./Mexico border, the United States Congress also indicated that the issue is a priority for the nation through allocating funding of \$300 Million in the USMCA Implementation Act. The U.S. Congress then appropriated \$300 Million to support border water infrastructure projects along the US-Mexico Border The Border Water Infrastructure Grant Program (“BWIP”) has also received \$32 Million in funding for Fiscal Year 2022. This is an increase of \$2 Million and Surfrider Foundation continues to advocate for increased funding levels.

Additionally, state and even local funds have become available to address the complex and longstanding environmental issue. The California Legislature has allocated \$35 Million for border water quality improvement projects and is considering an additional \$100 Million in the current legislative session. The promising funding levels and commitments by various governmental bodies, in addition to any cost sharing agreements with Mexico, should indicate to EPA and IBWC that the full comprehensive solution is justified and fundable, especially with community buy-in and support. This indicates the need to select and pursue Alternative 2: Core + Supplemental Projects.

We appreciate your consideration of these comments regarding the forthcoming EIS for the USMCA Mitigation of Contaminated Transboundary Flows project and EPA's efforts to address the significant pollution affecting the U.S.-Mexico border region. Again, we emphasize that in order to address the immense, decades-long issue of contaminated cross-border pollution that both "core" and "supplemental" projects are necessary to more comprehensively address extent of pollution in Tijuana River Valley Watershed; **we ask that EPA and IBWC take action as quickly and comprehensively as possible to implement Alternative 2: Core + Supplemental Projects.**

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 4

**Flag Excerpt as Containing Submitted Info:**

The implementation of the **Alternative 1: Core Projects** should support continued investments by the Comisión Estatal de Servicios Públicos de Tijuana, (CESPT), US EPA, and the North American Development Bank (NADBank) to expand the water purveyance system and wastewater collection system to serve all of Tijuana and Tecate as well as develop effective recycled water reuse, including potable reuse. In particular, these efforts should be focused on ending discharges of raw sewage to storm water systems and rivers and creeks from underserved areas and reduce or prevent sanitary sewer overflows and minimize non storm flows in the Tijuana River and Canyon Tributaries.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 12

**Flag Excerpt as Containing Submitted Info:** Information

Although significant improvements in water quality in the coastal and Tijuana River Valley waters are anticipated with completion of the projects in the **Alternative 1: Core Projects**, which we fully support, significant waste loads and problematic pollution risks to human and environmental health will remain if the full range of projects previously considered in the “Holistic Alternative I-2” presented to the EPECG are not fully realized. Pursuant to the requirements of section 303(d) of the Clean Water Act, the San Diego Regional Water Quality Control Board (San Diego Water Board) is drafting Total Maximum Daily Loads (TMDLs) for Bacterial Indicators and Trash to address the decades long impairment of the Tijuana River and Estuary. The draft TMDLs consider key components of the “Holistic” Alternative I-2 as it was described in the EPECG process as critical to achieving the waste load reductions essential to restore and thereafter maintain the chemical, physical, and biological integrity of the Tijuana River and Estuary. It should also be noted that, as very well described in the Draft PEIS, there have been very serious impacts to Environmental Justice Communities that will continue unabated if the **Alternative 2: Supplemental Projects E-J** are not fully implemented. Indeed, it was at the urging of representatives of these communities at the Environmental Justice Town Hall Meeting the San Diego Water Board in held in South Bay in June 2017 that these TMDLs were identified as a critical priority of the 2018 Triennial Review of the San Diego Water Board Basin Plan.

For those reasons, we most strongly support **Alternative 2: Core Projects A-D plus Supplemental Projects E-J**. While we recognize the imperative to move forward with existing funding and achieve the clear benefits of the **Alternative 1: Core Projects**, we nonetheless strongly urge EPA to work with its partners in Mexico to seek additional funding, direct existing funding, and continue to develop and implement each of the **Alternative 2: Supplemental Projects** as quickly as possible.

### **Alternative 1: Core Projects**

With the USMCA funding that is available the **Alternative 1: Core Projects** of the Draft PEIS are a logical start and will address human health risks associated with inadequate sewage collection and treatment in the metropolitan Tijuana area with existing funding in the shortest time practicable. These projects will address some of the transboundary flows of sewage and industrial wastes in the Tijuana River and its tributaries as well as reduce or eliminate the onshore discharge at Punta Bandera of raw or partially treated sewage and diverted river flows.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 13

**Flag Excerpt as Containing Submitted Info:** Information

### **Alternative 2: Core Projects and Supplemental Projects**

The undersigned agencies and organizations strongly support the continued study and development in the Tier 2 of the Draft PEIS of the **Alternative 2: Supplemental Projects E-J** as rapidly as resources in Mexico and the US can support. The opportunity afforded EPA and its

partners agencies in Mexico at this time is transformative and an investment in the future of our shared ecology, economy, communities, and resources of the Tijuana River watershed. It should be noted in the Draft PEIS that the California Legislature has already allocated \$35 million for border water quality improvement projects. A unique opportunity for federal-state-local agency partnership is developing that could help ensure the fullest success of the projects being studied in the Draft PEIS and identified for subsequent analysis in the Tiered approach described. We strongly encourage EPA and IBWC to work with the state and federal agencies to fully complete the **Alternative 2: Supplemental Projects**.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 27

**Flag Excerpt as Containing Submitted Info:**

Finally, as stated above, without full implementation of these projects, much of the long-standing community, ecosystem, public health, and Environmental Justice impacts to the Tijuana River Valley and Estuary will continue unabated.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 29

**Flag Excerpt as Containing Submitted Info:**

### **Recommendation**

The transformative opportunity of the Proposed Action being studied in the Draft PEIS is critical to restoring and protecting water quality and ensuring a safe, reliable supply of recycled water for the future needs of Tijuana. For all the foregoing reasons, we strongly support moving forward with **Alternative 2: Core Projects plus Supplemental Projects** as described in the Draft PEIS with consideration of the above embedded recommendations as quickly as funding and additional studies will allow. Continued coordination with state and local agencies are critical to the success of these efforts in Mexico and the US and should be a cornerstone of the Final PEIS and subsequent environmental analysis especially for the **Alternative 2: Supplemental Projects**.

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**Commenter Name:** David Gibson  
**Commenter Affiliation:** San Diego Regional Water Quality Control Board  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0301  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

We appreciate and understand the two-tiered system but really emphasize that the second tier projects are going to be important if we're going to truly address the full range of environmental impacts from the cross border flows, and we look forward to the opportunity to work together with U.S. EPA, the International Boundary and Water Commission, and other agencies on source control in Mexico, where those are practical and achievable, as well as the treatment and conveyance.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

### General Comments

The County appreciates the efforts that the United States Environmental Protection Agency (U.S. EPA) has made related to the USMCA Project and continues to support the proposed Comprehensive Infrastructure Solution, which includes the “Core Projects” (Projects A-D) and “Supplemental Projects” (Projects E-J) identified in the Draft Programmatic Environmental Impact Statement (PEIS). The projects identified in the Comprehensive Infrastructure Solution are required to improve water quality and address public health issues in the Tijuana River Valley, and therefore should be implemented as soon as reasonably possible. These projects alone will not be sufficient to address all issues that arise related to transboundary flows; however, the County recognizes that significant water quality and public health benefits could be achieved by implementing the Comprehensive Infrastructure Solution.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

Currently, the Draft PEIS does not include a full environmental analysis for the six projects identified as “Supplemental Projects.” The Draft PEIS states that subsequent analysis pursuant to the National Environmental Policy Act (NEPA) will be required to move these projects forward. The County urges the U.S. EPA to complete the subsequent NEPA analysis as soon as possible so that these projects can begin to move forward toward design and construction.

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**Commenter Name:** Richard Bailey  
**Commenter Affiliation:** City of Coronado, Office of the Mayor  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0011-A1  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

The Draft PEIS discusses three possible actions: Alternative 1, Alternative 2, and a no action alternative. The City strongly supports Alternative 2. It is a comprehensive solution that incorporates the “Core” projects considered in Alternative 1 and builds on those projects to help ensure that pollution from Mexico will be reduced.

These additional projects, identified in the Draft PEIS as Projects E, F, G, H, I, and J, will include necessary infrastructure in the United States and Mexico that will help eliminate dry weather flows into the Tijuana River, and ocean pollution caused by the existing San Antonio de los Buenos Wastewater Treatment Plant (“SABTP”). DRAFT PEIS, PG. 2-33. These projects will have the greatest impact during summer months, a time when the number of people using the beaches in San Diego County is at its highest.

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**Commenter Name:** Richard Bailey  
**Commenter Affiliation:** City of Coronado, Office of the Mayor  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0011-A1  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

In conclusion, the City of Coronado strongly supports Alternative 2 as proposed in the Draft PEIS. Without this approach, the transboundary pollution will not be comprehensively addressed and a long-term solution is necessary.

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**Commenter Name:** Nora Vargas  
**Commenter Affiliation:** San Diego County Board of Supervisors  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

The Draft PEIS for the USMCA Mitigation of Contaminated Transboundary Flows Project reviews two different alternatives. I strongly support Alternative 2 the proposed comprehensive infrastructure solution with the “Core Projects” (Projects A-D) and “Supplemental Projects” (Projects E-J). It is critical that the US.EPA and IBWC complete the full environmental analysis for all the identified supplemental projects and allocate the appropriate funding to proceed with this comprehensive infrastructure solution. I strongly urge a full environmental analysis for the

supplemental projects to happen as soon as possible and is not delayed to future years. The proposed comprehensive infrastructure solution is an overdue investment, and this project will help to start address the transboundary flows.

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**Commenter Name:** Nora Vargas  
**Commenter Affiliation:** San Diego County Board of Supervisors  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1  
**Comment Excerpt Number:** 5  
**Flag Excerpt as Containing Submitted Info:**

While there have been significant investments to improve water quality, including \$300 million through the United States-Mexico-Canada Agreement (USMCA) for the Tijuana River Valley improvement projects, we still need to secure additional funding to complete the EPA's selection of the comprehensive infrastructure solution. This funding is vital to help eradicate cross-border pollution in our region. I am committed to continue my advocacy and partnership with our state, federal, and binational partners.

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 10  
**Flag Excerpt as Containing Submitted Info:**

This letter has responded to the impacts related to the Alternative 1: Core Projects as described in Section 2.4 of the of the Draft Programmatic Environmental Impact Statement. But we would like to state we support the additional remedies in Section 2.4.2, Supplemental Projects in Alternative 2, Project G: **New SABTP**, Project H: **Tijuana WWTP Treated Effluent Reuse**, and Project J: **Trash Boom(s)**. We have supported these from the Projects and Sub-project's EPA's Initial Set of 10 Projects. We hope that funding and binational agreements will allow them to be included in a comprehensive solution to address transboundary flows.

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**Commenter Name:** Courtney Baltiyskyy  
**Commenter Affiliation:** YMCA of San Diego County  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0009  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

The implementation of the proposed projects in the Comprehensive Infrastructure Solutions for mitigating transborder water pollution will support greater, consistent access for water-related

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programs at YMCA Camp SURF while helping to keep generations of community members and San Diego County visitors safe.

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**Commenter Name:** Sonia Diaz  
**Commenter Affiliation:** Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0303  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

And as an organization, we would support the most comprehensive solution and stand in solidarity with other environmental nonprofit organizations like Surfrider and Coast Keeper that have been very active in these issues.

And we just want to ensure that the public's health is protected. And that you know, also this plan will address the trash pollution issue. And that it looks like only the alternative two with the supplemental projects would address that. So just want to make sure that that is also addressed in addition to the water quality benefits that this alternative will provide.

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**Commenter Name:** Jean Seager  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0002  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

I support Alternative 2. The more we can do to solve this problem, the better. In this day and age, we know how to keep the sewage out of our beaches. It should be a high priority to do so.

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#### **Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Alternatives 1 and 2. Both of these alternatives of the Proposed Action would reduce transboundary flows from Tijuana that convey pollutants, sewage, and/or trash into the U.S. and cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas as described in Section 1.3 (Causes and Impacts of Contaminated Transboundary Flows from Tijuana) of the PEIS.
  - EPA and USIBWC agree that Alternative 2 is the preferred alternative to pursue a holistic water infrastructure strategy to address the broad extent of the transboundary contamination in the San Diego region. Section 2.6 (Identification of Preferred Alternative and Environmentally Preferable Alternative) of the Final PEIS has been revised to explain the selection of Alternative 2 as the preferred alternative.
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- *Water quality and public health:* Alternative 2 would further reduce transboundary flows and pollutant loadings in the Tijuana River. For example, and as stated in Section 4.1 (Freshwater and Estuarine Resources) of the Final PEIS, implementation of Alternative 1 would reduce the frequency of transboundary river flows by 56 percent and reduce transboundary BOD<sub>5</sub> loads<sup>1</sup> in the Tijuana River by 66 percent. Alternative 2 would reduce these by 76 percent and 87 percent, respectively. Full implementation of Alternative 2 would therefore be more effective than Alternative 1 in helping alleviate impaired water listings for the Tijuana River and the Tijuana River Estuary. Additionally, as described in Section 4.2 (Marine Waters) in the Final PEIS, EPA and USIBWC estimate that full implementation of Alternative 1 would reduce tourist (dry) season beach impacts in southern San Diego County<sup>2</sup> by 73 to 92 percent. Implementation of Alternative 2 would nearly eliminate these impacts, reducing them by more than 99 percent. Alternative 2 would therefore result in a further reduction of public health impacts from contaminated transboundary marine flows.
  - *Trash:* While Alternative 1 does not include any projects that specifically target trash, Alternative 2 includes Project J (Trash Boom[s]), which would capture floatable trash in the main channel of the Tijuana River and would reduce trash and debris deposits in the Tijuana River Valley. As described in Section 4.13 (Solid and Hazardous Waste) of the Final PEIS, EPA and USIBWC estimate that the trash boom(s) in Project J would trap 75 percent of the trash load in the main channel, or in other words, capture 11,300 cubic yards of trash annually.
  - *Climate change:* Alternative 2 would provide potential water reuse opportunities under Projects H (Tijuana WWTP Treated Effluent Reuse) and I (ITP Treated Effluent Reuse) to help reduce competition for increasingly scarce water resources. Alternative 1 alone does not include projects for treated effluent reuse. See Section 4.12 (Climate) of the PEIS for more information on the climate impacts of Alternatives 1 and 2.
  - *Environmental Justice:* Under current conditions, many communities in the Tijuana River Valley (including minority [people of color] and, to a lesser extent, low-income populations) experience extremely high burdens for several environmental justice indicators, including but not limited to proximity to wastewater discharges and impaired water bodies. While Alternative 1 would reduce some of these burdens by reducing contaminated transboundary river flows, Alternative 2 would more effectively address these burdens by reducing contaminated flows even further and also reducing trash. See Section 4.20 (Environmental Justice) of the PEIS for additional information.
- See the response to Code 8 regarding the ongoing efforts to secure additional funding. Section 2.2 (Proposed Action and Range of Alternatives Evaluated in This PEIS) of the Final PEIS has been expanded to include additional content regarding potential funding sources.

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<sup>1</sup> BOD<sub>5</sub>, or the biochemical oxygen demand over a five-day period, is an indicator of the amount of organic pollution in wastewater.

<sup>2</sup> Here, “beach impacts” refers to Beach Impact Fraction (BIF), which represents impacts resulting from exposure to norovirus pathogens in untreated wastewater discharges. EPA and USIBWC estimated tourist (dry) season BIF by interpolating the results of a 2021 modeling study by the Scripps Institution of Oceanography. See Section 4.2 (Marine Waters) and Appendix K (Interpolation of Modeled Beach Impacts) of the Final PEIS for more information on these methods and results.

- EPA and USIBWC are working closely with stakeholders to ensure the projects are funded, designed, permitted, and implemented as soon as possible. For Supplemental Projects that would receive U.S. funding, EPA and USIBWC intend to complete environmental reviews (e.g., tiered National Environmental Policy Act [NEPA] documents) as soon as possible.
- EPA and USIBWC agree that the No-Action Alternative does not meet the purpose and need for action, although this should not be characterized as an “admission.”
- EPA and USIBWC agree that reducing contamination levels in sediment from the Tijuana River could increase the potential for suitable reuse of extracted sediment. Section 4.1 (Freshwater and Estuarine Resources) of the Final PEIS has been revised to acknowledge this potential benefit.
- See the response to Code 9 regarding why the scope of the Proposed Action does not include expanding the sewer system to unsewered communities in Tijuana.

## CODE 2. AGAINST THE PROPOSED ACTION

### Summary of Comments:

- Commenters do not support any increase in discharge of treated effluent off the coast of Imperial Beach.
- Commenters oppose “this plan to put more Mexican sewage and toxic chemical contamination on the resident stakeholders’ doorstep[s].”
- The Proposed Action would spend a disproportionately large amount of funding to protect and improve Mexico's sewage system.
- The U.S. government should put more pressure on Mexico to build better infrastructure.
- The Proposed Action would allow more pollution to enter the United States via the Alamar River.
- The Proposed Action would not restore the Tijuana River to a single channel or restore its natural ecology.
- The Proposed Action would result in unsafe conditions and does not address the source of water pollution.
- The Proposed Action would reduce and pollute the U.S. groundwater supply.
- The PEIS ignores and excludes local landowners’ complaints about flooding and fails to address historical environmental injustices.

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**Commenter Name:** Leon Benham

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0001

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

The coastline at Imperial Beach Pier and Border Field State Park have averaged 66 and 170 closure days per year since 2003, respectively. Since 2019 those beach closure days have risen to average of 262 beach closure days. This is with the current rate of dumping of Mexican sewage at 25,000,000 million gallons a day (MGD). The USMCA Comprehensive plan is a false alarm promise because it claims that a cleaner ocean will happen if they are allowed to dump more sewage off Imperial Beach. If fully developed this plan would dump up to 120,000,000 (MGD). This pollution increase to our ocean is completely unacceptable to residents, beach users, surfers, and fisherman. By signing this petition, I hereby communicate to the EPA and all Public Officials my opposition to ANY increase in additional processed sewage being dumped off Imperial Beach.

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**Commenter Name:** Leon Benham  
**Commenter Affiliation:** Citizens for Coastal Conservancy (C4CC)  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0003  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

As now outlined the Draft Programmatic EIS USMCA Mitigation of Contaminated Transboundary Flows Project ignores local stakeholders who will see an increase of 300% of sewage off our coastline which will add pollution ocean waters, more standing sewage in the TRV Valley and the smell that comes along with it.

I am opposed to the Draft Programmatic EIS USMCA Mitigation of Contaminated Transboundary Flows Project as now written because it is not a comprehensive plan. This Draft EIS proposes to spend a disproportionately large amount of funding to protect and improve Mexico's sewage system and promotes more pollution to enter the United States via the Rio Alomar River and no funding is allocated to restore the Tijuana River to a single channel or to restore its natural ecology.

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** Stop the Poop  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

I HELD A PRESS CONFERENCE IN JULY, 2020 IN "SOLIDARITY" WITH THE RESIDENTS OF CORAL GATE. THE COMMUNITY OF CORAL GATE CALLED OUT THE SURFRIDER FOUNDATRION AS LIARS, FOR SURFRIDER HAD FALSELY CLAIMED THEY HAD ENGAGED CORAL GATE RESIDENTS ON THIS PROPOSED PLAN, AND THAT THE CORAL GATE COMMUNITY WAS COOL WITH THIS PLAN. THEY ARE NOT. CORAL GATE ALSO WENT ON RECORD THAT THEY WERE IN DEFRIANT OPPOSITION TO THIS AND ANY OTHER PLAN THAT PUTS MORE RAW SEWAGE AND TOXIC CHEMICAL CONTAMINATION ON THEIR DOORSTEP.

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** Stop the Poop  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004  
**Comment Excerpt Number:** 5  
**Flag Excerpt as Containing Submitted Info:**

I AM NOW COMPELLED DUE TO THE ADMONISHMENT OF THE NGO'S, THE POWERS THAT BE, AND ALL OF THEIR COHORTS IN THE BACKROOM-BACKDOOR DEALINGS THAT ARE TO THE DETRIMENT OF THE RESIDENT STAKEHOLDERS, TO LAUNCH A DOOR-TO-DOOR CAMPAIGN OF A RENEWED DEFIANT OPPOSITION TO THIS PLAN OF MORE MEXICAN SEWAGE AND TOXIC CHEMICAL CONTAMINATION ON THE RESIDENT STAKEHOLDERS DOORSTEP.

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NEEDLESS TO SAY, WE ARE ENRAGED AT THE VERY NOTION THAT THE PEOPLE WHO BROUGHT US TO THESE HORRIFIC AND EPIC PROPORTIONS OF CRISIS ARE CLAIMING TO BE THE ONES TO LEAD US OUT. THEY STAND TO GAIN SUBSTANTIALLY IN FINANCE IF THIS IS TO BE SEEN THROUGH. FINANCE IS WHAT THEY EXIST ON. WE ASK NOBODY FOR A PENNY. WE ARE PREPARED TO FIGHT HOWEVER, WHENEVER, WHERE EVER IS NECESSARY TO PRESERVE OUR WAY OF LIFE HERE IN THE SOUTH BAY.

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**Commenter Name:** Audrey Juarez  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0029  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

PETITION: Opposing USMCA Comprehensive Plan- Stop the Sewage Dump The USMCA Comprehensive Plan will set in place the infrastructure to permanently pollute our public beaches from the border to Coronado. It will also place retention ponds of Mexico's sewage next to our San Ysidro homes in the United States.

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**Commenter Name:** Audrey Juarez  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0029  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

The USMCA Comprehensive plan is a false promise because it claims that a cleaner ocean will happen if they are allowed to dump more sewage off Imperial Beach. If fully developed this plan would dump up to 100,000,000 (MGD) peak out flow.

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**Commenter Name:** Jay Talbert  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0060  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Utilize the money to build a facility that cleans the waste water Not dump it in the United States or in the ocean.

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**Commenter Name:** Alaina Lipp  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0224  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

This condition would make it unsafe for me to take my children swimming at the beach where we've been going for generations and the proposed program doesn't do enough to address the sources of water pollution off of the coast of Imperial Beach.

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**Commenter Name:** Eric Langdon  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0236  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

I'd like to go on record as being against USMCA plan. You folks that are politicians should be pressuring Washington, who in turn should be pressuring México to build better infrastructure and state of the art sewage treatment centers.

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

As a stakeholder and resident of the Corral Gate Community **I am opposed** to the Draft Programmatic USMCA Mitigation of Contaminated Transboundary Flows Project Supplemental Plan. The Environmental Impact Statement (PEIS) completely ignores and excludes local land owners complaints concerning flooding and fails to identify, document or correct these **ENVIRONMENTAL INJUSTICES** which have occurred to the Tijuana River Valley property owners over the last 75 years.

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

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I opposed the EPA (PEIS) plan as it **will increase of processed sewage dumped off our coastline** by 300%. This will add more pollution to United States ocean waters and beaches. At current levels right now, we currently have 252 days of beach closures per year average since 2017.

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1  
**Comment Excerpt Number:** 6  
**Flag Excerpt as Containing Submitted Info:**

I opposed the basis of design in the USMCA Mitigation of Contaminated Transboundary Flows Project to spend a disproportionately large amount of funding to improve Mexico's water supply while at the same time it will takes away and increases pollution of United States **Ground Water Supply**.

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1  
**Comment Excerpt Number:** 8  
**Flag Excerpt as Containing Submitted Info:**

**I am opposed to the supplemental plan.**

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**Commenter Name:** Mark Williams  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0285  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Additionally, I opposed the USMCA Mitigation of Contaminated Transboundary Flows Project because instead of using the \$300 million to reduce the impacts of cross boundary sewage this plan spends almost the entire amount of funding to improve Mexico's water supply system. This plan will add pollution to the Tijuana River Valley and increase sewage our ocean environment by 300%.

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**Commenter Name:** Steve Futterman  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0290-A1

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**Comment Excerpt Number: 1**  
**Flag Excerpt as Containing Submitted Info:**

Additionally, I opposed the basis of design in the USMCA Mitigation of Contaminated Transboundary Flows Project to spend a disproportionately the entire amount of funding to improve Mexico's water supply while at the same time dumping the wastewater off Imperial Beach. As I can only describe it as the use of a bait and switch practice by the EPA that this plan changed drastically since it was shown to the public in November 2021 and subsequent public meetings. Why has the EPA has allowed this this plan to be drastically modified from a depiction of recycling only as a future possibility, now has become the core part of this plan and this feature only benefits Mexico.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the commenters' input and time spent preparing and submitting these comments, but respectfully disagree as described in the following responses.
- As indicated throughout Section 4 of the PEIS—for example, in Sections 4.1 (Freshwater and Estuarine Resources), 4.2 (Marine Waters), and 4.16 (Public Health and Safety)—it is clear that treating sewage and contaminated river water coming from Tijuana will enhance protection of public health and the environment in both the U.S. and Mexico. As indicated in Section 1.2 (Existing Diversion and Treatment Infrastructure), population growth in Tijuana, and subsequent increases in wastewater, will happen regardless of whether the Proposed Action is implemented. EPA and USIBWC are proposing a set of projects to treat as much of the wastewater (i.e., sewage) and contaminated river water as possible. There are three primary sources of contamination to the Pacific Ocean that affect coastal waters in southern San Diego County: the Tijuana River, San Antonio de los Buenos (SAB) Creek, and the South Bay Ocean Outfall (SBOO). The first two sources contain both untreated wastewater and treated effluent. The SBOO only discharges treated effluent. Increasing the capacity of the South Bay International Wastewater Treatment Plant (ITP) and constructing a new treatment plant (the Advanced Primary Treatment Plant [APTP]) to treat water diverted from the Tijuana River would greatly reduce the discharges of untreated wastewater to the Pacific Ocean. Since both treatment plants would discharge to the Pacific Ocean via the SBOO, the discharge to the ocean from this one source would increase, but all of the effluent would be treated in compliance with applicable regulatory requirements. Overall, the implementation of the Proposed Action would result in a great reduction in the amount of contamination reaching coastal waters in the U.S. and Mexico. See the response to Code 11b for additional information regarding SBOO discharges.
- Several of the comments include statements suggesting that the Proposed Action would adversely affect coastal water quality. For example, some comments expressed concern that the Proposed Action would result in a “pollution increase to our ocean” and “an increase of 300 [percent] of sewage off our coastline” and “will set in place the infrastructure to permanently pollute our public beaches.” EPA and USIBWC find these statements to be inaccurate and present the following points to the contrary, as supported by the thorough analysis in the PEIS:

- By treating wastewater that would otherwise be discharged (untreated) to the ocean, the Proposed Action would result in a net *decrease* in pollutant loadings to the ocean. As described in Section 4.2 (Marine Waters) of the PEIS, under both Alternative 1 and Alternative 2, the estimated decreases in pollutant loadings to the Pacific Ocean via SAB Creek and the Tijuana River would far outweigh the estimated increases in loadings from discharge of treated effluent via the SBOO.
- As described in Section 4.2 of the PEIS, the Proposed Action would lead to significant reductions in water quality-driven human health impacts at regional beaches, as indicated by modeled norovirus levels. The PEIS demonstrates this by interpolating the results of a recent modeling study by the Scripps Institution of Oceanography, in which the authors modeled various shoreline norovirus concentrations to estimate the resulting BIF, or the fraction of time that the mean probability of swimmer illness exceeds 36 per 1,000.
- While SBOO discharges of treated effluent would increase, it would not be a four-fold (i.e., 300 percent) increase. As described in Section 4.2 of the PEIS, under full implementation of Alternative 2 including the 60-million gallons per day (MGD) expanded ITP and the 60-MGD APTP, the average daily flow rate would increase from approximately 28.8 MGD (current) to 62.5 MGD (initial operating conditions) to 86.6 MGD (by 2050) —a 201 percent increase over the course of more than 25 years. These projections also reflect current and estimated future discharges from the South Bay Water Reclamation Plant, which is not part of the Proposed Action.
- Several comments include statements suggesting that the Proposed Action would increase sewage contamination in the Tijuana River Valley. For example, some comments expressed concern that the Proposed Action would result in “more standing sewage in the [Tijuana River] Valley,” would “put more Mexican sewage and toxic chemical contamination on the resident stakeholders’ doorstep[s],” would “place retention ponds of Mexico’s sewage next to [their] San Ysidro homes,” and would cause “more pollution to enter the United States via the Rio Alomar River.” EPA and USIBWC find these statements to be inaccurate and present the following points to the contrary, as supported by the thorough analysis in the PEIS:
  - The Proposed Action would substantially reduce transboundary flows of raw wastewater (i.e., sewage) in the Tijuana River. As stated in Section 4.1 (Freshwater and Estuarine Resources) of the PEIS, implementation of Alternative 1 and Alternative 2 would decrease transboundary BOD<sub>5</sub> loads in the Tijuana River by 66 and 87 percent, respectively.
  - The Proposed Action does not include installation of retention ponds. During early stages of alternatives development, one project did include the option for an off-channel storage basin across the Tijuana River from the ITP site (Project 1, sub-project 2). That component was eliminated from detailed study in the PEIS and is not included in the Proposed Action. For more information, see Section 2.7.1 (Projects and Sub-projects from EPA’s Initial Set of 10 Projects) of the PEIS.
  - Construction and operation of Projects F (U.S.-side River Diversion to APTP) and J (Trash Boom[s]) could potentially lead to standing water in the immediate vicinity of the proposed infrastructure. This would be further studied in subsequent tiered NEPA analyses for the projects. The eventual planning and design processes for these projects would explore ways to mitigate this.

- Project C (Tijuana Sewer Repairs), specifically sub-project 5 under Project C (see Table 2-3 in the PEIS), would reduce leaks of untreated wastewater to the Alamar River. The Proposed Action would significantly improve diversion of contaminated transboundary Tijuana River flows (including the portions contributed by the Alamar River) to proper treatment facilities thus decreasing pollution that enters the U.S. from the Alamar River.
- The Proposed Action would not “spend a disproportionately large amount of funding to protect and improve Mexico’s sewage system.” The Proposed Action reflects a balance of projects in the U.S. and Mexico. Sizable investments in the U.S. will be needed to expand the ITP and to construct the new APTP to treat water diverted from the Tijuana River. While this treatment capacity in the U.S. is important, EPA and USIBWC believe that improving the reliability of the sewage infrastructure in Mexico is also important. Improving the sewage collection and conveyance infrastructure in Tijuana is necessary to ensure the sewage reaches the ITP for treatment. Constructing a new sewage treatment plant at the site of the existing San Antonio de los Buenos Wastewater Treatment Plant (SABTP) is also needed to reduce the contamination reaching the Pacific Ocean at SAB Creek. In accordance with recent binational agreements (Treaty Minute No. 328, signed on July 17, 2022), Mexico has agreed to pay for the new treatment plant at SAB and most of the costs of upgrading the Tijuana sewage collection and conveyance system, among other projects amounting to over \$140 million. See also the response to Code 8.
- Regarding the comment that EPA and USIBWC should “Utilize the money to build a facility that cleans the waste water”: The Proposed Action specifically accomplishes this by providing new/expanded wastewater treatment facilities at the ITP, SABTP, and new APTP.
- Regarding the comment that “no funding is allocated to restore the Tijuana River to a single channel or to restore its natural ecology”: As described in Section 2.7.2 (Alternatives Other Than the Comprehensive Infrastructure Solution) of the PEIS, EPA and USIBWC determined that remediating and restoring the Tijuana River Valley to its historical environmental conditions is not a reasonable alternative for this Proposed Action and thus eliminated it from detailed study. Specifically, this alternative would not meet the purpose and need for action (i.e., it would not reduce contaminated transboundary flows); would not be consistent with EPA’s authority to implement “high priority treatment works” pursuant to the United States-Mexico-Canada Agreement (USMCA) Implementation Act and “municipal drinking water and wastewater infrastructure project[s]” under the Border Water Infrastructure Program (BWIP); and would not provide a timely solution for addressing the impacts of contaminated transboundary flows.
- Regarding the comment that the Proposed Action “takes away [from] and increases pollution of United States Ground Water Supply”: Operations under the Proposed Action would not introduce a new demand for groundwater in the U.S. and would not impact U.S. drinking water resources. The Proposed Action would be expected to improve groundwater quality in the Tijuana Groundwater Basin due to the reduction of contaminated transboundary flows in the Tijuana River. For more information, see Section 4.1 of the PEIS.
- Regarding the comment that the Proposed Action has been “drastically modified from a depiction of recycling only as a future possibility, [and] now has become the core part of this plan and this feature only benefits Mexico”: The commenter appears to be referring to Project I (ITP Treated Effluent Reuse), which would convey a portion of the treated effluent from the ITP to Mexico for potential beneficial reuse in accordance with the terms of Treaty

Minute No. 283. This is one of six Supplemental Projects and not one of the four Core Projects. This project remains a “future possibility” and is not a “core part of this plan” to address contaminated transboundary flows. See the response to Code 10f for additional information.

- EPA and USIBWC note that none of comments opposing the Proposed Action include reasonable alternative proposals to address contaminated transboundary flows.
- Regarding the comment that the PEIS “completely ignores and excludes local land owners complaints concerning flooding and fails to identify, document or correct these ENVIRONMENTAL INJUSTICES which have occurred to the Tijuana River Valley property owners over the last 75 years”: See the response to Code 3 regarding the impacts of historical Tijuana River flooding events and historical “environmental injustices.” See the response to Code 4 regarding whether the Proposed Action is intended to address flooding.
- See the response to Code 4 regarding the need to address flooding caused by transboundary flows.
- See the response to Code 5 regarding binational political engagement at the federal level (i.e., “pressure” on Mexico from Congress).

## CODE 3. EXISTING CONDITIONS

### Summary of Comments:

- Comments reiterate the current conditions as described in the Draft PEIS regarding transboundary flows, water quality, beach closures, health risks, recreational and community programs, and climate change. These impacts will continue if action is not taken.
- Existing transboundary flows of sewage and trash are sources of environmental justice concerns. Tiered NEPA reviews should discuss emerging research regarding the impacts of aerosolized pathogens and irritants on local environmental justice communities.
- Implementation of new genetic-based testing in San Diego County in 2022 has resulted in a significant increase in beach closures and sewage warning days.
- The Tijuana River floodplain and wetlands provide important ecological services and should be protected.
- Transboundary flows have caused extensive flooding and contamination of trails.
- The Draft PEIS does not depict the correct path of the Tijuana River.
- The Draft PEIS should document the negative impacts that resulted from historical changes in the path of the Tijuana River.
- The Draft PEIS does not document the Environmental Justice history of the Tijuana River Valley including “use of targeted illegal ticketing of (historically minority) private [...] landowners, verbal harassment by public enforcement officials and the intentional flooding of private properties.”

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue

**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:** Information

Surfrider Foundation (or “Surfrider”) is a grassroots nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches, for all people, through a powerful activist network. Surfrider’s primary initiatives include protecting clean water, ocean protection, coastal preservation, public beach access, and reducing marine plastic pollution - initiatives that all come into play in addressing the significant pollution at the U.S-Mexico Border. Surfrider’s San Diego Chapter has thousands of members, many of whom swim, surf, and recreate along the coast of San Diego, including near the U.S.-Mexico Border. The Chapter is part of a nationwide network with over 500,000 supporters, activists and members.

Outdoor Outreach is a San Diego-based nonprofit that connects youth to the transformative power of the outdoors. The organization’s vision is an outdoors for all that inspires and sustains healthy and vibrant communities. Since 1999, Outdoor Outreach has provided opportunities for more than 17,000 young people to explore their world, cultivate belonging, and discover what they’re capable of. Outdoor Outreach prioritizes serving youth from communities historically impacted and marginalized by social and economic inequities, including those along the San Diego border region. The transborder pollution impacting beach water quality in Imperial Beach, Silver Strand and Coronado has had a direct impact on the organization’s ability to run programs for its youth participants. Between May and July, 2022, Outdoor Outreach has had to cancel or reschedule over 40 coastal recreational programs due to transborder pollution.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 5  
**Flag Excerpt as Containing Submitted Info:** Information, Analyses

#### **Current Baseline Conditions & Anticipated Future Conditions**

In 2021, the Tijuana Sloughs were closed 246 days, Imperial Beach was closed 71 days, Silver Strand 30 days, and the Coronado shoreline 2 days. With the implementation of new genetic-based testing in San Diego County in 2022, that is more sensitive to picking up signs of sewage and fecal contamination, we’ve already seen a significant increase in closure and sewage warning days. As of July 27th, the Tijuana Sloughs have been closed for the entirety of 2022 (206 days). Meanwhile, Imperial Beach has already been closed 102 days, Silver Strand 45 days, and Coronado 20 days.

Surfrider San Diego’s Blue Water Task Force volunteer water testing program, in collaboration with Mar Vista High School, tested water quality at the Imperial Beach Pier nine times at the end of this school year between April and May, 2022. Bacteria levels exceeded the beach action value used by the State of California to make management decisions to issue swim advisories and beach closures in 2 of the 9 samples collected by Surfrider. The San Diego Chapter has not been back out to sample any of the sampling sites within the Tijuana River Valley (or “TRV”) since the spring of 2021 out of concern for volunteer safety as nearly every sample collected showed bacteria levels that were 10-100 fold higher than acceptable water quality criteria for recreational waters. All Surfrider data are available for viewing at [BWTF.surfrider.org](http://BWTF.surfrider.org).

Water quality information generated by local health agencies and Surfrider volunteers clearly show that the beaches in South San Diego County do not support safe recreational use on far too many days every year, and the communities in this region continue to be impacted by cross-border sewage flows.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization

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**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 11

**Flag Excerpt as Containing Submitted Info:** Information

The project is situated on a 100 year floodplain and is significant for the prevention of flooding in the region. With climate change causing more frequent and severe coastal storms, EPA should prioritize protection of healthy wetland systems and resilient coastlines. Wetlands work like natural sponges to trap and slowly release surface water, rain, snowmelt, groundwater, and flood waters. Wetland vegetation slows the speed of flood waters and distributes them more slowly over the floodplain. Healthy wetlands are also an important player in beach erosion control by effectively dissipating wave energy.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue

**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 13

**Flag Excerpt as Containing Submitted Info:** Information

Climate change is reducing renewable water resources, as well as causing ocean warming and acidification that further challenge the conservation and management of coastal resources. Water quality impairments as a result of untreated sewage flows exacerbate global-scale threats to marine life and coastal communities. For instance, climate change-induced ocean warming, which when paired with elevated sedimentation and nutrient loading, can fuel harmful algal blooms, threatening human and marine health.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:**

For decades, pollution and contamination from transboundary flows have impacted the community health, economy, and ecosystems from San Ysidro and Imperial Beach to Coronado.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 25

**Flag Excerpt as Containing Submitted Info:** Information, Analyses

### Environmental Justice

We gratefully acknowledge the attention that EPA has placed on the issues of Environmental Justice impacts associated with the projects being studied in the Draft PEIS. The mitigation measures described are expected to mitigate the impacts as much as practicable. Residents and visitors to State and Regional Parks and the Federal Reserve have been disproportionately affected by the transboundary flows. It should be noted, as mentioned by speakers in the July 20, 2022, Stakeholder Meeting and described above, that the status quo (routine sewage and trash flows) dating back to the 1950s in the Tijuana River Valley have been a source of ongoing Environmental Justice concerns in San Ysidro and Imperial Beach. Non-governmental organizations like WILDCOAST and the Tijuana River Valley Equestrian Association specifically raised this issue with the San Diego Water Board in starting August 2008 regarding trash and debris in the Tijuana River Valley. Similar concerns have been raised since the inception of the TRVRT and the TRVRT Recovery Strategy focused on solid waste, sediment/flooding, and sewage and industrial wastes to address the pervasive Environmental Justice impacts of the transboundary flows experienced in these communities by residents and visitors. Finally, we are aware of research (in press) on the impacts of aerosolized pathogens and irritants on local Environmental Justice communities that, when published, should be included in the future analyses for **Alternative 2: Supplemental Projects** as they are advanced. EPA should acknowledge in the Draft PEIS, that without full implementation of the projects in **Alternative 2: Supplemental Project E-J**, many of these Environmental Justice and ecosystems impacts will continue unabated.

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**Commenter Name:** Juan Vargas et al.

**Commenter Affiliation:** Congress of the United States

**Commenter Type:** Government (U.S. Federal)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0005-A1

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:** Information

The binational Tijuana River Watershed covers approximately 1,750 square miles that spans across the California -Mexico border. Within the Tijuana River Valley (TRV) there are some of the most ecologically significant marine ecosystems on the Pacific Coast: the Tijuana River National Estuarine Research Reserve, Tijuana River Valley Regional Park Reserve, Tijuana River Mouth State Marine Conservation Area, San Diego Bay, and the National Wildlife Refuge.

Over the past 30 years, Tijuana, Mexico has experienced tremendous population and industrial growth with rapid urbanization which has put a strain on the aging sewage infrastructure in the region.<sup>1</sup> As a result of the sewage infrastructure inadequacies, the Tijuana River carries untreated wastewater, trash, and sediment from Mexico across California's Southern border into the United States.

Untreated wastewater, sediment, and trash flowing through the Tijuana River contain harmful bacteria that pose risks to both wildlife and human health. To minimize human contact with the

untreated wastewater the San Diego County beaches have been closed numerous times. In 2018, South San Diego County beaches affected by the Tijuana River pollution were closed 101 days out of the year. In 2019, that increased to 243 days, and in 2020 the beaches were closed 295 days out of the year.<sup>2</sup>

<sup>1</sup> Sewage Pollution within the Tijuana River Watershed | San Diego Regional Water Quality Control Board (ca.gov)

<sup>2</sup> EPA chief gets tour of Tijuana River sewage and trash that foul San Diego beaches - The San Diego Union-Tribune (sandiegouniontribune.com)

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**Commenter Name:** Nora Vargas  
**Commenter Affiliation:** San Diego County Board of Supervisors  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Since 1931, the Tijuana River Valley has experienced increased discharge of trash, sediment, and wastewater due to unexpected population growth and limited resources for infrastructure. These ongoing events are exacerbated by raw sewage spills that flow into the Tijuana River Valley and local southern California beaches. The pollution at the Tijuana River Valley not only threatens the health of residents but also harms important estuarine land and water of international significance, reduces recreational space, and forces closure of beaches, impacting businesses, recreational opportunities, tourism, and more.

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**Commenter Name:** Sonia Diaz  
**Commenter Affiliation:** Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0303  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:** Information

My name is Sonia Diaz, I'm the public policy manager from Outdoor Outreach. We're a San Diego based nonprofit organization, with a mission to connect youth and their families to the transformative power of the outdoors and we primarily serve youth from underserved communities and take them on surfing trips to places like Imperial Beach. A lot of our youth actually live in the area, in the vicinity of South Bay and never been to the beach, but we've had to shut down our programs because of beach closures, and it presents a huge environmental justice problem in our communities and I just want to acknowledge all of the hard work that EPA staff has done to put this together in these alternatives.

**Commenter Name:** Courtney Baltiyskyy  
**Commenter Affiliation:** YMCA of San Diego County  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0009  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:** Information

The impact of increased pollutants has been an ongoing challenge for many years. As safety is our top priority in programming, beach access is limited or closed an increasing number of days. This greatly reduces our ability to meet many of our programmatic goals that are committed to equitable access to the outdoors. These programs include increasing safety for youth from historically underserved communities in and around the water, education opportunities about our natural world and conservation, and Lifeguard trainings. All of these activities empower people to grow socially and with increased self awareness through new and challenging experiences.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:** Information

WHAT WE LIVE WITH IN TRV and our experience with it:

SEWAGE: For decades we have dealt with open flowing sewage/wastewater; we sometimes smell it for months after transboundary flows. It really dampens the fun of spending time with our horses at our stables and on trail.

TRASH: Unsightly and environmentally destructive trash seen on trails makes our rides less of a nature experience than we would like. We work often to help clean up the trash. This past April our group won "most trash picked up" in all of San Diego County at ILACSD's county wide clean up event.

SEDIMENT and FLOODING: We live with the risk of flooding. Horses and other animals have died in past floods. Transboundary flows contaminate our trails at times. Heavy rain in winter makes us nervous. Will the levee and berms hold? Personally, the 2008 flood (not the worst but the worst since I've been in TRV) was one of the scariest events in my life: trying to halter panicked horses while slipping in slimy mud with water gushing over the top of high boots is not an event I want to repeat. "The water is contaminated," said the folks in the ASPCA rescue boat, who then refused to help with the animals.

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**Commenter Name:** Leon Benham  
**Commenter Affiliation:** Citizens for Coastal Conservancy (C4CC)  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0003

**Comment Excerpt Number: 1**

**Flag Excerpt as Containing Submitted Info:** Information

This draft EIS is in error as it intentionally shows ***a wrong channel path for the Tijuana River***. The path of the river, as shown on pages (28, 32, 36, 42, 65, 124, 141, 154, 156, 164, 166, 184, 189, 190, 194, 204, 205, 206, 207, 208, 209, 210, 211, 212, 306, 311), is not the historic Tijuana River Channel path as established by the Army Corp of Engineers. Please see the attached series of drawings by the County of San Diego which show the Tijuana River as a ***single river channel***. (Compressed-2022-C4CC Feb Presentation) The rivers path was intentionally changed circa 1990 (see timelapse 1984-2018). Additionally, historic newspaper articles and eyewitness accounts at the time of prove the rivers path was changed.

By diverting the rivers path numerous negative impacts to public lands of the Tijuana River Valley (TRV) have occurred and the Draft Programmatic EIS USMCA Mitigation of Contaminated Transboundary Flows Project should document these negative impacts. The EPA should not incorporate these historic bad river management practices as they have had large negative impacts to the ecology and quality of life of the TRV and local stakeholders. Some of these negative impacts of changing the path of the Tijuana River include **yearly flooding, standing sewage ponds, elimination of native plant and animal life, increase in sewage odors to our homes, beach sand starvation, stagnation of fresh water, contamination of ground water, destruction of roads, removal of bridges, cutting off public access to state lands, saltwater intrusion, ground water contamination, loss of 90% of salt water tidal exchange the Imperial Beach estuary, and elimination of coastal feeder rivers/stream's ability to supply the coastline with it historic supply of an yearly average of 655,00cy of sand/cobbles**. As the historical photographic evidence shows the river should be a **dry riverbed** with no standing water.

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**Commenter Name:** Elizabeth Naranjo et al.

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:** Information

Because the EPA Environmental Impact Statement (PEIS) does not support or include any of Environmental Justice history of the Tijuana River Valley this (PEIS) document approves of, incorporates and condones these same practices. These practices include use of targeted illegal ticketing of historically minority) private of landowners, verbal harassment by public enforcement officials and the intentional flooding of private properties.

This draft EIS is in error, Section 4 Environmental Consequences, as it intentionally shows ***a wrong channel path for the Tijuana River*** in no less than 20 reference maps in the report. The Tijuana rivers path was intentionally changed circa 1990 by San Diego County. By diverting the rivers path negative impacts to private and public property in the Tijuana River Valley (TRV) have occurred. The negative impacts include sediment accretion, flooding, standing sewage water ponds, sewage odors in our homes, stagnation of fresh water and contamination of ground water. As the historical photographic evidence shows the river should be a **dry riverbed** with no standing water remaining after rainstorms.

### Response from EPA and USIBWC:

- EPA and USIBWC agree that contaminated transboundary flows have led to degraded environmental conditions and impacts to local communities, including environmental justice concerns and beach closures that limit access, and that these impacts will continue if action is not taken. The PEIS acknowledges that the No-Action Alternative would not address these impacts, and that Alternative 1 would not address certain impacts, such as transboundary flows of trash and debris during wet-weather conditions.
- EPA and USIBWC agree that implementation of new genetic-based testing in San Diego County in 2022 has resulted in a significant increase in beach closures and sewage warning days. Section 3.2.2 (Marine Water Quality) of the Final PEIS has been revised to acknowledge this change.
- EPA and USIBWC agree that the Tijuana River floodplain and wetlands provide important ecological services and should be protected. The Proposed Action would reduce the amount of contaminated transboundary flows that, if not treated or diverted properly, would potentially negatively affect biological resources found in wetlands in downstream areas of the valley. Sections 4.4 (Inland Biological Resources) and 4.5 (Marine Biological Resources) of the PEIS explain that improved water quality in the Tijuana River Valley would indirectly benefit resources in these ecosystems.
- Regarding aerosolized pathogens: EPA and USIBWC are not aware of recent research specifically regarding the impacts of aerosolized pathogens and irritants on local environmental justice communities. However, Section 3.16 (Public Health and Safety) of the Final PEIS has been updated to summarize a recent study by the Scripps Institution of Oceanography that assessed the potential for coastal water pollution to reach people through an airborne pathway. EPA and USIBWC will continue to check for new research on this topic when developing subsequent tiered NEPA analyses for the Alternative 2 Supplemental Projects.
- EPA and USIBWC appreciate the comment regarding the “use of targeted illegal ticketing of (historically minority) private [...] landowners, verbal harassment by public enforcement officials and the intentional flooding of private properties.” EPA and USIBWC’s research for this PEIS did not identify any records of the types of historical practices described by the commenter. However, we have shared your concerns with Ms. Rosa Olascoaga at the County of San Diego and she is reaching out to County’s Land Use Department regarding next steps. Ms. Olascoaga recommends that concerned citizens contact her at [rosa.olascoaga@sdcounty.ca.gov](mailto:rosa.olascoaga@sdcounty.ca.gov) or [District1Community@sdcounty.ca.gov](mailto:District1Community@sdcounty.ca.gov) to discuss the matter further.
- EPA and USIBWC disagree that the Draft PEIS does not depict the correct path of the Tijuana River. The figures used throughout the PEIS are intended to depict the current (not historical) path of the river. In Section 3.1.1 (Hydrology), the PEIS correctly describes that a 1993 flooding event cut a new northern course downstream of Hollister Street and that a pilot channel was created in the early 1990s to direct storm flows away from northern areas of the valley that were impacted by the change in the river course. EPA and USIBWC acknowledge that the 1993 change in the path of the Tijuana River impacted communities

in the Tijuana River Valley. Section 3.1.1.2 (Tijuana River in U.S. [Downstream of U.S.-Mexico Border]) of the Final PEIS has been updated to briefly acknowledge these historical and persisting impacts. However, EPA and USIBWC do not have control over the management of the river in areas downstream of Dairy Mart Road Bridge.

- See the response to Code 4 regarding the need to address flooding caused by transboundary flows.

## CODE 4. PURPOSE AND NEED

### Summary of Comments:

- Commenters express the need to reduce transboundary flows of sewage, trash, and solid waste.
- One commenter also expresses the need to address sediment buildup in the Tijuana River Valley.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 9  
**Flag Excerpt as Containing Submitted Info:** Information

### *Need for Comprehensive Trash Capture and Extraction*

In addition to the importance of addressing sewage, heavy metals and other water pollution sources, Surfrider Foundation would also like to emphasize that the plan to address physical waste or trash, including large items such as tires, refrigerators, and furniture, as well as smaller items such as takeout foodware, chip wrappers and other plastic packaging, should be considered an important component of the mitigation of transboundary pollution, so as to minimize downstream impacts of trash once it reaches the Tijuana River Valley. Trash removal is not only important for environmental resources and wildlife habitat, but also to protect human health, which can be compromised from trash accumulation. Trash accumulation can lead to human exposure to bacteria, viruses, and toxic substances, including mosquito-borne diseases.

Surfrider Foundation prioritizes the reduction of pollution as a nationwide initiative, and addresses macroplastic in many of our programs and campaigns. Surfrider Foundation has found enormous amounts of plastic waste accumulate in the Tijuana River Valley each year. There should be a comprehensive and integrated trash plan if the entire system is going to function properly to treat stormwater and wastewater. Uncontrolled trash and solid waste damages and increases maintenance needed for proper function of the conveyance and treatment systems designed to mitigate transboundary pollution. When severe, trash clogs drainage infrastructure and leads to flooding. This accumulation is in spite of Surfrider Foundation volunteers and other NGOs operating in South San Diego, who have engaged in countless beach cleanups in the Tijuana River Valley watershed and corresponding beaches. The extent of trash pollution is a high level of concern for Surfrider members and must be fully addressed.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017

**Comment Excerpt Number: 3**  
**Flag Excerpt as Containing Submitted Info:**

GOAL: We hope to see this once beautiful valley restored to a seasonal river of clean water flowing to the estuary and ocean where fish and the sea birds can be alive and thrive. (Music swells and we all cheer....)

---

**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number: 5**  
**Flag Excerpt as Containing Submitted Info:**

We support public access, education about nature and healthy recreation experiences in the TRV.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number: 7**  
**Flag Excerpt as Containing Submitted Info:**

We hope to see a restored, naturally flowing seasonal river free of trash, tires, sewage and overwhelming sediment.

---

**Commenter Name:** Mary Powell  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0295  
**Comment Excerpt Number: 3**  
**Flag Excerpt as Containing Submitted Info:**

The IBWC land (managed by USFW) and the SD County Parks land has allowed massive build up of sediment and trash (multi feet or yards deep in places) in the main channel. This build up of sediment and trash endangers the whole valley by flooding. I am all for getting the sewage treated and away from the beaches, but something serious needs to be done about the sediment and trash that yearly inundates the river valley.

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**Commenter Name:** Rita Bowcock  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0010  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

This problem has gone on way too long. Please please please clean up the sewage so we can enjoy our beaches again. We haven't taken our grandkids to the beach in over a month due to the ecoli levels. Neighbors are getting sick, Boarder Patrol agents are getting sick. Navy Seals are getting sick. Enough us enough. This issue needs to be resolved once and for all.

---

**Commenter Name:** Nora Vargas  
**Commenter Affiliation:** San Diego County Board of Supervisors  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1  
**Comment Excerpt Number:** 6  
**Flag Excerpt as Containing Submitted Info:**

The importance of investing in the Tijuana River Valley extends beyond its environmental impact to a public health concern for the San Diego region. The San Diego County Board of Supervisors unanimously declared pollution at the Tijuana River Valley a public health crisis last year, I am calling on all levels of government to come together to address this pressing issue, prevent any future harm, and improve the overall health of residents in our binational region. Together we can once and for all resolve this public health crisis impacting our region.

---

**Commenter Name:** Erika Lowery  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0183  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Please stop this sewage!

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**Response from EPA and USIBWC:**

- EPA and USIBWC agree regarding the need to reduce transboundary flows of sewage, trash, and solid waste. Addressing these flows is consistent with the purpose and need for action as stated in Section 1.4 (Purpose and Need for Action) of the PEIS.
  - EPA and USIBWC recognize the benefits of implementing a comprehensive and integrated trash reduction plan for the Tijuana River Valley, as well as the benefits of addressing the
-

causes of flooding in the Tijuana River Valley (e.g., by removing accumulated sediment). However, addressing these specific concerns will not be incorporated into the Proposed Action's purpose and need statement. Addressing these needs would not be consistent with EPA's authority to implement "high priority treatment works" pursuant to the USMCA Implementation Act and "municipal drinking water and wastewater infrastructure project[s]" under BWIP. However, EPA and USIBWC note that other projects are being planned to address localized flooding issues along Monument Road— specifically, a California State Parks project downstream of Yogurt Canyon and a County of San Diego culvert replacement project at the north end of Smuggler's Gulch, which is part of the project to install a sediment and trash capture facility. In addition, the International Boundary and Water Commission (IBWC) convened the Minute 320 Binational Core Group on August 17, 2022 to reactivate the process and workgroups to focus on water quality, sediment, and solid waste. Leaders commented on the importance of prioritizing trash control and management, identifying projects and actions, and continuing efforts to control sediment in the Tijuana River watershed. Additional meetings are planned in 2022 to develop more action items and prepare an inventory of projects and initiatives that members can prioritize for implementation.

- While EPA and USIBWC agree regarding the need to reduce contaminated transboundary flows that may contain sediment, the large-scale management of accumulated sediment across multiple landowners in the Tijuana River Valley is beyond the scope and purpose of the Proposed Action. As described in Section 2.7 (Alternatives Eliminated from Evaluation in This PEIS) of the PEIS, several individual projects targeting sediment reduction, capture, and/or removal were eliminated from detailed study. However, EPA and USIBWC note that the County of San Diego is planning to install a sediment and trash capture facility in Smuggler's Gulch. Several local stakeholder agencies and organizations are also collaborating to develop a Tijuana River Sediment Management Work Plan to support long-term sediment management activities in the Tijuana River Valley.

## CODE 5. COORDINATION WITH OTHER AGENCIES

### Summary of Comments:

- The U.S. should actively collaborate and engage with Mexico.
- The City of San Diego (specifically the Street and Stormwater Divisions) should be listed as stakeholders in the PEIS.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 11  
**Flag Excerpt as Containing Submitted Info:** Information

AN OMISSION FROM PEIS?: I didn't see City of San Diego (Streets and Stormwater Divisions) listed as Stakeholders in the TRV. If they are missing from your report, they should be considered along with County Parks, USFW, IBWC, TRNERR, etc. City of San Diego controls the Pilot Channel that begins just east of Hollister St. Bridge (the southern older bridge with entirely inadequate pedestrian lanes) and runs toward the ocean until it touches USFW land and also includes an arm going south at Smugglers Gulch channel to Monument Rd. This area is highly polluted with trash and wastewater and often clogged by sediment.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

WHAT WE SUPPORT: We support active engagement and collaboration with counterparts in Mexico. We seek to hear their voice and participation in our open forums of the many Agencies involved.

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### Response from EPA and USIBWC:

- EPA and USIBWC have added the City of San Diego Street Division and Stormwater Department to the distribution list for the Final PEIS.
- The U.S. and Mexican governments have been coordinating at all levels in order to successfully implement these projects. At the technical staff level, in September 2021, a

Binational Work Group was formed with members from EPA; Mexico's National Water Commission (Comisión Nacional del Agua, or CONAGUA); the Baja California Secretariat for Water Management, Sanitation and Protection (SEPROA); the State Public Services Commission of Tijuana (Comisión Estatal de Servicios Públicos de Tijuana, or CESPT); the Secretariat of Environment and Natural Resources (Secretaría de Relaciones Exteriores, or SEMARNAT); the North American Development Bank (NADBank); and the two sections of the IBWC (USIBWC and Comisión Internacional de Límites y Aguas [CILA]). This group has since met bi-weekly to develop a conceptual plan for sanitation system improvements to address transboundary contamination. Such collaboration led to the signing of two binational agreements, the Statement of Intent and Treaty Minute No. 328. In November 2021, EPA Administrator Michael S. Regan and U.S. Ambassador to Mexico Ken Salazar led a U.S. delegation, which included Commissioner Maria-Elena Giner of the USIBWC and U.S. Representative Scott Peters, to recognize the critical importance of addressing water pollution for the benefit of citizens on both sides of the border. Mexico was represented by the Secretariat of Foreign Affairs (Secretaría de Relaciones Exteriores, or SRE) Chief Officer for the North American Unit Roberto Velasco Álvarez and SEMARNAT Director for International Affairs Miguel Ángel Zeron along with Mexico's Consul General in San Diego Carlos González Gutiérrez, Deputy Technical Director of CONAGUA Humberto Marengo, Commissioner Adriana Reséndez Maldonado of CILA, and representatives of Baja California's state authorities for water and sanitation. These meetings resulted in a joint statement committing to coordinated action to find a lasting solution to transboundary pollution flows.

- As described in Section 6.2 (Mexican Regulations and Permits) of the PEIS, components of the Proposed Action in Mexico funded through USMCA Implementation Act appropriations or BWIP may undergo a public outreach process in compliance with NADBank community participation criteria.

## CODE 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

### Summary of Comments:

- Components of Alternative 1 (particularly certain options under Project B: Tijuana Canyon Flows to ITP) may require California Environmental Quality Act (CEQA) compliance analysis if they are constructed within certain state/local jurisdictions. Reach 5, for example, may require a 401 certification.
- EPA should continue to work with the San Diego Water Board to ensure environmental analyses for Supplemental Projects can meet CEQA needs.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 28

**Flag Excerpt as Containing Submitted Info:**

### NEPA-CEQA Nexus

The NEPA analysis in the Draft PEIS is extraordinary in its scope and detail. The San Diego Water Board will be able to rely on technical details of the analysis to support amended or future permits for the **Alternative 1: Core Projects** including the expanded ITP and the APTP facility and the comingled secondary and advanced primary treated effluent discharges through the SBOO.

Additional CEQA compliance analysis may be required for components of the **Alternative 1: Core Projects** including certain options in **Alternative 1: Core Project B: Tijuana Canyon Flows to ITP** that may be constructed within state or local jurisdiction. For example, depending on the Option selected for Reach 5 in Smuggler's Gulch, a Clean Water Act section 401 Water Quality Certification (401 Certification) may be required for dredge or fill impacts to Waters of the United States. Finally, to the extent practicable, we request that EPA continue to work with the San Diego Water Board to ensure that the environmental analysis can meet CEQA needs for state issued permits and regulatory actions (401 Certifications or Waste Discharge Requirements) for the **Alternative 2: Supplemental Projects**.

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### Response from EPA and USIBWC:

- EPA and USIBWC agree that additional CEQA compliance may be required for project components located within state or local jurisdictions and/or project components that require state-issued permits and regulatory actions. EPA and USIBWC will continue to consider potential CEQA environmental review requirements when developing tiered NEPA documentation for the Alternative 2 Supplemental Projects.

## CODE 7. RELATIONSHIP TO OTHER BORDER INFRASTRUCTURE PROJECTS

### Summary of Comments:

- The PEIS, and the designs of Projects D, E, F, and J, should consider how the proposed United States Department of Homeland Security (DHS) border barrier may impact project operations.
- Through current or future binational negotiations, the U.S. and Mexico should have an agreement in place to govern the collection and disposal of waste from the proposed DHS border barrier before storm events.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 16

**Flag Excerpt as Containing Submitted Info:**

We acknowledge the issues and considerations for sizing and location that are described in the Draft PEIS and suggest that the imminent construction of a cross river bridge/border fence at the US Mexico International Border in the concrete portion of the Tijuana River be considered as an opportunity for optimizing waste capture and flow diversion. To the extent that it is constructed, future studies should consider operational needs of Project F as well as **Alternative 2:**

**Supplemental Project J: Trash Booms** downstream by ensuring pre-storm debris loads captured in the bridge/fence are removed before storm flows mobilize them and convey them downstream.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 22

**Flag Excerpt as Containing Submitted Info:** Information

The Draft PEIS and subsequent planning should take the Department of Homeland Security (DHS) cross river "border wall" project into account.

The DHS has announced resumption of a construction of a border fence that crosses the Tijuana River, providing a bridge cross river access for Customs and Border Protection and adjustable gates/barriers to prevent access by undocumented immigrants and smugglers. As described, the new infrastructure would likely impede flow until the gates are raised. The impoundment of dry

weather flows should be considered in the future operations of PBCILA and **Alternative 1: Core Project D: APTP**. The opportunity to incorporate this new infrastructure, the construction of which is described as imminent in summer of 2022, should be addressed in the draft PEIS and considered in the design of river diversions to the proposed Advanced Primary Treatment Plant (APTP) in the **Alternative 1: Core Project D** and in future planning for **Alternative 2: Supplemental Projects E and F** and to augment trash control **Alternative 2: Supplemental Project J**.

Although outside the scope of the Draft PEIS, we suggest that to the extent that wastes accumulate behind the cross-river border fence, federal agencies in both countries (e.g. US Department of Homeland Security and Comisión Nacional del Agua (CONAGUA México)) should have an agreement in place to routinely govern the collection and disposal of the wastes prior to storm events to augment downstream debris collection efforts. Current or future binational negotiations should address this point.

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#### **Response from EPA and USIBWC:**

- EPA and USIBWC are aware of the planned construction of the border barrier and are coordinating with United States Customs and Border Protection (CBP) regarding its anticipated scope and potential impacts. However, CBP has not made sufficient information available regarding the barrier design or its expected operating protocols to support an assessment of the potential environmental, human health, and safety impacts. EPA and USIBWC are concerned that CBP has not conducted a robust assessment of the barrier's potential impacts to river hydrology and potential interference with the operations of existing and planned river diversion infrastructure. For example, if CBP designs the barrier to the 100-year flood event, the barrier would impede higher-volume flows expected under climate change and thus would be inconsistent with Federal flood risk guidance. Further, if floods exceed the 100-year flood event or if the lift gate system does not operate as planned during a storm event, catastrophic flooding could lead to severe property damage, damage to infrastructure in the U.S. and Mexico, and the loss of life or injury to people. EPA and USIBWC will continue efforts to coordinate with CBP to resolve these concerns after completing the Final EIS and during preparation of subsequent tiered NEPA analyses.
- Once construction of the border barrier is underway, USIBWC and CBP will engage in discussions to establish a formal agreement (independent of USMCA-related binational agreements) regarding O&M protocols for the barrier, which would potentially include agreements regarding gate operations and trash management procedures and responsibilities.

## CODE 8. FUNDING SOURCES AND ALLOCATION IN U.S. VERSUS MEXICO

### Summary of Comments:

- Some commenters express concern and uncertainty about where or if the U.S. will get the funds to implement the projects. Why are funds going to help Mexico while pollution is increasing in the U.S.?
- The PEIS should include a section about current and future funding options.
- Funding to expand the ITP should come from “somewhere else.”
- Mexico should bear more financial responsibility. Mexico should also require that any new construction be connected to wastewater treatment infrastructure.
- Other commenters suggest it may be cheaper to implement certain projects in Mexico.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 6

**Flag Excerpt as Containing Submitted Info:**

For any of the proposed projects to be successful, we must have assurances and follow through from the Mexican Government for now and into the future. I will state that if PB-1A and PB-1B are taken offline, please ensure that the money Mexico allotted for the operation and maintenance as well as the planned rehabilitation of these pump stations and other infrastructure being put off-line be allocated specifically to correcting other critical sewage issues in Mexico, affecting the U.S.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 13

**Flag Excerpt as Containing Submitted Info:**

I am very concerned about continued funding for these many projects and their operations and maintenance. The IBWC is barely able to get federal funding for their routine operation and maintenance currently. What happens when IBWC requests seven times that amount for wages of the extra 43 employees associated with the 60 MGD expansion? What happens when the many expected ‘unexpected’ costs arise? You are asking us to have faith that the money will materialize, even though we are told we do not qualify for two huge recently passed water and infrastructure bills. Does the EPA have funds they can deliver for these efforts? The Border Patrol? The Navy? Can these agencies allocate funds to support these projects and help to put an end to their disrupted

missions? Might the EPA include a section in the Final EIS about current and future funding possibilities and chances?

The IBWC and PB CILA have been doing an incredible job this past year with their responsibilities. I do believe we have a team that recognizes the severity of the problem and wants to do all in their power to ameliorate, if not eliminate, the problems. However, we unfortunately cannot count on that level of dedication long term. The Commissioner and others often change with the administration, and I have heard that retention of personnel at the IBWC is difficult, that concerns me greatly. We will never be able to forget the lack of effort or transparency that we have experienced prior to this current team.

It is very clear by reading this document that the Minute 320 negotiations are critical to the success of abating transboundary sewage and trash flows, whether by land or by sea. Please demand during the Minute 320 negotiations that any new construction in Tijuana and Tecate require sewage collection and hook up to a treatment location.

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**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0299  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Comment #1: It seems to me that the work on the international treatment plant, the funding should come from somewhere else, because that in itself is not solving our problem. That in conjunction with other projects that need the cooperation of Mexico is going to solve our problem. So, I would still like to know why we can't get the money to expand the international treatment plant without using the \$300 million that were specifically allocated to take care of the sewage flow.

We could have the biggest ITP plant, and still have the same amount going to Banderas, unless we get some cooperation from Mexico. It sounds like we're taking their work away, all their pump stations away, and they're not responsible for anything. In fact, we might even be able to give them back water? It's just not right. Thank you.

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**Commenter Name:** Karl Bradley  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0294  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Am I correct in my understanding that staff recommended the comprehensive option"

If so, how do we as members of the community support full funding for the project

**Commenter Name:** Juan Casillas  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0292  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

What role does/can the NadBank play in this project?

Which fund sources might indeed be used for infrastructure on the Mexican side, and what requirements would that have?

It seems to me that there are some elements to a solution which would be easier and less expensive to implement on the Mexican rather than the US side. It would be interesting to understand/learn if the EPA has identified some of those opportunities, and if mechanisms exist or can be developed to make them workable.

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**Commenter Name:** Karen Rodgers  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0293  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

I agree on the need for participation and cooperation of Mexican gov't. How do we ensure that the USA is not funding the whole project — as we will then return clean water to Mexico? "It's just not right" ...and take longer to make happen as we wait for additional funding.

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0300  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

I mean Minute 283 of the International Boundary and Water Commission recommendation 16, tells and lays it out, what Mexico is supposed to do with transboundary flows, but they do almost nothing regarding that so we don't really trust Mexico to live up to their end of the bargain with anything here.

### **Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of the efforts to secure full funding for Alternative 2.
- Regarding the balance of investments from the U.S. and Mexico:
  - The scope of work to expand the ITP is appropriately covered under Section 821 of the USMCA Implementation Act. This section defines the use of the funds, which is to “carry out the planning, design, construction, and operations and maintenance (O&M) of high priority treatment works in the covered area to treat wastewater (including stormwater), nonpoint sources of pollution, and related matters relating from international trans-boundary water flows originating in Mexico.”
  - Due to the binational nature of this issue, the U.S. and Mexico must coordinate on efforts to reduce wastewater and trash flows as much as possible. Treaty Minute No. 328 outlines the commitments and responsibilities of both countries to implement infrastructure projects for a holistic solution. The U.S. and Mexico are committed to funding more than \$330 million and \$140 million respectively, for solutions on both sides of the border. See Section 2.8 (Relationship Between Proposed Action and IBWC Treaty Minute No. 328) in the Final PEIS for more information.
  - Along with the U.S.’s commitment to expand the ITP to 50 MGD and Mexico’s commitment to rebuild an 18-MGD SABTP in Treaty Minute No. 328, the rehabilitation/encasement of 141,335 feet (43,080 meters) of collector lines will greatly reduce the amount of sewage entering the Tijuana River and contaminating other sources of water that feed into the ocean and river. Mexico has committed \$83 million for these pipeline repairs to help convey wastewater to the treatment facilities. EPA’s BWIP funding would support these projects with \$11 million in matching funds.
  - Through BWIP, the U.S. has a history of co-funding projects with the Mexican government. The policy for those projects is that they must benefit the U.S. and must be matched at least dollar for dollar by Mexico. Applications for BWIP are ranked against set criteria established with NADBank, and the highest-ranking projects go forward for implementation. Some of those potential projects in Tijuana are now part of the Core Projects and have been analyzed in this PEIS. Mexico’s share of the project funds comes from various sources within Mexico including federal and local governments. Through binational discussion, the U.S. and Mexico have agreed upon priorities and cost sharing for short-term projects and memorialized these agreements in the Statement of Intent and Treaty Minute No. 328.
- Regarding funding sources:
  - Regarding ongoing efforts to secure additional capital funding: Although current funding through the USMCA Implementation Act only supports expansion of the ITP up to a 50-MGD capacity, there are other potential funding sources including BWIP; Mexico’s Planning Mechanism (Mecanismo de Planeación, or MECAPLAN); the National Infrastructure Fund; and other federal, state, and local resources authorized by the respective authorities and laws of each country.

- Regarding the ability to secure sufficient O&M funds to ensure proper operations, and how use of CESPT O&M funds might change if Pump Station 1A (PB1-A) is taken offline: Per the terms of Treaty Minute No. 328, IBWC (U.S. and Mexico sections), in consultation with responsible agencies in both countries, will develop Terms of References to ensure adequate funding for O&M of infrastructure projects described in the Treaty Minute.
- Section 2.8 (Funding Sources and Binational Agreement) has been added to the Final PEIS to summarize known and potential funding sources for the Proposed Action.
- EPA and USIBWC acknowledge the concerns regarding commitments under future USIBWC and CILA administrations.
- EPA and USIBWC agree that the Minute 320 Binational Core Group process is critical to the success of abating transboundary sewage and trash flows. See the response to Code 4 regarding the Minute 320 Binational Core Group process and workgroups focusing on water quality, sediment, and solid waste.
- Regarding the ability/inability to require that any new construction be connected to wastewater treatment infrastructure: EPA and USIBWC will raise this concern to IBWC to incorporate requirements of connections for new construction in future Minutes.
- Regarding how to ensure that Mexico adheres to the terms of binational agreements: U.S.-Mexico cooperation is vital to the success of all components of the Proposed Action, and the U.S. and Mexico are working towards sustainable long-term O&M practices in Mexico to ensure the continued success of these projects. EPA and USIBWC will continue to engage with Mexico on a regular basis to ensure that Mexico sends untreated wastewater (to the extent practicable) to the ITP, not SABTP, and to ensure that Mexico funds and performs O&M. In the case of the ITP specifically, the O&M cost sharing agreement in Treaty Minute No. 328 is a binding agreement made by both governments and is intended to encourage Mexico to send as much untreated wastewater as possible—within the ITP’s capacity—to the ITP, and to incentivize Mexico to fund and perform O&M properly. For example, under Treaty Minute No. 328, the U.S. has agreed to reimburse O&M costs for Mexican infrastructure, up to an agreed-upon amount, if Mexico is paying their share of treatment costs at the ITP. In addition, the downstream location of the ITP naturally encourages Mexico to send untreated wastewater flows by gravity to the ITP, whereas sending flows to SABTP would require significant and costly pumping. Ongoing binational negotiations are also considering other mechanisms to improve O&M in Mexico, such as timely notifications and requests for assistance during emergency situations that would reduce transboundary flow events.
- Regarding the role of NADBank in the Proposed Action: NADBank has been involved in all Binational Wastewater Technical Collaboration Group discussions and is responsible for managing all BWIP funds. Through BWIP, NADBank helps with project development and oversight during project implementation, which includes evaluating infrastructure investment needs, managing grant funds and requirements, and monitoring construction management. Section 2.8 of the Final PEIS has been updated with this information.
- Regarding the recommendation of the “comprehensive option”: EPA and USIBWC have identified Alternative 2 as the preferred alternative in Section 2.6 (Identification of Preferred Alternative and Environmentally Preferable Alternative) of the Final PEIS. The

scope of Alternative 2 aligns with that of the Comprehensive Infrastructure Solution that EPA announced in November 2021. See the response to Code 1b for more information.

- See the response to Code 10f for comments regarding Project I (ITP Treated Effluent Reuse).

## CODE 9. OTHER PROJECTS CONSIDERED

### Summary of Comments:

- Treated water should be reused in the United States (e.g., used for irrigation or sent to Miramar Reservoir for further treatment).
- Some ITP effluent should be released into the river channel during droughts.
- Treatment should be secondary, not primary.
- The PEIS should consider temporary treatment or reduction of flows at Punta Bandera.
- The PEIS should consider a project to provide a wastewater collection system for coastal communities in Mexico north and south of Punta Bandera.
- Trash booms should be installed in Mexico.
- The proposed sediment basin and trash booms in Smuggler's Gulch should instead be installed farther downstream.
- Alamar River sewage flows must be addressed.
- Commenters oppose the plan to build a "sewage pond."
- The southern Hollister Street bridge should be made safe for pedestrians and equestrians.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 8

**Flag Excerpt as Containing Submitted Info:** Alternatives

Finally, the Draft PEIS should also consider the need for expansion or construction of a coastal collection system to serve areas on the coast presently discharging raw or partially treated wastewater directly to the ocean north and south of Punta Bandera.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 21

**Flag Excerpt as Containing Submitted Info:**

### **General Recommendations on Alternatives Considered in the Draft PEIS**

Temporary treatment or reduction of existing flows at Punta Bandera should be included until improvements at Punta Bandera are implemented.

Raw and partially treated sewage discharges at Punta Bandera from San Antonio de los Buenos treatment plant and bypassed flows from Pump Station 1A/1B are responsible for dangerous health conditions and water quality impairment in coastal waters north to Coronado. Although interim measures may seem impracticable, temporary treatment or reduced flows to Punta Bandera is a critical stopgap until construction of a new 5-MGD conventional activated sludge plant at the existing SABTP site in Mexico (**Alternative 2: Supplemental Project G**). One way this might be achieved is resolving the discharges to the Tijuana River that are captured and pumped to Punta Bandera (**Alternative 1: Core Project C** and **Alternative 2: Supplemental Projects H**). Redirection of treated wastewater flows from Arturo Herrera and La Morita WWTPs to beneficial reuse outside the Tijuana River watershed or to municipal potable re-use through groundwater augmentation or reservoir storage would reduce Tijuana River flows at PB CILA by at least 15 MGD.

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**Commenter Name:** Mary Johnson Powell

**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017

**Comment Excerpt Number:** 6

**Flag Excerpt as Containing Submitted Info:**

We want to see the infrastructure (especially the southern Hollister St. Bridge) made safe for the public including for equestrians that must use this route as a detour when County trails and the City Pilot Channel crossing are closed by sewage, wastewater and trash.

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**Commenter Name:** Mary Johnson Powell

**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017

**Comment Excerpt Number:** 9

**Flag Excerpt as Containing Submitted Info:** Alternatives

TRASH BOOMS in Canyons: We support simple and effective trash booms in Smugglers and Goat canyons, but continue to believe that MEXICO is the place where the trash booms should be installed and maintained for the cheapest and most logical solution.

**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 12  
**Flag Excerpt as Containing Submitted Info:** Alternatives

ALTERNATIVE THINKING on SMUGGLERS GULCH SEDIMENT AND TRASH: Currently the City of San Diego controls Smuggler's Gulch north of Monument Rd leading to the Pilot Channel. That has become a de facto trash boom at what we refer to as the "dirt bridge" that crosses Smugglers Gulch linking the trail from Hollister with trails in the center of the western valley. The flat area to the east of the Gulch provides easy access to the place that trash collects quite naturally. It would be relatively CHEAP and effective to use this space as an official trash boom site; (some netting installed there that could be winched up and into dumpsters perhaps?) could save the multi million dollar expense of installing trash booms/sediment pond in upper Smugglers Canyon. Although money has been found from Coastal Conservancy given to county, we wonder if it could be better spent on city side trash booms. Is this a financial issue or a political one? We want to see it be an environmental issue with all \$ and all Agencies focused together on the best solution. Also, sediment can be more easily accessed and dredged from the gulch controlled by the City already as it is, even more so if the gulch was widened slightly. It does not need to be deepened to accommodate this, which seems to be the objection to using City site as a sediment pond. It does need to be cleaned out more regularly than the City has sometimes done/not done. When David Alvarez headed the Environmental Committee for City SD, he mandated it be cleaned as needed rather than laborious permitting in advance when one could not predict the following year's needs. That worked. Just saying,... perhaps a lot of money could be saved in construction out of Monument and the upper Canyon could be spared the environmental destruction the new infrastructure brings. That is the only major canyon environment as yet left relatively untouched.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 14  
**Flag Excerpt as Containing Submitted Info:** Alternatives

Can some provision be made for some treated wastewater being released from SBIWTP into the river channel during drought years so the wildlife and fish can have some relief and the salt water intrusion at the west end is controlled? The ground water in the TRV used to be among the purest in all of San Diego County (spring at the base of Smugglers Canyon just south of Monument Rd). Dumping salt free water into the ocean is a travesty in a mega-drought. (Just had to say that, you probably know it. I understand it all relates to the cost to reclaim it, but just saying...). Could the partially treated water be sent through existing pipeline to Pt. Loma Treatment plant and from there to Miramar to be fully reclaimed? Or could it be used as irrigation water (non-potable) somewhere in USA or must it go back to MX only? 100 MGD is the equivalent of over 150 Olympic size pools of water PER DAY dumped into the ocean....?! Is this really the only option?

**Commenter Name:** Mary Powell  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0295  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:** Alternatives

With a mega-drought being projected across the Western United States, why is the water being only treated to a low level and pumped into the ocean? Why is it not at least being treated to irrigation level? or sent to Pt Loma treatment plant then on to reclamation in Miramar?

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**Commenter Name:** Mary Powell  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0295  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:** Alternatives

Comment #5: I appreciate all you/staff are doing to resolve this very difficult problem. I am just wondering what the point of public comment is since the projects proposed are not dealing with trash or sediment to speak of and there is no mention of the mega-drought and water restrictions we face....and yet we are going to pay to treat water and dump it into ocean, too shallow and too close to shore although treated better than Pt Loma has been doing. Just wondering why (some) can't be treated to irrigation level and used for farming in TRV and Chula Vista at least. Sending it to the Guadalupe Valley for MX irrigation is nice (sort of) but if USA is putting out all the effort and \$\$ why do we want to send it to MX anyway? Is THAT in our treaty?  
Comment #6: I will just say it again. WHYYYYYYY are we dumping salt free water into the ocean in a drought?

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1  
**Comment Excerpt Number:** 5  
**Flag Excerpt as Containing Submitted Info:** Alternatives

The EPA plan *is not comprehensive* because it does not address the sewage flows from the Rio Alamar River. This plan does not address these flows and will fail the United States public during rain events. This will bring more standing sewage water ponds in the TRV Valley next to our homes.

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**Commenter Name:** Elizabeth Naranjo et al.  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen

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**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0276-A1

**Comment Excerpt Number:** 7

**Flag Excerpt as Containing Submitted Info:**

Part of the USMCA plan is to build a sewage pond next to our homes. I opposed the location of sewage pond as it will bring standing sewage water next to our homes and the smell will be constant. Why does the EPA think that storage of sewage contaminated water next to our homes is acceptable?.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0299

**Comment Excerpt Number:** 3

**Flag Excerpt as Containing Submitted Info:** Alternatives

And I'd really like to know what is this primary treatment? Why are we going backwards? Primary treatment is not acceptable in this area and shouldn't be considered, in my opinion. We're at secondary for a reason and that's where we need to stay. Thank you

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**Response from EPA and USIBWC:**

- Regarding comments that wastewater should be treated to “irrigation level” and reused in the United States:
  - Reuse of ITP-treated effluent in the U.S. was eliminated from detailed study because, per Treaty Minute No. 283, Mexico reserves the right to return for reuse part or all of treated effluent from the ITP and has stated its intention to reuse the water. Tertiary (rather than secondary) treatment of wastewater was eliminated from detailed study because costs would be prohibitive. Investing in additional treatment would consume substantial USMCA and BWIP funds and would not further address the purpose and need for action (i.e., to reduce contaminated transboundary flows). See Section 2.7.3 (Other Projects Identified Based on Public Scoping Comments) of the Final PEIS for more information.
  - Conveying a portion of the ITP-treated effluent to other facilities for further treatment and reclamation (e.g., to the North City Water Reclamation Plant, the proposed North City Pure Water Facility, and/or Miramar Reservoir as part of the City of San Diego’s ongoing Pure Water San Diego project), or to the Point Loma Wastewater Treatment Plant (WWTP), would require extensive infrastructure upgrades that would exceed available budgets. Mexico has rights to this treated effluent per the terms of Treaty Minute No. 283 and has stated its intention to reuse the water. However, the Proposed Action would not prevent the future implementation of water reuse projects for ITP-treated effluent if such projects do not conflict with Mexico’s rights to the treated

effluent. See the response to Code 10f regarding mutual benefits to both the U.S. and Mexico resulting from reuse of treated effluent in Mexico.

- Regarding comments that treated effluent should be discharged to the Tijuana River: Discharging a portion of or all APTP- or ITP-treated effluent to the Tijuana River would not meet water quality-based effluent limits and would be contrary to the purpose and need for action. See Section 2.7.4 (Other Projects Identified Based on Public Comments on the Draft PEIS) of the Final PEIS for more information.
- Regarding comments that the Proposed Action should incorporate secondary-level (not primary-level) treatment of diverted Tijuana River water: As described in Section 2.7.3 of the PEIS, EPA and USIBWC eliminated this approach from detailed study due to prohibitive costs that would prevent USMCA and BWIP funds from being used for a larger range of reasonable alternatives that successfully reduce contaminated transboundary flows. This additional treatment is not expected to be necessary for the treated effluent to meet water quality-based standards. These excessive costs would therefore hinder the ability to fully address the purpose and need for action. In addition, there are substantial technical feasibility concerns regarding the use of a biological secondary treatment process for intermittent river water flows because biological processes cannot easily be restarted on a regular basis following periods of low flow. See Section 2.7.3 of the Final PEIS, which has been revised to more thoroughly describe the rationale for eliminating this approach from detailed study.
- Regarding temporary treatment or reduction of flows at Punta Bandera: Mexico is focused on replacing the SABTP as quickly as possible and continues to make progress towards this goal. CESPT has secured funding and the project is currently on track to start procurement in January 2023 so construction can begin in May 2023. Construction is expected to take approximately two years, with the new plant becoming operational in 2025. No other interim measures to reduce discharges of untreated wastewater via SAB Creek are in process or impending at this time; however, the U.S. and Mexico will continue to explore opportunities.
- Regarding providing a wastewater collection system for coastal communities in Mexico north and south of Punta Bandera: As described in Section 2.7.1 (Projects and Sub-Projects from EPA's Initial Set of 10 Projects) of the PEIS, specifically the description of Project 5, extending wastewater collection facilities into developed but unsewered areas was eliminated from detailed study. Extending the system is not feasible within the project scope or current level of funding provided by the USMCA, although these upgrades should occur as part of the long-term infrastructure renewal plan for the City of Tijuana.
- Regarding the installation of trash booms in Mexico: As described in Section 2.7.3 of the PEIS, installing a trash boom in the Tijuana River in Mexico was eliminated from detailed study due to concerns about limited effectiveness due to high flow rates in the concrete-lined channel, the security of this infrastructure (e.g., risk of vandalism or theft), and inability to identify an agency in Mexico whose responsibilities would include O&M of a trash boom.
- Regarding the construction of a sediment basin and trash booms downstream of (not within) Smuggler's Gulch: The project in Smuggler's Gulch is not part of the Proposed Action; it was eliminated from detailed study in this PEIS because it is being implemented

by the County of San Diego. For more information, see Section 2.7.1 of the PEIS. Per input from the County, EPA and USIBWC understand that the commenter's suggested location is within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and Regulatory Floodway, and is thus more susceptible to flood events that would wash away captured sediment and trash; would not reduce the sediment load at the intersection of Monument Road and Smuggler's Gulch; and would ultimately have geographical constraints that limit the size of the basin and the amount of sediment it could capture.

- Regarding Alamar River sewage flows: The Proposed Action would reduce leaks of untreated wastewater to the Alamar River and decrease pollution that enters the U.S. from the Alamar River. See the response to Code 2 for additional information.
- Regarding the comments about a standing "sewage pond": The Proposed Action does not include installation of retention ponds. Construction and operation of Projects F (U.S.-side River Diversion to APTP) and J (Trash Boom[s]) could potentially lead to standing water in the immediate vicinity of the proposed infrastructure, which would be further studied in subsequent tiered NEPA analyses for the projects. See the response to Code 2 for additional information.
- Regarding the need for safety improvements to the southern Hollister Street bridge: This is not consistent with the purpose and need for action because it would not reduce transboundary flows of sewage, trash, or solid waste.

## CODE 10. CORE AND SUPPLEMENTAL PROJECTS: GENERAL

### Summary of Comments:

- There is general support for many of the projects, including the largest practicable expansion of the ITP.
- Project G should be prioritized.
- Projects should reuse fill material excavated from elsewhere in the Tijuana River Valley.
- One commenter expressed belief that the U.S. would have little control over Projects B-D.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 11

**Flag Excerpt as Containing Submitted Info:**

Similar to the development in the 1950s-1960s of the regional sewage collection and treatment system serving much of metropolitan San Diego today, realigning the sewerage collection system serving most of Tijuana into a primarily gravity fed system to a regionally sized wastewater treatment facility at the South Bay International Wastewater Treatment Plant (ITP) is a key component to reducing ocean pollution from the discharges at Punta Bandera and the regular flows of sewage and industrial waste flows in the Tijuana River and Canyon Tributaries. To be most effective for present and future generations in the region shared by Tijuana and San Diego, the approach described in the Draft PEIS should provide for:

- 1) The largest expansion of the ITP practicable to provide for the long-term growth of Tijuana and Tecate;
- 2) centralized treatment of wastewater flows to secondary standards before discharge through the South Bay Ocean Outfall (SBOO);
- 3) reduced river flows and treatment of diverted river flows to advanced primary standards before comingled discharge with secondary ITP effluent through the SBOO;
- 4) achieving waste load reductions and allocations in the draft TMDLs for Bacterial Indicators and Trash in the Tijuana River Valley
- 5) monitoring and assessment of impacts in the receiving waters offshore through the SBOO;
- 6) predictable and reliable operations and maintenance budgeting for the largest volume of wastewater originating in metropolitan Tijuana; and

7) the opportunity for improved maintenance and expansion of the Tijuana potable water supply and wastewater collection systems.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 8  
**Flag Excerpt as Containing Submitted Info:** Information

### County's Beach and Bay Program

The County Department of Environmental Health and Quality (DEHQ) implements the Beach and Bay Program, which samples ocean and bay waters along 70 miles of the San Diego coastline for compliance with state standards. The County also implemented an enhanced program which samples South County beaches daily for bacterial exceedances and environmental impacts from sewage. When there are exceedances above the State Health Standard, the beaches are posted with an advisory letting visitors know of the bacterial contamination. The County implemented ddPCR testing, an advanced water quality testing technology, which provides more accurate bacterial water quality results the same day the water is sampled. Since implementing ddPCR, there has been an increase occurrence of bacterial exceedance advisories in South County. The ddPCR method is a more advanced technology which gives a more accurate picture the water quality and how it is impacted by transboundary flows. When bacteria standards are exceeded and there is a south swell bringing contaminated water north to San Diego's South County beaches, the beaches are posted with warnings of the potential sewage contamination. DEHQ closes beaches when there are known sewage impacts, in compliance with State law. DEHQ concurs with the comments mentioned above, is supportive of all the projects being completed as soon as possible, and recommends the prioritization of Project G to improve ocean water quality for South County beaches. The decrease and/or elimination of sewage flowing from Mexico will improve ocean water quality and allow for beach water to remain open and clean for the public.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 10  
**Flag Excerpt as Containing Submitted Info:**

### Design and Construction Coordination Comments

The County Department of Parks and Recreation (DPR) owns and manages the Tijuana River Valley Regional Park, which is an approximately 1,800-acre regional park and Preserve in the Tijuana River Valley. The County encourages consideration of the potential beneficial reuse of fill material excavated from the Tijuana River Valley in the construction of projects included in the Draft PEIS.

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**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

After all the efforts of the past decades and the long fought battle for the funds towards this effort, it appears we are now left with plans for expanding the South Bay International Wastewater Treatment Plant (ITP). I say that because the other three core projects involve work in Mexico that the United States (U.S.) has little or no control over.

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**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1  
**Comment Excerpt Number:** 8  
**Flag Excerpt as Containing Submitted Info:**

Like the EPA and IBWC I will leave analysis of the Alternative 2 projects for a subsequent review. However, I would like to express strong support for Project H — pipelines to deliver treated effluent from Morita (using existing pipeline in part for Morita) and Herrera to the Rodriguez Dam (or elsewhere) and Project J— Trash Booms.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of the proposed projects. See responses to Codes 10a through 10g for comments specific to individual projects under the Proposed Action.
  - EPA and USIBWC recognize the benefits of locally reusing material excavated from the Tijuana River Valley. The description for Project A (Expanded ITP) in the Draft PEIS noted that “fill material would be sourced from elsewhere within the Tijuana River Valley, such as the transboundary sediment deposits in Goat Canyon or Smuggler’s Gulch.” This requirement for Project A has been added to the list of mitigation measures in Section 5 (Mitigation Measures and Performance Monitoring) of the Final PEIS.
  - Regarding “control” over projects in Mexico: The U.S. and Mexican sections of the IBWC (i.e., USIBWC and CILA) will oversee the projects constructed in Mexico under Treaty Minute No. 328. Oversight provisions for the works will be detailed in a subsequent treaty minute.
-

- Maintenance and expansion of the Tijuana potable water supply (beyond rerouting treated effluent for potential reuse) was not evaluated for this PEIS because it would not directly address the purpose and need for action.
- See the response to Code 3 regarding the recent changes to the County of San Diego's water testing procedures (ddPCR testing) to inform beach warnings and closures.
- See the response to Code 8 regarding O&M budgeting.
- See the response to Code 11 regarding performance monitoring for water quality, human health, and environmental impacts following implementation of the Proposed Action.
- See the response to Code 11a regarding consistency with efforts to alleviate impaired water listings (via waste load reductions for bacteria and trash) for the Tijuana River and the Tijuana River Estuary.

## CODE 10A. CORE AND SUPPLEMENTAL PROJECTS: PROJECT A (EXPANDED ITP)

### Summary of Comments:

- Commenters support Option A3 (Expansion to 60 MGD). Other options are insufficient for projected population growth and will quickly become obsolete.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue

**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1

**Comment Excerpt Number:** 8

**Flag Excerpt as Containing Submitted Info:**

*Project A: International Treatment Plant Expansion Should be to Full 60 MGD Size*

While the draft Programmatic Environmental Impact Statement notes there are three options for sizes in Project A Expansion of ITP, only one option is consistent with the objectives of Congress and EPA's identified Proposed Action according to the Notice of Intent to prepare the EIS; this option is the A3 60 Million Gallons per Day sized expansion of the South Bay International Wastewater Treatment Plant. The options A1 for 40MGD and A2 for 50 MGD are insufficient as they would only allow for capacity of population growth to current levels and 2030, respectively. In fact, by the time the project is approved and construction is completed, these options may be insufficient to address the current wastewater treatment demand in the border region. The fullest implementation of the diversion and treatment options will help ensure the protection and restoration of the water quality and biological integrity of the U.S. side Tijuana River and Estuary. Although the costs are higher for Option A3 (PEIS at p.2-11), the demand for expanded treatment capacity is at the crux of the water quality improvement needs to remedy Clean Water Act violations and protect environmental and public health in the region.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 5

**Flag Excerpt as Containing Submitted Info:**

To achieve most if not all the aforementioned long-term benefits to both countries, we strongly support **Alternative 1: Core Project A-Option A3: Expand to 60 MGD**. We do not support any expansion smaller than in **Alternative 1: Core Project A-Option A2: Expand to 50 MGD**.

---

**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 31

**Flag Excerpt as Containing Submitted Info:**

Thus, we urge adoption of **Alternative 1: Core Project A, Option A.3 (Expansion to 60 MGD)** because it envisions the future water and wastewater needs of Tijuana and it provides both the highest average daily flow capacity and is thus most able to generate safe recycled water and accommodate the supply demands of population growth demands.

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**Commenter Name:** Nora Vargas

**Commenter Affiliation:** San Diego County Board of Supervisors

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1

**Comment Excerpt Number:** 3

**Flag Excerpt as Containing Submitted Info:**

I ask that the EPA and IBWC expand the South Bay International Wastewater Treatment Plant project to the fullest potential and move forward with option A3: expand to 60 MGD and identify future phases in approach for more capacity as population growth in Tijuana continues.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 3

**Flag Excerpt as Containing Submitted Info:**

Alternative 1: Project A-3

I go directly to Option A3, the to 60 Million Gallons per Day (MGD) option, because it is the only sensible expansion alternative being considered. The 40 MGD and 50 MGD expansions, discussed in the PEIS, will not be completed before 2027 and will not provide the capacity required beyond 2030. The 60 MGD expansion is stated to provide sufficient capacity until 2050, which although only 20 more years, is at least sufficient to give some relief to the region. Unfortunately, even that is assuming that so many other aspects of this plan work flawlessly.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0299

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:**

I understand that it's hard to get excited over an increased capacity treatment plant that's going to give us more smells, more noise, more pollution without resolving the trash, the chemicals, the mistakes that happen in whatever pipelines are going to be transferring the elements to the treatment plant.

---

**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Project A (Expanded ITP). EPA and USIBWC agree that the 60-MGD option (Option A3) would provide the most capacity to accommodate population growth. This option would enable the plant to treat all wastewater in the International Collector, wastewater collected in the canyons in Mexico (see Project B), and wastewater collected by the rehabilitated sewer collectors in Tijuana (see Project C) while providing capacity for current and projected wastewater flows through 2050.
- As described in Section 2.6 (Identification of Preferred Alternative and Environmentally Preferable Alternative) of the Final PEIS, EPA and USIBWC have identified Alternative 2 as the preferred alternative and have identified the 60-MGD option (Option A3) as the preferred option for Project A. Alternative 2 is described in Section 2.5 (Alternative 2: Core and Supplemental Projects) of the PEIS, and Project A (including Option A3) is described in Section 2.4.1.1 (Project A: Expanded ITP) of the PEIS. Project A, Option A3 was determined to be preferred because it would provide capacity to accommodate flows from the International Collector and the canyons and would provide capacity for current and projected wastewater flows through 2050. After the Final PEIS is made public, EPA and USIBWC will issue a joint Record of Decision (ROD) identifying the specific option they have selected for implementation.
- Regarding the comment that the project would “give us more smells, more noise, more pollution without resolving the trash, the chemicals, the mistakes that happen in whatever pipelines are going to be transferring the elements to the treatment plant”: EPA and USIBWC agree that the expanded ITP and the APTP would result in operational impacts, including odor and noise. These impacts are detailed throughout the PEIS, including in Sections 4.11 (Air Quality and Odor) and 4.18 (Noise). However, as described in the response to Code 1a, the long-term adverse environmental and public health impacts of continued transboundary pollution would be worse than the impacts of implementing these projects. In addition, Projects C (Tijuana Sewer Repairs) and D (APTP Phase 1) include pipeline rehabilitation and/or replacement to help ensure that wastewater is conveyed from Tijuana to the new or expanded treatment facilities, while Project J (Trash Boom[s]) would address transboundary flows of trash in the Tijuana River. See the response to Code 4 regarding the Minute 320 Binational Core Group process and workgroups focusing on water quality, sediment, and solid waste.

## CODE 10B. CORE AND SUPPLEMENTAL PROJECTS: PROJECT B (TIJUANA CANYON FLOWS TO ITP)

### Summary of Comments:

- One commenter expressed support for Option B2 (Trenchless Installation via Smuggler's Gulch and Under Mesa), while another expressed support for Option B3 (Connect to Existing Canyon Collector System).
- Some commenters had concerns and questions regarding the logistics of Project B implementation.
- Redirecting more Tijuana wastewater to the U.S. instead of to Punta Bandera could cause even worse impacts in the U.S. if the treatment system fails. PB1-A, Pump Station 1B (PB1-B), and the Planta de Bombeo CILA pump station (PB-CILA) should be kept operational to send flows to Punta Bandera, if necessary.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 6

**Flag Excerpt as Containing Submitted Info:**

Regarding the **Alternative 1: Core Project B: Tijuana Canyon Flows to ITP**, we recommend **Option B2: Trenchless Installation via Smuggler's Gulch and Under Mesa** be identified as the preferred alternative. This alternative, although more expensive, avoids potential impacts to the proposed County of San Diego Smuggler's Gulch Improvement Project and does not rely on an outdated pump station that presently serves the Goat Canyon and Smuggler's Gulch Canyon Collectors.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 4

**Flag Excerpt as Containing Submitted Info:**

Alternative 1: Project B

I think it very brave that the EPA and IBWC proposes we take virtually all of the Tijuana's border wastewater infrastructure off-line and allow the sewage and wastewater to gravity feed into the United States (U.S.) for treatment in Project B. It is clear that 35 MGD of untreated sewage going

through San Antonio de los Buenos (SAB) Creek into the Pacific Ocean at Punto Banderas (Punta Banderas) is not acceptable at any level. Our border beaches have been closed all of this year even with PB CILA and the ITP functioning the best they have in years. However, by taking the option to direct this sewage to Punta Banderas completely off the table, it may have the consequence of an additional 35MGD of untreated sewage coming through our Tijuana River Valley and Estuary into the Pacific Ocean on the U.S. side instead. That is what a failure of this system could wreak and unfortunately, an unmitigated disaster of this kind would be in line with the past failures we have experienced, and therefore is not so unrealistic. Please keep the PB 1A and PB 1B and PB CILA operational, even if they are taken off-line. That ounce of prevention could save us tons if and when needed.

Despite all the concerns with Project B, of the choices considered in the PEIS, it appears Reach 5 /Option B3 is preferable with less cost, less disturbance and less time needed for implementation.

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**Commenter Name:** Mary Johnson Powell

**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)

**Commenter Type:** Community Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017

**Comment Excerpt Number:** 13

**Flag Excerpt as Containing Submitted Info:**

QUESTIONS ABOUT PROJECT B (TIJUANA CANYON FLOWS TO ITP):

Option 1: Would a pipeline installed in open cut trenching be actually under Monument Rd or would it run beside the road? (The road is not very wide and the shoulder is non existent in places. It makes some significant turns in its way back to ITP. I was in the TRV during the Easter Day 2010 Guadalupe Earthquake. I SAW and felt actual rise and fall of the riverbed land north of Monument near Hollister as the earthquake wave moved westward. Just asking whether pipe under ground in riverbed is adequately able to withstand that kind of quake as Southern California is estimated to get more and strong ones in the next 20 years.

Option 2: (trenchless) This seems the most expensive and difficult option though I can't tell from the report if it is. It seems it would be the least disruptive to residents and recreational users of the TRV during construction.

Option 3: Can the existing pipeline from Hollister St. Pump Station to ITP carry the projected load of wastewater if this is the option chosen? Digging up the line to install a new one would be very detrimental to the private properties it crosses or the the County trail system that was carefully fitted with DG trails in the last few years.

I am wondering how engineers decide between the 3 options if the project is decided upon. Will there be a chance for further public comment as the choice could impact residents and the visiting public quite a bit.

### Response from EPA and USIBWC:

- EPA and USIBWC appreciate the comments in support of Project B (Tijuana Canyon Flows to ITP), which would reduce the discharges of untreated wastewater to the Pacific Ocean via SAB Creek.
- As described in Section 2.6 (Identification of Preferred Alternative and Environmentally Preferable Alternative) of the Final PEIS, EPA and USIBWC have identified Alternative 2 as the preferred alternative and have identified the Trenching via Smuggler's Gulch and Monument Road option (Option B1) as the preferred option for Project B. Project B, Option B1 was determined to be preferred because it would be considerably less expensive than Option B2 (Trenchless Installation via Smuggler's Gulch and Under Mesa) and has considerably more certainty in its engineering and operational feasibility than Option B3 (Connect to Existing Canyon Collector System) since the ITP condition assessment is not yet complete. After the 30-day public review period for the Final PEIS concludes, EPA and USIBWC will issue a joint ROD identifying the specific option they have selected for implementation. If EPA and USIBWC determine that the selected option would result in impacts that could be significant and are not documented in the PEIS, this would require a supplemental NEPA review (and associated public engagement) to assess impacts to the affected properties.
- Regarding the location of open-cut trenching for Option B1: The analyses in the PEIS assume that open-cut trenching along Monument Road would not extend beyond the edge of roadway or its shoulder (i.e., would not disturb adjacent vegetation). However, the specific locations will be dependent on the results of utility surveys the design contractor will conduct after this PEIS is finalized. If the expected location of open-cut trenching changes substantially (whether based on utility surveys or otherwise) resulting in impacts that are not documented in the PEIS, this would require a supplemental NEPA review (and associated public engagement) to assess impacts to the properties affected by the trenching activities.
- Regarding the risk of failure of Project B pipelines in the U.S.:
  - As noted in Section 4.6 (Geological Resources) of the PEIS, “[P]roject components in areas subject to liquefaction would be designed to be seismically resistant in accordance with applicable seismic design standards, and all project components would be designed to reflect the findings and recommendations of future project-specific geotechnical studies.” The proposed design is based upon use of high-density polyethylene (HDPE) or polyvinyl chloride (PVC) pressure pipe, which are less susceptible to fracturing due to seismic stresses than alternative ferrous or concrete pressure pipe. HDPE and PVC pipe materials are also immune to corrosion from wastewater, acidic soils, or stray electrical currents—the most common causes of force main failures. EPA and USIBWC note that existing pipelines associated with the ITP, including the South Bay Land Outfall (SBLO) and SBOO, have withstood significant seismic events without incurring damage.
  - All the new sewers installed would require minimal maintenance. The U.S.-side force main would receive routine, long-term maintenance to reduce the chances of major leaks. Mexico would need to provide a similar maintenance effort, but that effort is

- expected to be far less than what the existing sewer system in Mexico currently requires.
- Canyon pumps in Mexico would remain as backups to pump flows to SABTP/SAB Creek in the unlikely case of a pipeline failure on the U.S. side. This edit has been made in Section 2.4.1.2 (Project B: Tijuana Canyon Flows to ITP) of the Final PEIS.
  - The commenter is correct that the trenchless option (Option B2) would be the most expensive option. As stated in the project description in Section 2.4.1.2 (Project B: Tijuana Canyon Flows to ITP) of the PEIS, the estimated capital costs are \$30.8 million for Option B1 (Trenching via Smuggler’s Gulch and Monument Road), \$44.7 million for Option B2 (Trenchless Installation via Smuggler’s Gulch and Under Mesa), and \$22.3 million for Option B3 (Connect to Existing Canyon Collector System).
  - Regarding the existing force mains from the Hollister Street pump station to the ITP: The PEIS states that “depending on the results of the USIBWC condition assessment of existing ITP components, the scope of Option B3 could also include rehabilitation of the Hollister Street pump station and associated force mains.” However, the PEIS does not evaluate the impacts of *extensive* rehabilitation of the force mains (e.g., impacts of open-trench rehabilitation or replacement of the force mains). If EPA and USIBWC select Option B3 and determine that the force mains need to be extensively rehabilitated, resulting in impacts that could be significant and are not documented in the PEIS, this would require a supplemental NEPA review (and associated public engagement) to assess impacts to the properties affected by rehabilitation activities.
  - The Proposed Action would not decommission pump stations PB-CILA, PB1-A, or PB1-B. These pump stations are being rehabilitated under a separate action and are expected to remain operational as needed.

## CODE 10C. CORE AND SUPPLEMENTAL PROJECTS: PROJECT C (TIJUANA SEWER REPAIRS)

### Summary of Comments:

- Commenters expressed the need to fix current infrastructure.
- The upgraded sewer lines should be sized and designed to accommodate population growth.
- The project scope should include expansion of the sewer system to underserved areas of Tijuana.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 7

**Flag Excerpt as Containing Submitted Info:** Alternatives

We strongly support **Alternative 1: Core Project C: Tijuana Sewer Repairs** that include rehabilitating or replacing targeted sewers in Tijuana to reduce the amount of untreated wastewater that currently leaks from the sanitary sewer in Tijuana. We do recommend that the Draft PEIS consider the potential for increased flows in future metropolitan growth scenarios in the final sizing and design of the upgraded sewerage system. The investments in the targeted segments should be augmented by expansion of service areas to reduce illicit flows of raw wastewater and industrial wastes into the Tijuana River from underserved areas of Tijuana.

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**Commenter Name:** Karen Rodgers

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0293

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:**

However, the amount of daily sewage flow due to old and leaky diversion routes is frightening and needs to be addressed/ repaired asap!

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 5

**Flag Excerpt as Containing Submitted Info:**

Alternative 1: Project C

My comments on Project C are limited because they all need to occur in Mexico and be repaired by Mexico and I do not see how our analysis or input is beneficial in this regard. I believe the solution to the failing pipes and their associated sewage flows is dependent on the Minute 320 negotiations.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Project C (Tijuana Sewer Repairs), which would reduce wastewater leaks to the river in Tijuana and improve downstream water quality in the Tijuana River Valley and Estuary.
- Regarding the sizing and design of the upgraded sewerage system: Projects developed through the BWIP process undergo an alternatives analysis to assess the problem (e.g., deteriorated infrastructure or absence of sufficient infrastructure) and to identify appropriate infrastructure solutions, as well as preliminary engineering activities and final designs. In addition, CESPT's Project Department considers population growth for collector repair projects as a standard practice when an entire collector is being replaced or rehabilitated. These analyses consider appropriate pipe sizing and capacity.
- See the response to Code 9 regarding why the scope of the Proposed Action does not include expanding the sewer system to unsewered communities in Tijuana.

## **CODE 10D. CORE AND SUPPLEMENTAL PROJECTS: PROJECT D (AFTP PHASE 1), PROJECT E (AFTP PHASE 2), AND PROJECT F (U.S.-SIDE RIVER DIVERSION TO AFTP)**

### **Summary of Comments:**

- Most commenters support Projects D and E. One commenter opposes the construction of another WWTP in the U.S.
- Some commenters strongly support Project F. Those who oppose Project F expressed concern about standing water posing health threats near residential areas.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 9

**Flag Excerpt as Containing Submitted Info:**

Among our highest and strongest recommendations is support for **Alternative 1: Core Project D: AFTP Phase 1**. Establishing a 35-MGD Advanced Primary Treatment Plant for river diversions at PBCILA and discharging the effluent comingled with ITP wastewater treated to secondary will significantly reduce discharges at Punta Bandera that effect coastal water quality as far north as Coronado during some south swell conditions.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 10

**Flag Excerpt as Containing Submitted Info:**

We further strongly support the Draft PEIS language supporting the potential expansion under Phase 2 (**Alternative 2: Supplemental Project E (Expansion of the AFTP to 60 MGD)**) and further study of Project F (a US side river diversion) to augment the existing PBCILA river diversion. Planning for the largest practicable expansion of river diversion and treatment capacity should be considered as a long-term investment in water capture for beneficial use as well as shorter term waste capture and treatment. We believe the future of Tijuana and San Diego will necessitate capturing and using as much local waters as possible to meet many diverse municipal

needs as our mutual ability to reply on the Colorado River water imports is decreased due to climate change aridification of the Colorado River watershed.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 14

**Flag Excerpt as Containing Submitted Info:**

Regarding **Alternative 2: Supplemental Project E: APTP Phase 2** (Project E), we sincerely appreciate the vision of the Draft PEIS that provides for construction of **Alternative 1: Core Project D** with pads and stubs for the expansion to 60 MGD, which we strongly support, in Project E.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 15

**Flag Excerpt as Containing Submitted Info:**

Similarly, for **Alternative 2: Supplemental Project F: U.S.-Side River Diversion to APTP** (Project F), we strongly support sizing the diversion system to 60 MGD to accommodate increased capture for treatment of wet weather flow events. As stated above, implementation of river diversion and treatment projects are considered a key component of the implementation plans of the draft TMDL for Bacterial Indicators. Fully implementing the largest diversion and treatment options will help ensure that restoration of maintenance of the chemical, physical, and biological integrity of the irreplaceable Tijuana River Valley and Estuary are realized through these projects.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 5

**Flag Excerpt as Containing Submitted Info:**

Of particular importance to the County are Projects E and F, which would allow for additional diversion and treatment of flows at the South Bay International Wastewater Treatment Plant

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(SBIWTP). The County's analysis completed under SB 507 analyzed a treatment and diversion option up to 163 million gallons per day (mgd), which would maximize treatment of flows that enter the Tijuana River in the United States from Mexico. Project D, which is identified as a "Core Project," would only increase treatment at SBIWTP by 35 mgd and would not include additional diversion of flows. Given the magnitude of public health impacts that occur in the Tijuana River Valley because of the cross-border flows, the County would like to see the additional diversion and treatment up to 60 mgd considered in Projects E and F implemented in the near-term.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 7

**Flag Excerpt as Containing Submitted Info:**

Alternative 1: Project D

I do not support Project D, yet another sewage treatment system in our River Valley, initially set to only Primary Treatment standards. We need to quit making our River Valley a sewage dumping and treatment plant location for another country. I believe the 88 Million Dollar price tag to produce primary treatment only, may be more effectively utilized elsewhere. In addition, being able to support the 30 person staff required for this plant seems to be wishful thinking. Our River Valley is full of public lands we are hoping to enjoy without the truck traffic, noise, smells, exhaust, tires, trash, chemicals and other environmental problems that come with yet another sewage plant.

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**Commenter Name:** Baron Partlow

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0300

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

As an environmental activist, and Doug Liden can probably tell you this, the people that I am representing, which have numbers over 1000 in the South Bay do not want any river diversion project that puts a standing sewage pond of any kind near the residents of the South Bay, mainly Coral Gate; and as a resident stakeholder, this is very important that we acknowledge the term "resident stakeholder" because every other agency in the South Bay in the state seems to want to just take public comment or just totally disavow resident stakeholders,

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**Commenter Name:** Baron Partlow

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0300

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**Comment Excerpt Number: 4**  
**Flag Excerpt as Containing Submitted Info:**

But we would really not like to see anything in the South Bay put a standing sewage pond of any kind in our residential neighborhoods,

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** Stop the Poop  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

I ATTENDED THE VIRTUAL MEETING HELD BY EPA ON JULY 20TH, 2022, 2PM-3:45PM PDT. I MADE PUBLIC COMMENT IN OPPOSITION TO ANY STANDING MEXICAN SEWAGE AND TOXIC CHEMICAL CONTAMINATION PONDS IN THE TIJUANA RIVER VALLEY, NAMELY, IN THE FLOOD CONTROL PLAIN OF THE TIJUANA RIVER. THIS WOULD PLACE MORE MEXICAN SEWAGE ON THE DOORSTEP OF THE CORAL GATE NEIGHBORHOOD ALONG THE NORTHERN BOUNDARY OF THIS PROPOSAL AS CALLED FOR IN THE SUPPLEMENTAL PLAN.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Projects D (APTP Phase 1), E (APTP Phase 2), and F (U.S.-Side River Diversion to APTP). Project D would reduce impacts to the U.S. coast by treating diverted river water that otherwise would be discharged to the Pacific Ocean via SAB Creek without adequate treatment, or any treatment at all. Project E would reduce downstream impacts in the Tijuana River and Estuary by providing additional capacity to treat contaminated river water. Project F would improve water quality in the Tijuana River Valley, the Tijuana River Estuary, and coastal communities in southern San Diego County by diverting transboundary river flows from the Tijuana River in the U.S.
- EPA and USIBWC agree that water capture via river diversion and treatment would provide opportunities for future beneficial reuse. At this time, EPA and USIBWC are not aware of suitable reuse opportunities for advanced primary-treated effluent. However, the Proposed Action would not prevent the future implementation of water reuse projects for APTP-treated effluent, should a suitable reuse opportunity be identified in the future.
- Regarding the comment that “we need to quit making our River Valley a sewage dumping and treatment plant location for another country”:
  - When developing alternatives, EPA and USIBWC considered two alternatives (identified as Alternatives AE and AF in the Water Infrastructure Alternatives Analysis report<sup>3</sup>)

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<sup>3</sup> See <https://www.epa.gov/system/files/documents/2021-11/usmca-water-infrastructure-alternatives-analysis-final-report.pdf>.

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- that rely entirely on a replaced SABTP, rather than new treatment capacity in the U.S., to provide the treatment capacity needed to address contaminated transboundary flows. These two alternatives scored poorly during the initial screening process due to the lack of river water treatment, poor reduction of transboundary river flows, concerns regarding operational reliability, and lack of USMCA expenditures in the U.S. These alternatives were therefore eliminated from further evaluation.
- EPA and USIBWC note that the comment does not include reasonable alternative proposals to address contaminated transboundary flows.
  - EPA and USIBWC agree that the APTP would result in operational impacts. These impacts, and the measures that would be implemented to mitigate them, are detailed in Sections 4 and 5 of the PEIS. EPA and USIBWC note that the long-term adverse environmental and public health impacts of continued transboundary pollution would be worse than the impacts of implementing these projects, as described in the response to Code 1a.
  - One comment mentions “tires,” “trash,” and “chemicals” as problems that would arise from plant operations. EPA and USIBWC do not anticipate that APTP operations would contribute any of these types of pollution to the Tijuana River Valley.
  - Regarding comments that the Proposed Action should incorporate secondary-level (not primary-level) treatment of diverted Tijuana River water: See Section 2.7.3 (Other Projects Identified Based on Public Scoping Comments) of the PEIS and the response to Code 9.
  - Regarding comments that a river diversion would result in a “standing sewage pond”: Construction and operation of Project F (U.S.-side River Diversion to APTP) would have the potential to lead to standing water in the immediate vicinity of the proposed infrastructure. This would be further studied in a subsequent tiered NEPA analysis for the project. The eventual planning and design processes for this project would explore ways to mitigate this.

## CODE 10E. CORE AND SUPPLEMENTAL PROJECTS: PROJECT G (NEW SABTP)

### Summary of Comments:

- Project G would be essential for reducing coastal impacts.
- Project G should be sized to accommodate population growth through 2050. The PEIS should clarify the service area and required treatment capacity.
- EPA and Mexico should study the potential for reuse of treated effluent from the SABTP and/or construction of an offshore ocean outfall.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 7  
**Flag Excerpt as Containing Submitted Info:** Alternatives

Furthermore, the protection of coastal water quality in the United States will depend on the health of coastal water quality in Mexico near the border region as well. While we are pleased to see planned upgrades to the San Antonio de los Buenos Treatment Plant, we also ask that there be consideration of increased treatment ability to fully cover population growth until 2050 and the consideration of an offshore ocean outfall, similar to the South Bay Ocean Outfall, on the Mexican side of the border at SABTP to more fully protect coastal health and water quality. This ocean outfall may ensure that raw or insufficiently treated sewage from the SABTP would be discharged into deep water offshore where it would present less of a public health threat to communities on both sides of the border.

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**Commenter Name:** David W. Gibson et al.  
**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1  
**Comment Excerpt Number:** 17  
**Flag Excerpt as Containing Submitted Info:** Alternatives

We strongly support **Alternative 2: Supplemental Project G: New SABTP** with a treatment capacity of 5 MGD. We do request that EPA clarify in the final PEIS the expected volume and sizing needed to address current and planned flows in San Antonio de los Buenos Creek. While most existing flows will be conveyed to and treated at the Project A: Expanded ITP and Project D: APTP facilities, estimates of these volumes delivered to (or bypassing) SABTP vary considerably across the several studies completed to date. In addition, the current SABTP discharges directly onto the beach, which has proven to be a serious coastal water quality impact as far north as Coronado

during some south swell conditions. Consequently, we recommend that EPA and Mexico study reuse of the effluent to limit or eliminate ocean discharge. Nonpotable uses like landscaping irrigation could make use of nearly the full volume during summer months. Additional treatment could make use of the effluent as a potable supply to augment other projects described in the Draft PEIS. Both potable and non-potable re-use could end the impacts from this facility on coastal water quality for decades as well as provide locally reliable source water for aridification and climate change adaptation in Mexico. If an ocean discharge is likely to remain from SABTP, we encourage the study and construction of an ocean outfall with diffusers in deeper waters offshore to improve dilution and dispersion away from onshore currents. Finally, to the extent practicable, the final PEIS should make clear the future growth in waste flows and the specific service area of the SABTP in agreements with Mexico to prevent the facility from being overwhelmed.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 30

**Flag Excerpt as Containing Submitted Info:**

As mentioned above, the possibility of effective reuse of effluent from **Alternative 2: Supplemental Project G: New SABTP** could significantly reduce the impact and costs of ocean discharge while also providing source water to meet future local needs.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 6

**Flag Excerpt as Containing Submitted Info:** Information

Additionally, Project G, which includes installation of a new 5 mgd sludge plant at the existing San Antonio de los Buenos Wastewater Treatment Plant (SABTP) in Baja California, is a priority for the County. Currently, residents and visitors in the South County of the San Diego region are impacted heavily during the spring and summer months when sewage originating from the existing SABTP is moved north by currents and causes a substantial amount of local beach closures, which are increasing annually. As of July 23, 2022, the Imperial Beach Shoreline had 15 closures (102 total days), the Silver Strand Shoreline had 10 closures (45 total days), and the Coronado Shoreline had 6 closures (20 total days) due to sewage impacted water. Project G, which is intended to reduce water quality impacts along the Pacific Ocean coastline, should be implemented in the near-term to reduce existing impacts.

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### Response from EPA and USIBWC:

- EPA and USIBWC appreciate the comments in support of Project G (New SABTP) and agree that providing sufficient treatment capacity and capabilities at the SABTP (or a replacement plant for the SABTP) is essential in reducing coastal impacts in the U.S. As described in Section 1.3 (Causes and Impacts of Contaminated Transboundary Flows from Tijuana) of the PEIS, eliminating or dramatically reducing discharges of untreated wastewater via SAB Creek would strongly benefit water quality and public health at beaches in southern San Diego County.
- Regarding the scope of the new SABTP, including plant capacity, service area, and construction of a new offshore ocean outfall:
  - Project G would include construction of a 5-MGD plant at the SABTP site to provide secondary treatment via conventional activated sludge, followed by disinfection. Following implementation of Projects A, B, and D, all influent sources of wastewater to the SABTP would be eliminated other than approximately 2.2 MGD of wastewater from the Playas de Tijuana neighborhood, which is currently collected at the Playas Pump Station prior to conveyance to the SABTP. A 5-MGD plant at the SABTP site would provide more than sufficient capacity to accommodate population growth in this neighborhood through 2050, when flows are projected to be 2.6 MGD. This information has been added to the project description in Section 2.5.2.3 (Project G: New SABTP) of the Final PEIS.
  - Treaty Minute No. 328 identifies other projects for future consideration that have corresponding projects in this Proposed Action. Project G (New SABTP) of the Proposed Action and its corresponding project in Treaty Minute No. 328 are similar in type and purpose but different in size and complexity. Specifically, negotiations for Treaty Minute No. 328 resulted in the inclusion of a larger, 18-MGD plant at the SABTP site to provide secondary treatment via an oxidation ditch process, followed by discharge via a new 200-meter ocean outfall. See the new Section 2.8 (Funding Sources and Binational Agreement) of the Final PEIS regarding the basis for the 18-MGD capacity.
  - For the Final PEIS, EPA and USIBWC have elected to retain the Project G scope as described in the Draft PEIS (a 5-MGD plant with no new ocean outfall). While Treaty Minute No. 328 identifies responsibilities for funding, project implementation, and O&M and defines priorities, it also acknowledges that projects are contingent upon successful completion of the appropriate environmental regulations for both countries (e.g., the decision-making process required by NEPA for projects with a federal nexus). In other words, Treaty Minute No. 328 does not commit EPA and USIBWC to funding or implementing the 18-MGD version of the SABTP described in the treaty minute. Rather, the treaty minute states that the 18-MGD SABTP is to be funded and implemented entirely by Mexico. If subsequent binational discussions were to contemplate funding from the U.S., then there would be a federal nexus and EPA and/or USIBWC would conduct an appropriate NEPA review in the form of a tiered NEPA analysis, which would address any deviations from the scope presented in Project G of the PEIS.
  - Information on the relationship between Project G and the corresponding project in Treaty Minute No. 328 has been added to Section 2.8 in the Final PEIS.

- Regarding reuse of treated effluent from the SABTP: EPA and USIBWC agree that eliminating all discharges from the SABTP would further reduce in pollutant loadings to the Pacific Ocean and could provide source water for local needs in Mexico.
  - However, reuse of treated effluent from the SABTP would require additional infrastructure improvements in Mexico (e.g., to distribute treated effluent for reuse) and would provide relatively marginal additional benefits to coastal water quality, given that Alternative 2 (including Project G) would eliminate most pollutant loadings in wastewater flows that would otherwise be discharged, untreated, without treatment to the Pacific Ocean via SAB Creek. For more information, see Section 4.2.4 (Marine Waters—Alternative 2: Core and Supplemental Projects) of the PEIS.
  - While Project G does not specifically include the additional treatment and distribution infrastructure necessary for reuse, EPA and USIBWC agree that future studies for the SABTP (including subsequent tiered NEPA analysis which would be required if Alternative 2 were selected) should consider this additional infrastructure as an alternative.

## **CODE 10F. CORE AND SUPPLEMENTAL PROJECTS: PROJECT H (TIJUANA WWTP TREATED EFFLUENT REUSE) AND PROJECT I (ITP TREATED EFFLUENT REUSE)**

### **Summary of Comments:**

- Most commenters support water reuse through Projects H and I. Some commenters suggested these projects should be prioritized, and one commenter requested that Project H be moved to Core Projects.
- Some commenters oppose Project I as it would use U.S. funds to return treated water for reuse in Mexico.
- Some comments were unrelated to Projects H and I:
  - One commenter strongly opposes Project D.
  - EPA and Mexico should study the potential for reuse of treated effluent from the SABTP.
  - A treatment plant should be built to convert secondary-treated water from the La Morita and Arturo Herrera WWTPs to potable water.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 12  
**Flag Excerpt as Containing Submitted Info:** Alternatives

There is also a concern regarding sustainable and resilient water supply in the region due to increased drought and loss of potable water resources. The EPA should prioritize and pursue effective water recycling and wastewater reuse opportunities, including Projects H and I in the PEIS that plan for treated effluent reuse, and the possibility for reuse should be explored for treatment at the San Antonio de Los Buenos Treatment Plant to abate coastal discharge.

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**Commenter Name:** David W. Gibson et al.  
**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1  
**Comment Excerpt Number:** 18  
**Flag Excerpt as Containing Submitted Info:**

We similarly strongly support **Alternative H: Supplemental Project H: Tijuana WWTP Treated Effluent Reuse** (Project H). As stated above, San Diego and Tijuana share a common watershed and deeply connected economy that depends on maximizing and realizing effective water recycling and reuse, including for potable purposes. Effectively redirecting the flows from the Arturo Herrera and La Morita WWTPs to beneficial reuse as potable supply is critical to meet future water needs and reduce dry weather flows in the Tijuana River and optimize Projects D, E and F.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 19

**Flag Excerpt as Containing Submitted Info:**

**Alternative 2: Supplemental Project I: ITP Treated Effluent Reuse** (Project I) is equally important to the transformative changes in wastewater treatment and recycled water re-use envisioned in the Draft PEIS and should be a top priority in future planning efforts. This project together with Project H above are critical to the long-term credibility and durability of these projects and to realize the fullest, binational benefits of the investments to the shared economies, ecosystems, and communities in the Tijuana River watershed.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 23

**Flag Excerpt as Containing Submitted Info:**

Water reuse As described above, the reuse of wastewater is an essential part of sustainable, resilient water supply management in this region including both metropolitan Tijuana and San Diego. Thus, any large expenditure of federal and partner funds should facilitate, and not restrict or ignore, maximum reuse of wastewater. We note that **Alternative 1** does not include or preclude the ability to reuse water, and **Alternative 2** (Section 2.5.2.5, Supplemental Project I) could facilitate reuse in Mexico. This is another very compelling reason for **Alternative 2: Supplemental Projects H and I** be prioritized for funding and implementation given the likelihood of increased aridification of the Colorado River watershed associated with climate change. Tijuana and San Diego enjoy a shared regional economy and share a reliance on a rapidly diminishing supply of water from the Colorado River and should invest in a mutually advantageous expansion of effective water recycling for potable reuse as envisioned in **Alternative 2: Supplemental Projects H and I**.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 32

**Flag Excerpt as Containing Submitted Info:**

As referenced above, for wastewater projects in Mexico, the goal should be to reuse treated water in Mexico rather than discharge the treated waste to the main Tijuana River channel. We support diverting the flows from Arturo Herrera and La Morita wastewater plants from the river to beneficial reuse to reduce large effluent volumes in the main channel. Effective wastewater reuse (rather than effluent discharge to main channel) will provide a much-needed supply of water and will be protective of the capacity and longevity of the downstream **Alternative 1: Core Project D** and **Alternative 2: Supplemental Projects E and F**.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 9

**Flag Excerpt as Containing Submitted Info:**

I strongly oppose Project D and even more strongly oppose Project I — Returning Treated Water from the ITP Reuse in Mexico.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 10

**Flag Excerpt as Containing Submitted Info:** Alternatives

My greatest hope is that a treatment plant be built between La Morita and Arturo Herrera Treatment plants to convert the secondary treated water to potable water and then have that potable water directed into the existing water lines. However, since that is not a consideration in this document, I ask that Project H - Tijuana Wastewater Treatment Plants Morita and Herrera effluent reuse be moved to the Alternative 1 Core Projects. This project alone, in addition to providing much needed water to Tijuana, would also provide an instant 10 MGD increase in capacity at the ITP, with no design or construction, no additional staff, or additional O & M.

**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1  
**Comment Excerpt Number:** 12  
**Flag Excerpt as Containing Submitted Info:**

Conversely, I am adamantly opposed to Project I - treated effluent being returned to Mexico via a new 40 MGD Pump Station and a 3700-footpipe, for their reuse. No returning treated water to Tijuana. They have many options with new developments to require treatment plants that can deliver secondary treated or even potable water. These are opportunities for them to become water independent without counting on us. Project I should not be utilizing even a cent of the funds allocated to cleaning up the sewage issues in the U.S., not even for analysis; nor do I believe supplying Mexico with water in this way is a part of the U.S.'s, EPA's or IBWC's current mission.

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0300  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

and if we import through U.S. infrastructure 4300 acre-feet of water to the city of Tijuana every single day, how come there's nothing in legislation with their written promise that they will not pollute us with that water? And if they do, why don't we just keep that water and reuse it ourselves? Why are we sending them water, letting them pollute us with it, and then treating it and sending it back to them for reuse and not keeping it ourselves?

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0300  
**Comment Excerpt Number:** 5  
**Flag Excerpt as Containing Submitted Info:**

and we would like to see if there's any other transboundary flows that happen that we keep the water and not reuse it for Mexico because we already give them 4300 acre-feet of water a day through our infrastructure from the Colorado River to the city of Tijuana. Thank you.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Projects H (Tijuana WWTP Treated Effluent Reuse) and I (ITP Treated Effluent Reuse). EPA and USIBWC recognize that
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1) reuse of wastewater is an essential part of sustainable, resilient water supply management, and 2) projects that support water recycling, whether in San Diego County or in Tijuana, would be mutually advantageous to both countries' efforts to reduce reliance on the diminishing Colorado River supply.

- Regarding the suggestion to convert secondary-treated water from the La Morita and Arturo Herrera WWTPs to potable water: Construction of a new plant to treat effluent to potable water standards, rather than simply conveying effluent to the Rodriguez Dam Impoundment to remove it from the Tijuana River, would not further the purpose and need for action. However, EPA and USIBWC support further study of this option by Mexico if desired and if it is consistent with applicable regulations in Mexico regarding use of treated effluent as direct source water for potable reuse.
- Regarding the suggestion that Project H should be a Core Project: As noted in the Project H description in Section 2.5.2.4 of the PEIS, further studies are needed to better define the scope of Project H before a detailed environmental review can be performed. There are currently several unknowns about the scope, such as the conditions and need for structural analysis of the Rodriguez Dam impoundment, the optimum location of the discharge into the impoundment, infiltration rates upstream of the impoundment, and opportunities for beneficial reuse of the effluent. A BWIP-funded study is planned to address these unknown factors and inform future review in a subsequent tiered NEPA analysis.
- Regarding comments that oppose Project I because it would return treated water for reuse in Mexico: Conveying treated effluent to Mexico for reuse, rather than keeping it in the U.S. for reuse, is in accordance with the terms of Treaty Minute No. 283, which states that "both Governments reserve the right to return for reuse in their respective territories part or all of the [ITP] effluent corresponding to each country's sewage inflows." In addition, as noted earlier in this response, projects that support water recycling—whether in San Diego County or in Tijuana—would be mutually advantageous to both countries' efforts to reduce reliance on the diminishing Colorado River supply.
- For comments regarding Project D (AFTP Phase 1): See the response to Code 10d.
- For comments regarding potential reuse of treated effluent from the SABTP: See the response to Code 10e.

## CODE 10G. CORE AND SUPPLEMENTAL PROJECTS: PROJECT J (TRASH BOOM[S])

### Summary of Comments:

- Commenters support Project J and expressed that it should be implemented as soon as possible.
- Project J should be a Core Project because trash booms have already been sufficiently analyzed.
- The Proposed Action should include measures to prevent tires from coming across the border and becoming buried in the riverbed.
- Project J should be designed to capture trash in the largest practicable storm flow events.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 7

**Flag Excerpt as Containing Submitted Info:**

Lastly, Project J to install trash booms in the Tijuana River channel in the United States is also a priority for the County, as this will help prevent trash flowing further downstream. The Draft PEIS states that options for additional studies that would help refine this project are being explored. However, the trash booms in this location have already been analyzed by the County as part of the SB 507 analysis and have also been analyzed by the U.S. International Boundary and Water Commission. The Draft PEIS references existing infrastructure in Smugglers Gulch and Goat Canyon, where trash capture devices have been successfully installed and maintained for several years. As such, the County requests that the U.S. EPA complete all necessary analysis or studies for Project J within this Draft PEIS and evaluate the project as a core project rather than a supplemental project. This project appears to be relatively simple and could reasonably be included in the current environmental analysis and implemented in the near-term.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 20

**Flag Excerpt as Containing Submitted Info:** Alternatives, Information

While the Draft PEIS Alternatives are very properly focused on human and environmental protection from sewage and the pathogens and wastes it conveys, human and environmental health

are also significantly at risk from the long-standing failure to address transboundary flows of solid waste. The solid waste conveyed in large flow events includes plastics, tires, debris, and other wastes. Some of these constitute risk as habitat for mosquito (*Aedes* spp.) vectors of diseases like Zika, Chikungunya, Yellow Fever, and Dengue. In addition, the breakdown products of plastics are a significant risk to the estuary and ocean habitats and organisms. Accordingly, we very strongly support continued study and development of **Alternative 2: Supplemental Project J: Trash Boom(s)** (Project J). We recommend that the Draft PEIS acknowledges the value of state and federal partnerships with local agencies, which have carried a disproportionate burden of managing these wastes in the Tijuana River Valley, to realizing the full potential of Project J. Local agencies including California State Parks and County of San Diego have built or are investing in trash booms and sediment management basins in Goat Canyon and Smuggler's Gulch. A Tijuana River trash boom, especially one coupled with a project to restore flood control capacity of the Main Channel upstream of Dairy Mart Rd in the US, would address the conveyance of the largest volume of solid waste impacting the Tijuana River Valley, Estuary, and coastal waters of the Pacific Ocean. It should be noted in the Draft PEIS that while it is impracticable to capture and divert large storm flows to the APTP in **Alternative 1: Core Project D** and **Alternative 2: Supplemental Projects E and F**, capturing solid waste in large storm flows is possible as has been demonstrated in the State Parks Goat Canyon trash boom and the recently deployed Alta Terra trash boom project in Smuggler's Gulch. Thus, Project J should be studied and designed to capture solid waste in the largest practicable storm flow events in the Tijuana River upstream of Dairy Mart Rd.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 8  
**Flag Excerpt as Containing Submitted Info:** Information

Some COMMENTS ON DETAILS OF PEIS:  
TRASH BOOMS MAIN CHANNEL: We support installation and maintenance of trash booms, large and/or small, in the main channel of the TRV. Not having these over the years has created an ENVIRONMENTAL NIGHTMARE downstream all the way into the ocean. Trash clogging the main river channel makes an unsightly landscape viewed from the road and ugly, sometimes dangerous conditions on trail. Trash piling around the vegetation creates a place for sediment to collect and raise the riverbed, contributing to FLOODING. The River should have a CLEAR PATH to the ocean, uncontaminated by trash.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number:** 10  
**Flag Excerpt as Containing Submitted Info:** Information

AN ENVIRONMENTAL MESS IN TRV THAT IS BEING IGNORED: (and a reason trash booms in main channel are important).

The southernmost Hollister St. Bridge that parallels the illegal Brownfill property has become a kind of dam for the winter stormwater. It stinks in a way that makes one gag at times. The accumulated plastic (and probably tire) trash is horrible to see and it is poisonous to wildlife. This is one more reason trash booms need to be installed between Dairymart Bridge and the border. The accumulation of trash disintegrating in this impromptu now seemingly permanent cess pit will be poisonous to fish and wildlife downstream as the water flows through in the winter.

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**Commenter Name:** Mary Powell

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0295

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:** Analyses

I feel sad that the trash flowing into the TRV with rainstorms or transboundary flows is not being addressed except as almost an afterthought in alternative 2. Plastic Trash and tires deteriorating when left as they are in the TRV have a long term toxicity to fish and wildlife.

The preservative used in tires to make them last longer has been proven to be highly toxic to fish. (multi year study to find the reason salmon were dying in rivers). Is there any plan within these plans to stop the tires coming across the border constantly in rain storms and becoming buried in river bed. If no, why not? Sewage will be lessened by exposure to sun but tires deteriorate with same.

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**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 11

**Flag Excerpt as Containing Submitted Info:**

I also encourage greater and earlier consideration of Project J - Trash Booms. We can either pick the trash and tires up earlier or later along their journey through our River Valley, it is easier and financially more beneficial to collect trash and tires prior to their being strewn throughout our River Valley, Estuary, and beaches. The trash booms would be helpful in achieving this goal.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the comments in support of Project J (Trash Boom[s]) and agree that this project should be a priority to address the environmental and human health risks posed by trash (including tires) and debris that enter the Tijuana River Valley during

transboundary flow events. EPA and USIBWC also agree that the trash boom(s) should be designed to capture trash and debris in the largest practicable storm flow events.

- Regarding the comment that Project J should be a Core Project with no need for further NEPA analysis: EPA and USIBWC do not yet have sufficient information regarding the types and quantities of trash conveyed across the border during wet- and dry-weather river flows, or the effectiveness of the boom(s) in capturing trash under varying flow conditions, to inform the development of a sufficiently detailed project concept. Specifically, EPA and USIBWC do not yet have sufficient information to propose specific locations for the boom(s) or to fully characterize the expected trash extraction, processing, hauling, and disposal activities. Until that information is available, EPA and USIBWC cannot perform a meaningful evaluation of the project's potential impacts (e.g., floodplain and wetland impacts, conflicts with ITP operations and CBP patrol activities, transportation impacts from hauling of extracted trash, visual impacts, odors, and the potential introduction of breeding areas for disease-spreading vectors). However, the California State Water Quality Control Board voted on July 19, 2022 to approve \$4 million in funds for a trash boom pilot study, the results of which are expected to address some of these information gaps. Specific responsibilities and priorities for implementing the trash boom study are currently being discussed among the participants in the Minute 320 Binational Core Group.
- EPA and USIBWC acknowledge and appreciate the value of state and federal partnerships with local agencies who focus on addressing trash and waste issues in the Tijuana River Valley. EPA and USIBWC intend to continue collaboration within these partnerships to ensure that if Alternative 2 is selected, Project J is realized to its full potential.
- See Section 3.13 (Solid and Hazardous Waste) of the Final PEIS for a brief discussion of the potential ecological impacts of plastic trash and tires in aquatic ecosystems.
- Regarding the need for a plan to stop tires from coming across the border: EPA and USIBWC considered incorporating a project to install a trash boom in the Tijuana River in Mexico (i.e., upstream of the border) to intercept trash in wet-weather flows before it enters the U.S. This project was eliminated from detailed study due to concerns about limited effectiveness due to high flow rates in the concrete-lined channel, the security of this infrastructure (e.g., risk of vandalism or theft), and inability to identify an agency in Mexico whose responsibilities would include O&M of a trash boom. For more information, see Section 2.7.3 (Other Projects Identified Based on Public Scoping Comments) of the PEIS.

## CODE 11. IMPACTS: OTHER/GENERAL

### Summary of Comments:

- EPA and USIBWC should estimate the expected improvements in terms of attaining water quality standards.
- The PEIS should state that performance monitoring for water quality, human health, and environmental impacts funded and included in each project. The San Diego Water Board and other local entities are available to help design these monitoring programs.
- EPA and USIBWC should consider unavoidable impacts in the context of existing burdens and use them to inform project development rather than as grounds for project removal.
- EPA and/or USIBWC should coordinate with the County regarding projects that have the potential to impact County of San Diego Department of Parks and Recreation (DPR) lands.
- One commenter asked how the Proposed Action would benefit local residents.

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 24

**Flag Excerpt as Containing Submitted Info:**

Monitoring for performance evaluation must be part of the projects considered.

The project Alternatives considered in the Draft PEIS should expressly state that performance monitoring is part of each project being considered, and thus would be funded, and that performance includes water quality, human health, and environmental outcomes. Likewise, EPA and USIBWC should also estimate expected improvements in terms of attaining water quality standards that are currently impaired due to transboundary flows, not just in terms of reduced days and volumes of flow. As the **Alternative 1: Core Projects** and **Alternative 2: Supplemental Projects** are studied and constructed, the San Diego Water Board will be confer with EPA, USIBWC, and the City of San Diego to discuss potential changes in the existing NPDES Permit Receiving Waters Monitoring and Reporting requirements for the discharges from the SBOO that may help address this need while ensuring the receiving waters offshore are adequately monitored and assessed pursuant to the Clean Water Act.

For instance, monitoring designs should include pre- and post-project and/or up- and downstream monitoring of bacteria, trash, sediment, flow, or other constituents as appropriate. Effectiveness monitoring must verify that pollutants other than those in human sewage, such as industrial waste and trash, are reduced to ensure projects meet the goals outlined in the Draft PEIS. Opportunities for partnerships to develop such monitoring and assessment exist with local agencies, San Diego

State University, UCSD Scripps Institution of Oceanography, the Boz Institute, and the Southern California Coastal Water Research Program (SCCWRP).

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**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 26

**Flag Excerpt as Containing Submitted Info:**

### Environmental Impacts and Mitigation Measures

The Draft PEIS is exhaustive in the review of potential environmental impacts of the many project alternatives. These impacts can be mitigated, and the measures proposed will address many of the impacts appropriately. Unavoidable impacts should be considered in context with the significant burden local communities and ecosystems have experienced for decades. The TRVRT Recovery Strategy identified some of these dilemmas when it identified the Tijuana River Main Channel upstream of Dairy Mart Rd. and Smuggler’s Gulch and Goat Canyon upstream of Monument Rd as “actively managed channels” in its vision of the future of the Tijuana River Valley in which longstanding transboundary flows of wastes were addressed through projects that were antecedents of the ones being studied in the Draft PEIS. Impacts associated with **Alternative 2: Supplemental Projects** will also be considered in the rule making CEQA process for the draft TMDLs and project specific NEPA/CEQA actions. In addition, many of the impacts from the projects described are temporary or relatively modest in scale and should be analyzed in context of with decades of transboundary pollution and impairment of beneficial uses and community health and should be used to inform project development rather than be considered grounds to remove any of the projects under consideration in **Alternative 1: Core Projects** or **Alternative 2: Supplemental Projects**.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 11

**Flag Excerpt as Containing Submitted Info:**

Additionally, many of the projects proposed in Draft PEIS are adjacent to or directly on DPR property. Please coordinate directly with DPR staff during the design and construction phase of any projects that may have the potential to impact DPR lands. Where access to DPR owned lands is necessary, please coordinate with DPR at least 30 days in advance to access these areas to receive the proper approval through a Right of Entry Permit. Prior to any construction activities commencing within the Tijuana River Valley, please coordinate with DPR to allow DPR to notify interested stakeholders in advance, since projects in the Draft PEIS have the potential to impact

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users of the Tijuana River Valley Regional Park and/or County of San Diego projects within the region.

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**Commenter Name:** Joli Marks

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0240

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

I am curious how this benefits the residents of the area

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate the input from the San Diego Regional Water Quality Control Board (or San Diego Water Board) regarding performance monitoring and look forward to coordinating with the San Diego Water Board to ensure discharges from Project A (Expanded ITP) and Projects D and E (APTP Phases 1 and 2) are adequately monitored and assessed.
- Regarding performance monitoring:
  - Specific performance monitoring components will be determined at a later date but would include efforts to assess “water quality, human health, and environmental outcomes.” Sections 2.4 (Alternative 1: Core Projects) and 2.5 (Alternative 2: Core and Supplemental Projects) of the Final PEIS have been revised to include a statement indicating that project implementation would also include the mitigation and monitoring measures described in Section 5 (Mitigation Measures and Performance Monitoring) of the PEIS.
  - For projects that receive USMCA funds, USIBWC is planning pre- and post-implementation monitoring events to document the resulting improvements in water quality. The specific approach for the first phase of monitoring will be discussed as part of the Minute 320 Binational Core Group. Per a recent settlement agreement, USIBWC is also required to perform quarterly assessments to evaluate the success of USMCA projects in addressing impacts from sewage and other wastes in Mexico and the U.S.
  - For projects that are funded through BWIP, grant agreements would terminate after one year of operation and would include some monitoring to ensure the project is operating correctly.
  - The San Diego Water Board will require inclusion of a monitoring program in conjunction with reissuance of the National Pollutant Discharge Elimination System (NPDES) permit for the expanded ITP and the issuance of a NPDES permit for the new APTP. This could potentially include ocean monitoring, industrial source monitoring, and/or monitoring of Tijuana River and canyon flows. EPA and USIBWC would work

with the San Diego Water Board through the NPDES permit process to establish the specific monitoring requirements.

- Section 5.3 (Performance Monitoring of Project Effectiveness) has been added to the Final PEIS to summarize these performance monitoring mechanisms.
- Regarding modeling of water quality improvements: While this PEIS did not include modeling of water quality improvements in the Tijuana River and Estuary, EPA and USIBWC will coordinate with the San Diego Water Board to identify potential modeling approaches that could be used in the subsequent tiered NEPA analysis to estimate downstream water quality improvements due to implementation of Project F (U.S.-side River Diversion to the APTP).
- EPA and USIBWC recognize that, while construction and operational activities under the Proposed Action would result in unavoidable adverse impacts, these actions are necessary to address the significant long-standing impacts from contaminated transboundary flows. Since publication of the Draft PEIS, EPA and USIBWC have not removed any of the proposed Alternative 1 or Alternative 2 projects from consideration, whether due to construction and operational impacts or otherwise.
- EPA and USIBWC recognize that certain project activities would have the potential to impact lands managed by the County of San Diego DPR. EPA and USIBWC have been actively communicating with DPR throughout the NEPA process and will continue to coordinate with DPR as appropriate. USIBWC would coordinate directly with DPR staff during the design and construction phases of any projects that may have the potential to impact DPR lands (e.g., Project B pipeline construction in Smuggler’s Gulch or along Monument Road); obtain Right of Entry permits for access to DPR-owned lands; and obtain any required permissions, authorizations, or reviews necessary for development on County property.
- Impacts and benefits to communities within the Tijuana River Valley and adjacent areas that are affected by contaminated transboundary flows are discussed throughout Section 4 (Environmental Consequences) of the PEIS.

## CODE 11A. IMPACTS: FRESHWATER AND ESTUARINE RESOURCES

### Summary of Comments:

- EPA and USIBWC should consider Stormwater best management practices to reduce downstream impacts.
- Project designs should minimize bacteria and trash loadings to the Tijuana River and Estuary.

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**Commenter Name:** Sarah E. Aghassi

**Commenter Affiliation:** County of San Diego, Land Use and Environment Group

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1

**Comment Excerpt Number:** 9

**Flag Excerpt as Containing Submitted Info:**

### Stormwater Comments

As a large property owner in the Tijuana River Valley, the County encourages consideration of appropriate stormwater best management practices (BMPs) to reduce the possibility that the projects would result in downstream impacts, such as channel erosion or accelerated sedimentation. As mentioned within the Draft PEIS, the San Diego Regional Water Quality Control Board is currently working on efforts to establish a Total Maximum Daily Load (TMDL) for indicator bacteria and trash in the Tijuana River and Estuary. As elements of the Proposed Project move forward toward implementation, design work should consider how the various individual projects could contribute to bacteria and trash loading in this area and minimize those pollutants to the extent feasible.

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### Response from EPA and USIBWC:

- EPA and USIBWC appreciate the request to consider appropriate stormwater best management practices (BMPs). Section 5 (Mitigation Measures and Performance Monitoring) of the PEIS lists the intended mitigation measures for each project and includes measures (specifically, mitigation measures WR-3 and WR-4) for addressing stormwater-related impacts.
- Implementation of the Proposed Action would be expected to significantly reduce both bacteria and trash loadings into the Tijuana River and Estuary and would therefore support efforts to alleviate impaired water listings (bacteria and trash) for the Tijuana River and the Tijuana River Estuary. Implementation of the Proposed Action would not be expected to introduce any new sources of bacteria loadings to these water bodies. While Project A (Expanded ITP) and Projects D and E (AFTP Phases 1 and 2) would increase the number of personnel at the ITP site and thus slightly increase the associated domestic waste hauling and disposal requirements, this would not be expected to introduce any new sources of

trash loadings into the Tijuana River Valley. During the design stages for individual projects in the U.S., USIBWC would ensure that potential new sources of bacteria and trash loadings from these projects are considered and minimized to the extent feasible.

## CODE 11B. IMPACTS: MARINE AND COASTAL WATER QUALITY

### Summary of Comments:

- One commenter opposes the Draft PEIS because it relies on the Beach Impact Comparison Study (Feddersen et al., 2021), which the commenter states is misleading and deficient because it:
  - Does not consider the impacts of SBOO discharges, which have destroyed kelp beds, cause algae blooms, and impact ocean ecology;
  - Is not based on coastal water sampling data (from SABTP to north of Imperial Beach); and
  - Does not accurately characterize local currents.
- One commenter said that “while Playas de Tijuana gets a clean beach paid for by [U.S.] taxpayers, the wastewater is pumped daily off Imperial Beach.”
- One commenter is concerned that advanced primary treatment will not be able to meet NPDES acute toxicity limits.
- One commenter asked if marine water quality will continue to worsen before and/or during project construction and asked when water quality improvements will occur.

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**Commenter Name:** Leon Benham

**Commenter Affiliation:** Citizens for Coastal Conservancy (C4CC)

**Commenter Type:** Environmental Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0008

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:** Information

I am very much opposed the USMCA Draft Programmatic Environmental Tijuana Transboundary EIS statement because it relies on a misleading shoreline modeling study. This study is the Beach Impact Comparison Study. <https://www.epa.gov/sustainable-water-infrastructure/beach-impact-comparison-study>.

As a person who has been in the water and observed the local ocean for over fifty years, I found this study to be shortsighted and deliberately excludes critical modeling information that any reasonable person in planning the cleanup of our border waters should have considered. This study fails to include key coastal flow criteria which should be considered as basic to this kind of study. Here are some of the glaring problems and oversights of this study.

***First this modeling study fails to identify,*** consider, or even mention the **City of San Diego Sewage South Bay Ocean Outfall (SBO) ocean outfall dump of 40 million gallons** a day (mgd) 2.78 miles off Imperial Beach. This sewage water outfall in less than 90 feet of seawater and has an extreme effect ocean water quality. Failure to include this sewage outfall in the modeling data

defeats the very purpose of trying to identify pollution sources and how they impact the beach water quality. It is a fact that local surfers and fisherman witnessed the ocean water quality degradation when this SBO sewage outfall started operations between 1997-2004. While the Mexican SAB creek was operation years before this (SBO) pollution source was in operation, we did not experience the destruction of the Kelp Bed Reefs off Imperial Beach until the SBO went into operation in 1997-2004. At this same time period the tidepools at the North and South jetty, in Imperial Beach, were destroyed and bleached.

Another impact that the study fails to mention is the constant opaque green water that this SBO outfall has caused. Prior to 1997 start-up of the SBO the water off Imperial Beach and Coronado, with the exception of rain events, was clear and clean. Now clear water beyond the surf zone rarely happens. Ignoring the impact of dumping 40 mgd of sewage wastewater 2.78 miles off Imperial Beach, its effect on ocean ecology, and not considering the historical environmental impacts to the City of Imperial Beach and Coronado is “piece-meal” science which is intended to misdirect public attention away from the SBO source pollution. By only considering the 30 mgd of sewage that is dumped approximately 6 miles away at SAB creek and not considering the 40 mgd only 2.78 miles away is just plain bad science and does not serve the public good.

***The Second obvious omission is that the EPA*** - who co-wrote this study is also advocating increasing the amount of Mexican processed sewage dumped off Imperial Beach from 25 mgd to 100 mgd. That's right - this is a 300 percent increase and is part of the EPA's comprehensive plan to dump all of Tijuana's sewage into the ocean off Imperial Beach. So, while Playas de Tijuana gets a clean beach paid for by US taxpayers, the wastewater is pumped daily off Imperial Beach. Obviously, the EPA and local environmental nonprofits have a conflict of interest because they are creating their own science to make the decisions, they make seem justified. This screams of complicit misinformation with the end result of irresponsibly misinforming the public.

***The Third issue with this study***, because it ignores the SBO, is the conclusion that the 30 — 40 mgd of sewage put directly into the ocean 6.13 miles south at Punta Bandera has the most effect on Imperial Beach water quality. This is a stretch of the facts and has not proven true by actual field water testing by the County of San Diego which rarely shows any contamination from the Northern flow at the US border fence (Bullring). In fact, this study does not include any water sampling from the ocean. To make a hypothetical claim like this valid should not there be actual water testing of along the 10.0-mile coastline that is under consideration of the study. For example, what are actual measurements of contamination at SAB Creek, Mexico Over a year's time. How much does the sewage dissipate at a half mile, one mile, two miles away and so on as this water make the 6-mile journey north to the border. The water at the bullring border fence on the beach is almost always clear and clean. This modeling study is deficient of this data and only makes broad projections based on hydrodynamic modeling, which science itself is suspect, and not on hard field data or test results. This study cannot answer basic questions such as: How much contamination is there at the bullring border fence at any given time? How much of that will dissipate when it reaches the Imperial Beach Fishing Pier 2 miles further northward up the beach? How much dissipation will occur when it reaches Coronado waters? Only by knowing these rates of contamination and dissipation rates can we really know how to address the problem of coastal pollution and the normal rates of sewage consumption by the ocean. Water testing along the coast from the Mexican treatment plan and every quarter mile by simple data loggers which measure ocean water quality characteristics is the basic information needed to plan for our future. This is also true of the City of San Diego sewage out fall off Imperial Beach known as the SBOO (South Bay Ocean Outfall). How is the coastal environment degraded when you dump 40 mgd of fresh nitrate rich water into the

ocean at 90 feet deep? Many retired treatment plant certificate operators have stated that high nitrates coming out of the SBO outfall creates rapid growth of algae (e.g., algae blooms) and can be toxic to the marine environment. These algae blooms and the sewage solids are most likely why the ocean water off IB/Coronado is green and murky. As now it stands this modeling study fails to provide any real field measurement or testing of contamination from the SBO or the waters off Imperial Beach.

**The Fourth obvious omission** of this study is that it fails to characterize or identify coastal flows including the direct on shore currents which come to Imperial Beach from Point Loma (see attached). The historic deep-water upwelling which rises and comes ashore directly off the Boco Rio Surf Break deflects and changes the direction of coastal waters. This study that the EPA is relying on fails to describe the unique movement of water by the offshore reef and how this is the start of the Coronado (See Littoral Cell, Inman 1976). The Littoral Cell and the placement of the SBO outfall directly in the path of this onshore flow brings the processed sewage water directly on shore to Imperial Beach and then it travels up the strand to Coronado. In this study there is no mention of this water's movement or how this reef off Imperial Beach deflects and changes the direction of our coastal waters flow.

This coastal modeling study of sewage fails to accurately characterize field conditions and excludes key data points which makes the report conclusions very much suspect to most surfers, fisherman or laymen of environmental science who find its conclusions do not meet field Conditions or history of environmental degradation which we now experience. Of course, this study is a computer model and not relying on actual hard field data.

I opposed to the USMCA Draft Programmatic Environmental Impact Statement because it relies on studies which have been intentionally created to misdirect the public understanding of our ocean cross-border sewage problems and if constructed will put in place permanent infrastructure which will increase the amount of waste water off the beaches of Coronado and Imperial Beach.

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**Commenter Name:** Alaina Lipp  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0224  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

I do not think the impacts of increasing sewage off of the coast has been appropriately studied and modeled and could have unforeseen negative impacts on the ocean and inhabitants.

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**Commenter Name:** Armando Villarino  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0291  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:** Information

Before the ITP was converted to secondary, the effluent at times did not meet its NPDES acute toxicity limit. Advance primary treatment in the proposed new treatment plant will most likely not meet the limits either.

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**Commenter Name:** David Gibson  
**Commenter Affiliation:** San Diego Regional Water Quality Control Board  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0301  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:**

And I wish to assure the public who are participating today who have expressed concerns, that we share your concerns. And the instruments that we utilize in the fullness of time as these projects go forward, like NPDES permits, will be structured, to ensure that we are protecting the offshore waters, pursuant to the Clean Water Act as described before.

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**Commenter Name:** Judith Collins  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0302  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Yes, I'm Judith Collins and, and I'm speaking up again as a swimmer. My message was, more and more days, the water, ocean water we're told it's too dirty to swim, and I wonder if it's the quality of being too dirty to swim is going to go downhill until this construction gets underway. Or in the process, I'd like to know, if it's downhill for swimming for the next couple of years, or when it might get better for swimming.

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**Commenter Name:** Judith Collins  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0297  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Will the contaminated water quality get worse before it gets better. And when will quality get better?

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### Response from EPA and USIBWC:

- Regarding the Beach Impact Comparison Study:
  - The results of the Beach Impact Comparison Study have been peer-reviewed. Furthermore, the Scripps Institution of Oceanography used data from an earlier physical dye study to validate the model. Finally, the results of the model are consistent with what the County of San Diego’s monitoring efforts have shown (i.e., when a strong south swell occurs, water quality standard exceedances occur at the beaches in southern San Diego County).
  - USIBWC water quality data<sup>4</sup> collected at nearshore and ocean stations consistently show elevated bacteria concentrations at the stations near SAB Creek.
  - In 2007 and 2008, USIBWC implemented a supplemental monitoring program to identify and track plumes from the SBOO, characterize land-based sources (including the Tijuana River), and identify the regional oceanographic conditions that lead to high concentrations of fecal indicator bacteria (FIB) on the South Bay beaches.<sup>5</sup> This study found that contaminated water from the Tijuana River was the primary contributor to FIB exceedances. While the SBOO plume frequently surfaces during the wet season and can reach the shoreline during these periods, none of the shoreline FIB exceedances were correlated with these time periods. Instead, Tijuana River plume water accounted for 94 percent of shoreline FIB exceedances, with the remainder being single-station anomalies not associated with a rain or river flow event.
- Current discharges via the SBOO comply with secondary effluent limits established under State of California and Federal water quality requirements. Effluent that would be discharged via the SBOO under the Proposed Action would be treated, whereas the eliminated discharges via the Tijuana River and SAB Creek are untreated wastewater. This treatment would significantly reduce pollutant concentrations in the treated effluent, with estimated removal efficiencies of 89 percent (AFTP) and 97 percent (ITP) for total suspended solids, 50 percent (AFTP) and 96 percent (ITP) for BOD<sub>5</sub>, 13 percent (AFTP) and 68 percent (ITP) for total nitrogen, 85 percent (AFTP) and 71 percent (ITP) for total phosphorus, and 95 percent (AFTP) and 99 percent (ITP) for fecal coliform. This information regarding removal efficiencies has been added to Sections 2.4.1.1 (Project A: Expanded ITP) and 2.4.2 (Project D: AFTP Phase 1) of the Final PEIS.
- All effluent discharged via the SBOO would be required to meet water quality standards under the California Ocean Plan. EPA and USIBWC are continuing to conduct analyses in coordination with the San Diego Water Board to ensure that treated effluent from the expanded ITP and the AFTP would be capable of complying with all applicable standards. The San Diego Water Board would consider the effectiveness of the proposed treatment technologies when establishing effluent limits (including those for chronic and acute toxicity) for the AFTP.

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<sup>4</sup> See the USIBWC Water Quality Map Application, available at: <https://usibwc.maps.arcgis.com/apps/webappviewer/index.html?id=7be2cf73494c4847ab44718492c48315>.

<sup>5</sup> The final report is available at [https://www.ibwc.gov/Files/Web/IBWC\\_Monitoring\\_SBOO.pdf](https://www.ibwc.gov/Files/Web/IBWC_Monitoring_SBOO.pdf).

- Regarding the timing of coastal water quality improvements: Completion of projects to repair or rehabilitate individual sewer pipelines and pump stations in Tijuana over the coming months could result in incremental improvements in coastal water quality by reducing the amount of untreated wastewater that reaches the Pacific Ocean via the Tijuana River. However, consistent improvements in coastal water quality would not be realized until additional treatment capacity is put into service through some combination of Projects A (Expanded ITP), D (AFTP Phase 1), and a new SABTP. See the response to Code 9 regarding temporary treatment or reduction of flows at Punta Bandera.

## CODE 11C. IMPACTS: BIOLOGICAL RESOURCES

### Summary of Comments:

- The San Diego Audubon Society had comments specific to the United States Fish and Wildlife Service (USFWS) Biological Assessment (BA), some of which are also pertinent to the PEIS.
  - The conservation measures should be more descriptive regarding the methods of implementation, and certain conservation measures should be more stringent (e.g., regarding lighting, fugitive dust, and construction buffers).
  - Some sections, tables, and figures in the USFWS BA should be revised (e.g., to include more species, better define habitats, and/or update conclusions).
  - The commenter asks whether Section 7 consultation with USFWS will be initiated, whether mitigation plans will be developed for specific species, and whether the public will have the opportunity to comment or provide information.
  - The commenter encourages EPA and USIBWC to work closely with and consult with Border Fields State Park, Tijuana National Estuarine Research Reserve, the City of San Diego, the County of San Diego, and the San Diego Mitigation and Monitoring Program to develop impact avoidance measures.

**Note:** The commenter generally used text color to distinguish between the comment (red) versus the PEIS or biological assessment language that is the subject of the comment (black). This document retains that approach for clarity.

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 2  
**Flag Excerpt as Containing Submitted Info:**

**Figure 2-2. Action Area and Least Bell's Vireo Designated Critical Habitat** Figure 2-2 is misleading as it describes Least bell's vireo (LBV) critical habitat as a fixed straight-lined box. Also, there is no reference to Figure 2-2 when discussing LBV habitat in the remainder of the biological report. Can Figure 2-2 be corrected and relabeled to more accurately describe the LBV habitat?

**Section 2.4 Conservation Measures**, the following are points where clarification would be helpful. It may seem to be over-analyzed (nitpicking), but words matter in this context for these conservation measures need to be as successful as possible. Therefore, it is desired they will be taken in good faith and considered.

2. All materials imported into the Action Area (e.g., straw wattles, gravel, and mulch) will be obtained from certified sources that are free of noxious weeds **What is the procedure for this process and will the project biologist be involved in approving? This is a process that requires a**

mistake proof procedure. Can an incoming materials check list be approved by the project supervisor and biologist before material dispersal? Can Conservation Measure 2 be more descriptive and improved?

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 3  
**Flag Excerpt as Containing Submitted Info:** Information

8. Project lighting will be of the lowest illumination necessary for safety and will be directed toward the construction area and away from sensitive habitats, as feasible. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. **Nocturnal activity by wildlife is extremely important as this is a time where human disturbance is at a minimum. All project activities that require potential illumination into sensitive habitats should cease until sunrise. This is a normal mitigation process for sensitive species. Can Conservation Measure 8 be updated to include avoidance of illumination that would escape and influence nocturnal wildlife activity?**

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

9. Ground disturbance and vegetation removal should not exceed the minimum amount necessary to complete work at the site. **Vegetation removal impacts is highly determined on what type of vegetation is being removed. It is described in this EIS that desk surveys for the project site were performed using VegCAMP and the project plan describes where ground disturbance will take place. What vegetation type and how much can be reasonably predicted? What post disturbance mitigation can be applied? Can Conservation Measure 9 be more descriptive of project related vegetation disturbance and mitigation measures?**

10. All areas where revegetation is required will be replanted with native species. **A native plant species restoration plan by a qualified botanist should be detailed in this EIS to allow readers to evaluate the potential impacts. Mitigation should be presented in this EIS as a deferred mitigation plan cannot be vetted here by the public and interested agencies. Can Conservation Measure 10 detail any native restoration plans that may be required?**

#### **2.4.2 Conservation Measures for Federally Listed Species**

12. A seasonally appropriate, focused survey for vernal pools will be conducted in the Action Area no less than one year prior to construction. If fairy shrimp are found to inhabit any vernal pools that cannot be completely avoided, Section 7 consultation with USFWS will be reinitiated, and a mitigation plan will be developed. **When a proper seasonally appropriate survey of vernal pools is**

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conducted, will the results be presented to the public in a Supplemental EIS for review? it has been stated in this report that construction activities are likely to disturb San Diego fairy shrimp and a deferred mitigation plan is proposed. Will the specific mitigation plan for project impacts to vernal pool species be available for public and agency review?

13. Sensitive biological resources (e.g., vernal pools, nesting birds, listed plants) identified in or adjacent to construction work areas during preconstruction surveys will be clearly marked or flagged in the field. Such areas will be avoided during construction as detailed in relevant species-specific measures below [Appendix A, Table A-1](#), there are 7 plants listed endangered or threatened with a moderate occurrence to appear in the Action Area. In [Table A-2](#), there are 6 species of fish and wildlife listed as threatened or endangered. Species-specific mitigation is not defined for all species below. Avoidance during construction is not sufficient mitigation for anticipated impacts. Can Conservation measure 13 reflect details of project impacts to all sensitive wildlife and the required mitigation measures be identified as based on the actual on-site surveys?

#### 2.4.2.1 Federally Listed Wildlife

18. Impacts from fugitive dust during construction will be avoided and minimized through watering, limiting vehicle speeds to 20 miles per hour, controlling vehicle access, and other appropriate measures. [We understand that watering is a construction practice method for controlling fugitive dust from leaving the project site. Can temporary physical barriers be used for additional protections from dust/debris leaving the site and entering sensitive wildlife habitat? Can Conservation Measure 18 include additional measures to control fugitive dust from leaving the construction site?](#)

19. A preconstruction survey for Quino checkerspot butterfly host plants will be conducted in areas of suitable habitat that may be impacted by construction (including staging areas) during appropriate blooming periods and no less than one year prior to construction. If found, areas containing host plants will be flagged and avoided. [This measure can be improved by adding a qualified biologist will conduct a preconstruction survey no less than one month prior to construction](#) for Quino checkerspot butterfly (QSP) host plants. Construction personnel will be informed of flagged area and species avoidance prior to construction activities. Section 4.3.5 details surveys of QSP habitat near the Action Area before concluding there is no habitat near the Action Area. It states that host plants may occur in the ITP. Can Conservation Measure 19 provide improved mitigation measures [underlined here](#) to match data provided in this report?

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**Commenter Name:** James A. Peugh and John Reidel

**Commenter Affiliation:** San Diego Audubon Society

**Commenter Type:** Environmental Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1

**Comment Excerpt Number:** 5

**Flag Excerpt as Containing Submitted Info:** Information

20. To the greatest extent practicable, work within 300 feet of suitable least Bell's vireo habitat (i.e., riparian habitat associated with Smuggler's Gulch) will be avoided during the vireo breeding season (March 15 to August 31) [The phrase greatest extent feasible can lead to subjective derived distances. A buffer of 300 feet must be the standard met during breeding season. This is a common](#)

mitigation strategy for this species. Can Conservation Measure 20 be modified to provide for appropriate buffer for least Bell's vireo habitat during breeding season with no exceptions?

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 6  
**Flag Excerpt as Containing Submitted Info:** Information

21. To the greatest extent practicable, work within 300 feet of suitable gnatcatcher habitat (e.g., coastal sage scrub habitat associated with Smuggler's Gulch) will be avoided during the gnatcatcher breeding season (February 15 to August 31). **The phrase greatest extent feasible can lead to subjective derived distances. A buffer of 300 feet must be the standard met during breeding season. This is a common mitigation strategy for this species. Can Conservation Measure 20 provide for appropriate buffer for CA gnatcatcher habitat during breeding season with no exceptions?**

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 7  
**Flag Excerpt as Containing Submitted Info:**

#### 2.4.2.2 Federally Listed Plants

22. Protocol-level surveys for federally listed plant species with the potential to occur in the Action Area will be conducted in the Action Area during appropriate blooming periods and no less than one year prior to construction. **When a proper seasonally appropriate survey of plant species is conducted, will the results be presented to the public in a Supplemental EIS for review?**

23. If found, a no-work buffer will be established around the listed plant or plant population, and this buffer will be avoided to the maximum extent practicable. The buffer width will be determined in coordination with USFWS. **A desktop plant species survey has been performed and special status species are listed in Appendix A, Table A-1. If species are found during on-site surveys, what does a no-work buffer entail? The term maximum extent practicable is a subjective phrase and open to interpretation. Is there mitigation from allowing invasive plant seeds transferring from construction equipment to sensitive habitat (water rinsing equipment prior to project site)? Does USFWS have defined buffers for sensitive species determined to exist on the project site? Can Conservation Measure 23 be updated, post on-site surveys, to address mitigation concerns stated here to protect sensitive plant species on or near the project site?**

24. If the listed plants cannot be avoided, a Section 7 consultation with USFWS will be reinitiated, and a mitigation and monitoring plan will be developed. **If there is a potential of project impacts to sensitive species as they are determined in Appendix A, Table A-1, can a mitigation and monitoring plan be documented in this DPEIS to be vetted by the public and responsible agencies?**

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 12  
**Flag Excerpt as Containing Submitted Info:** Information

Section 3.1 Field Surveys state the use of CNDDDB as a desktop survey database and Table 5-3 lists Federally Listed Plants. The following listed plants are missing from the Table and should be included in the anticipated on-site survey as noted above. (Scientific name, Common name, Fed status, State status, Global Rank, State rank) Table A-1 lists these species but states occurrence on site as none. This conclusion is at odds with database and without an on-site survey. **Can these plants be included in this EIS as special status species and surveyed for project adverse effects?**  
Chloropyron maritimum ssp. Maritimum , Salt marsh bird's-beak, E, E, G4?, T1  
Fremontodendron mexicanum, Mexican flannelbush, E, R, G2, S1  
Ornithostaphylos oppositifolia, Baja California birdbush, N, E, G3, S1  
Rosa minutifolia, Small-leaved rose, N, E, G2G3, SX.C

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 9  
**Flag Excerpt as Containing Submitted Info:**

#### **4.3 Quino Checkerspot Butterfly**

Section 4.3.5 states, “eight adult Quino checkerspot butterflies were documented in the mesa slopes on the nearby Nelson Sloan Quarry property in 2019 and 2020” and an extensive documentation of species habitat. However, the report finds, “There is no designated critical habitat for Quino checkerspot butterfly in or near the Action Area.” **Provided data of species observation and habitat are at odds with conclusion. Will Section 7 consultation with USFWS be initiated and a mitigation plan developed to ensure protections for the Quino Checkerspot Butterfly? Will this be included in the Final EIS?**

#### **4.4 Light-footed Ridgway’s Rail**

Section 4.4.5 states, “Based on the species’ habitat associations, site fidelity, and nearest occurrences, it is unlikely that the light-footed Ridgway’s rail would occur in the main Action Area, but the species may be using habitats along the Tijuana River downstream of Dairy Mart Road Bridge.” These observations fit the definition Section 2.2 defined above. **Provided data of species observation and habitat that are noted here are at odds with this conclusion. Will Section 7 consultation with USFWS be initiated and a mitigation plan developed to ensure protections for the Light-footed Ridgway’s Rail? Will this be included in the Final EIS? If not, will a supplemental EIS be produced to provide the public with an opportunity to comment or to provide additional information?**

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#### 4.5 Least Bell's Vireo

Section 4.5.5 states "During the April 2021 reconnaissance survey (Section 3.1.2), one least Bell's vireo was observed singing from the top of a small tree in the riparian area of Smuggler's Gulch. Multiple observations of the species in Smuggler's Gulch have been documented, including five single males and two breeding pairs in 2004 (CDFW 2022)..." **Provided data of species observation and habitat are noted here are at odds with conclusion stated. Will Section 7 consultation with USFWS be initiated and a mitigation plan developed to ensure protections for the Least Bell's Vireo? Will this be included in the Final EIS? If not, will a supplemental EIS be produced to provide the public with an opportunity to comment or to provide additional information?**

#### 4.6 Coastal California Gnatcatcher

Section 4.6.5, this is the first sentence in this section, "In the Action Area, coastal California gnatcatchers likely use available habitat in Smuggler's Gulch, may use suboptimal areas along Monument Road, and do not likely occur in the ITP. Here is the concluding statement, "There is no designated critical habitat for the coastal California gnatcatcher in or near the Action Area". **Provided data of species observation and habitat are at odds with conclusion stated. Will Section 7 consultation with USFWS be initiated and a mitigation plan developed to ensure protections for the Coastal California Gnatcatcher? Will this be included in the Final EIS? If not, will a supplemental EIS be produced to provide the public with an opportunity to comment to provide additional information?**

We urge that this project closely work with and consult with the Border Fields State Park, Tijuana Natural Estuarine Research Reserve, and City and County of San Diego, and San Diego Mitigation and Monitoring Program to find effective ways to avoid impacts to sensitive species.

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#### Response from EPA and USIBWC:

- EPA and USIBWC appreciate the commenter's input regarding the protection of biological resources and species. The Final PEIS discusses the presence of inland biological resources in Section 3.4 (Inland Biological Resources), the Proposed Action's potential impacts to inland biological resources in Section 4.4 (Inland Biological Resources), the associated mitigation measures in Section 5 (Mitigation Measures and Performance Monitoring), relevant regulations in Section 6.1.5 (Inland Biological Resources), and the ESA Section 7 consultation in Section 7.2.1 (Endangered Species Act Section 7 Consultation).
- Regarding suggested revisions to the BA: The BA has already been submitted to USFWS as part of informal consultation under Endangered Species Act (ESA) Section 7 and EPA does not intend to submit a revised BA at this time. Therefore, EPA does not intend to incorporate revisions such as adding a reference to Figure 2-2. However, as discussed below, EPA and USIBWC have incorporated revisions to certain mitigation measures in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) of the Final PEIS.
- Regarding least Bell's vireo critical habitat as shown in BA Figure 2-2: This figure accurately depicts the critical habitat boundary as defined by USFWS in the 1994 *Federal Register* notice "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Least Bell's Vireo", which remains in effect today. However, EPA and USIBWC note that the no-work buffers around least Bell's vireo habitat would be dictated by the location of

the actual suitable habitat as identified in the site-specific survey, not by the location of the critical habitat boundary as defined in the *Federal Register* notice.

- Regarding the use of project lighting near sensitive habitats: The following text addition (underlined) has been made to mitigation measure BR-8 in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) in the Final PEIS: “project lighting will be of the lowest illumination necessary for safety and will be directed toward the construction area and away from sensitive habitats, as feasible. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. In particular, use of lighting that causes direct illumination into sensitive habitats (e.g., riparian and coastal sage scrub) would be avoided during the period from one hour past sunset through one hour prior to sunrise.”
- Regarding ground disturbance, vegetation removal, and revegetation:
  - Section 3.4.1 (Botanical Resources) of the PEIS and BA Figures 3-1 and 3-2 identify the vegetation types within and outside the Action Area. Because these projects are in the conceptual stage and design will not take place until after NEPA review, the specific areas of disturbance and revegetation within the Action Area cannot yet be determined. As identified in the PEIS and the BA, post-disturbance mitigation would consist of replanting disturbed areas with native species. The specifics of the replanting effort would be developed in coordination with USFWS once the expected areas of disturbance are determined.
  - The following text has been added to mitigation measure BR-10 in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) in the Final PEIS: “a native plant restoration and monitoring plan will be developed by a qualified botanist in coordination with USFWS.” See Section 4.6 (Geological Resources) of the PEIS for additional discussion of temporary and permanent ground disturbance and development under the Proposed Action.
- Regarding ensuring imported materials are free of noxious weeds and invasive plant seeds:
  - County agriculture commissions and the California Department of Food and Agriculture participate in a weed-free certification program led by the North American Invasive Species Management Association (NAISMA). As part of the NAISMA program, vendors must sign a memorandum of understanding certifying that products are weed free. The burden lies on the construction contractor to ensure vendors are NAISMA certified before placing orders for materials.
  - To reduce the risk of construction vehicles transporting invasive plant seeds into the Action Area, the following text addition (underlined) has been made to mitigation measure BR-3 in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) in the Final PEIS: “wash stations will be set up at all vehicle entrances into the Action Area to remove plant material, mud and dirt from vehicles before entering the Action Area.”
- Regarding use of the phrase “greatest extent practicable”:
  - This terminology is used intentionally throughout the BA and PEIS so that field personnel can make decisions that account for field conditions and ensure worker safety (e.g., a no-work buffer must not be defined in a manner that forces workers to

- pass through areas with safety hazards). Revising this terminology to allow for no exceptions could result in unacceptable risks to worker safety.
- However, EPA and USIBWC note that the mitigation measures stated in the BA and PEIS for both least Bell's vireo and California gnatcatcher already include the following language, which does not incorporate the "greatest extent practicable" limitation: "if work is necessary within 300 feet of suitable [vireo or gnatcatcher] habitat during the breeding season, a biologist will perform a preconstruction survey in the area to determine whether any nesting [vireos or gnatcatchers] are present. If a nest is present, a 300-foot no-disturbance buffer around the nest will be clearly demarcated, and the area will be avoided until the young have fledged and/or the nest becomes inactive."
  - Regarding protection of federally listed plant species:
    - If listed plant species are found during on-site surveys, a no-work buffer would be visibly marked so that no personnel, vehicles, or equipment enter the excluded area. USIBWC would coordinate with USFWS to determine the extent and placement of the buffer. The no-work buffers established in the field and training materials provided to workers would reflect the results of the protocol-level surveys and coordination with USFWS. While USFWS does not have species-specific buffers for all listed plant species, they would consider the plant size and life history when determining the buffer.
    - If impacts to listed plant species cannot be avoided, USIBWC would coordinate with USFWS to develop a mitigation and monitoring plan with the goal of avoiding adverse effects. If adverse effects cannot be avoided, resulting in a new "likely to adversely affect" determination, USIBWC would be required to formally consult with USFWS pursuant to Section 7 of the Endangered Species Act. USIBWC would also be required to prepare a Supplemental PEIS evaluating the change in the Proposed Action's impacts and the associated mitigation measures.
    - The commenter identified four additional listed plant species (salt marsh bird's-beak, Mexican flannelbush, Baja California birdbush, and small-leaved rose) that were "missing" and should be included in the protocol-level plant surveys. While these four plant species are listed in BA Appendix A (Table A-1) because they may occur within the range of the database query, not all of the species in Table A-1 have potential habitat within the Action Area or are within the elevation range of the Action Area. The four species mentioned here do not have potential habitat within the Action Area and were thus excluded from BA Table 5-3. However, per survey guidelines, comprehensive, botanical surveys will detect all special-status species on site, not just those that are on the target list.
  - Regarding the requests to make future surveys and mitigation and monitoring plans available for public review:
    - USIBWC would share with USFWS the results of special-status and listed species surveys and related habitat surveys (e.g., vernal pool surveys) and would share mitigation and monitoring plans with USFWS (if such plans becomes necessary). However, to avoid dissemination of sensitive information regarding the locations of these protected species, USIBWC would not make these survey results available to the public.

- If USIBWC is required to prepare a Supplemental PEIS due to a new “likely to adversely affect” determination, the Draft Supplemental PEIS would be made available to the public for review and comment.
- Regarding the comment that “it has been stated in this report that construction activities are likely to disturb San Diego fairy shrimp”: Construction activities are not likely to disturb San Diego fairy shrimp, based on the vernal pool survey requirement and avoidance measures described in BA Conservation Measure 12.
- Regarding impacts to other sensitive wildlife (BA Conservation Measure 13):
  - Species-specific mitigation would only be developed when consultation with USFWS determines there may be an effect to the species. Section 1.2.3 (Species with No Effect Determinations) of the BA identifies federally listed species that EPA determined would not be affected by the Proposed Action. For these species, the Proposed Action would adhere to the general conservation measures (listed in Section 2.4.1 of the BA and PEIS mitigation measures BR-1 through BR-10) in addition to avoidance of impacts during construction.
  - The following text addition (underlined) has been made to mitigation measure BR-15 in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) in the Final PEIS: “sensitive biological resources (e.g., vernal pools, nesting birds, listed plants, Quino checkerspot butterfly host plants, other sensitive wildlife) identified in or adjacent to construction work areas during preconstruction surveys will be clearly marked or flagged in the field. Such areas will be avoided during construction as detailed in relevant species-specific measures below.”
- Regarding control of fugitive dust during construction (BA Conservation Measure 18):
  - While physical barriers such as a silt/drift fence could be considered, these measures would have the potential to prevent wildlife from freely moving away from the project site.
  - EPA and USIBWC note that the mitigation measure already includes “other appropriate measures” to provide the design and construction teams with the flexibility to identify appropriate additional methods for fugitive dust control beyond those specifically identified in the stated mitigation measure.
  - EPA and USIBWC note that mitigation measure AQ-4 in PEIS Table 5-2 (Summary of Mitigation Measures by Alternative and Project) includes a more comprehensive list of fugitive dust control measures beyond those listed in the BA.
- Regarding the preconstruction survey for Quino checkerspot butterfly host plants (BA Conservation Measure 19):
  - EPA and USIBWC agree that the survey should be performed by a qualified biologist. However, limiting the timing of the host plant survey to “no less than one month prior to construction” would fail to ensure that the survey aligns with the host plant blooming periods, resulting in potential misidentification of host plants.

- The following text additions (underlined) have been made to mitigation measure BR-14 in Table 5-2 (Summary of Mitigation Measures by Alternative and Project) in the Final PEIS: “a qualified biologist will conduct a preconstruction survey for Quino checkerspot butterfly host plants in areas of suitable habitat that may be impacted by construction (including staging areas) during appropriate blooming periods (to ensure host plants are correctly identified) no less than one year prior to construction. If found, areas containing host plants will be flagged and avoided.”
- Several comments appear to be based on the misinterpretation that all suitable habitat for listed species, and all areas where listed species have been observed, should be considered critical habitat. Critical habitat designations, which are specifically defined by USFWS via rulemakings published in the Federal Register, identify areas with the physical or biological features that are essential to the conservation of the listed species and that may need special management or protection. Not all suitable habitat is critical habitat. The following statement in the BA remains accurate: “There is no designated critical habitat for Quino checkerspot butterfly in or near the Action Area.”
- Several comments asked if ESA Section 7 consultation would be initiated for the Quino checkerspot butterfly, light-footed Ridgway’s rail, least Bell’s vireo, and coastal California gnatcatcher. Potential effects to these species, and the mitigation measures to avoid adverse effects, are addressed in Section 5.2 (Potential Effects of the Proposed Action on Federally Listed Wildlife) of the BA, which was reviewed by the commenter and submitted to USFWS pursuant to ESA Section 7 informal consultation.
- Regarding the occurrence of light-footed Ridgway’s rail and least Bell’s vireo within the Action Area:
  - The BA defines the Action Area as “the existing treatment facility (ITP) and immediate surroundings, Monument Road (from Smuggler’s Gulch to the ITP [via Monument Road, Dairy Mart Road, Clearwater Way, and West Tia Juana Street]), and Smuggler’s Gulch.” The BA occasionally refers to this area as the “main Action Area” to distinguish it from the downstream riparian habitat that EPA considered in the indirect effects analysis.
  - It remains accurate for the BA to state “it is unlikely that the light-footed Ridgway’s rail would occur in the main Action Area.”
  - The BA states that “Smuggler’s Gulch is the only portion of the Action Area with suitable habitat for least Bell’s vireo; this species is unlikely to occur in the ITP.” This statement should have referred to the “main Action Area.” The BA correctly identifies the least Bell’s vireo suitable habitat and documented occurrences in the riparian habitat downstream of Dairy Mart Road Bridge.
- Regarding coordination with the Border Field State Park, Tijuana River National Estuarine Research Reserve (TRNERR), the City and County of San Diego, and San Diego Management and Monitoring Program: Representatives from each of these entities have been included on the distribution list for public scoping notices and review of the Draft PEIS. They also participated in the workshop described in Section 7.1.3 (Natural Resources Workshop) of the PEIS. EPA and USIBWC have considered their input throughout the development of the PEIS.

## CODE 11D. IMPACTS: WASTE HAULING AND DISPOSAL

### Summary of Comments:

- Mexico should be responsible for sludge hauling and disposal and the associated impacts.
- 

**Commenter Name:** Viviane Marquez-Waller

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1

**Comment Excerpt Number:** 14

**Flag Excerpt as Containing Submitted Info:**

We also need to ensure with our Minute 320 negotiations that Mexico takes responsibility for sludge disposal of their sewage. This should include both trucking and storing, we cannot drive the sludge long distances to our landfill, pay for disposal, or risk our landfills being taken off line earlier than expected.

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### Response from EPA and USIBWC:

- Treaty Minute No. 328 details the operations and maintenance protocol for the short-term infrastructure projects, including the Expanded ITP in the U.S. (Project A). In accordance with the terms of Recommendation 10 in Treaty Minute No. 283, and consistent with the scope and analysis presented in the PEIS, Mexico will continue to dispose of sludge from the Expanded ITP once it becomes operational.
- The PEIS scope and analysis states that disposing of solids waste (i.e., sludge) from the proposed APTP (Projects D and E) in the U.S. is currently the only viable option available to EPA and USIBWC due to the absence of a binational agreement. Disposing of waste in Mexico that is produced in the U.S. would require additional treaty negotiations. Therefore, the PEIS does not analyze this as part of the Proposed Action in either Alternative 1 or 2. However, if future treaty minutes result in a change to this arrangement, EPA and/or USIBWC would reevaluate the location of sludge disposal and consider the potential benefits or impacts of transferring such disposal from landfills in the U.S. to those in Mexico.

## CODE 11E. IMPACTS: COMMUNITY

### Summary of Comments:

- The projects should be completed in a timely manner.
- San Diego County District 1 should be an outreach partner to ensure the community is engaged during the design and construction phases.
- The projects will help resolve environmental injustices if implemented with the mitigation measures in the Draft PEIS.

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**Commenter Name:** Nora Vargas

**Commenter Affiliation:** San Diego County Board of Supervisors

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0018-A1

**Comment Excerpt Number:** 4

**Flag Excerpt as Containing Submitted Info:**

San Diego County District 1 will be impacted by the construction of these projects, I ask that we ensure the projects are completed in a timely matter. I request the County of San Diego and my office be seen as outreach partners to notify our local stakeholders and property owners of public engagement opportunities for the design and construction phases of any projects. I appreciate EPA's efforts in uplifting environmental justice communities in the draft PEIS. I strongly agree that if no solutions are implemented, we will continue to see environmental injustices in our communities. The mitigation tools offered in the draft PEIS uplifts solutions for our high burden environmental justice communities near the construction sites. I ask that EPA and IBWC collaborate with our local jurisdictions and residents to help provide resources and timely information to the public. My office is looking forward to being part of the design and construction phases of any projects.

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### Response from EPA and USIBWC:

- EPA and USIBWC recognize the need to ensure local stakeholders and property owners are informed of upcoming and ongoing construction activities in the Tijuana River Valley.
- USIBWC would ensure that construction contracts include a construction schedule that must be adhered to by the selected firm. USIBWC typically assigns staff to work with the contractor and monitor progress throughout the period of performance. In addition, USIBWC hires a consultant to provide Program Management services, separate from the construction firm, to assist in overseeing project construction as a whole. As part of this effort, schedule and progress are important elements of management and would be reviewed to identify and resolve issues early to avoid construction delays.

- USIBWC will continue to engage the County of San Diego regarding project implementation status via the recurring Eligible Public Entities Coordinating Group (EPECG) and South County Environmental Justice Taskforce meetings. USIBWC will continue holding USIBWC Citizens Forum meetings to facilitate the exchange of information between USIBWC and the public about USIBWC activities in San Diego County.

## CODE 99. NON-SUBSTANTIVE COMMENTS

### Summary of Comments:

- No substantive comments.

**Commenter Name:** David W. Gibson et al.

**Commenter Affiliation:** San Diego Water Board, City of San Diego, City of Imperial Beach, San Diego County Board of Supervisors, Port of San Diego, California State Lands Commission, California State Parks, CalEPA, Surfrider International

**Commenter Type:** Government (U.S. State/Local)

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0015-A1

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

EPA’s Proposed Action evaluated in the Draft PEIS is the issuance of U.S. appropriations (including but not limited to USMCA Implementation Act appropriations) for implementation of projects to address impacts from transboundary flows in the Tijuana River watershed and adjacent coastal areas. Alternative 1 includes “Core Projects” that are sufficiently evolved to be ready for decision making and, after completing the NEPA process, would be considered analyzed in sufficient detail for action to be taken immediately. Alternative 2, “the comprehensive solution”, includes the Core Projects identified in Alternative 1 plus a larger range of projects known as the Supplemental Projects, several of which are not yet ready for decision making. We understand that these Supplemental Projects require additional consideration in subsequent tiered NEPA documents before a decision can be made and action can be taken. Table 2-1 in the Draft PEIS lists the projects in each Alternative:

**Table 2-1. Projects Constituting Alternatives 1 and 2**

Alternative	Project Title	Project Location
Alternative 1: Core Projects	A. Expanded ITP Option A1: Expand to 40 MGD Option A2: Expand to 50 MGD Option A3: Expand to 60 MGD	U.S. only
	B. Tijuana Canyon Flows to ITP Option B1: Trenching via Smuggler's Gulch and Monument Rd Option B2: Trenchless via Smuggler's Gulch and Under Mesa Option B3: Connect to Existing Canyon Collector System	U.S. and Mexico
	C. Tijuana Sewer Repairs	Mexico only
	D. APTP Phase 1	U.S. and Mexico
Alternative 2: Core + Supplemental Projects	E. APTP Phase 2	U.S. only
	F. U.S.-side River Diversion to APTP	U.S. only
	G. New SABTP	Mexico only
	H. Tijuana WWTP Treated Effluent Reuse	Mexico only
	I. ITP Treated Effluent Reuse	U.S. and Mexico
	J. Trash Boom(s)	U.S. only

**Commenter Name:** David Gibson  
**Commenter Affiliation:** San Diego Regional Water Quality Control Board  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0301  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

I just wanted to extend again the Board's thanks to US EPA leadership and staff, the amount of work that is entailed in what you are describing is extraordinary.

This is truly a once in a generation opportunity; one we can't afford to neglect, and I really appreciate, the Board appreciates, the amount of work that's gone into this.

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**Commenter Name:** David Gibson  
**Commenter Affiliation:** San Diego Regional Water Quality Control Board  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0301  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

But I'd like to thank you again for this opportunity to address you all, and I look forward to the process going forward in restoring the water quality in the Tijuana River Valley, as well as in the ocean environment. Thank you very much for your time and consideration today.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Thank you for the opportunity to review the Draft Programmatic Environmental Impact Statement (Draft PEIS) for the United States-Mexico-Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project.

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**Commenter Name:** Sarah E. Aghassi  
**Commenter Affiliation:** County of San Diego, Land Use and Environment Group  
**Commenter Type:** Government (U.S. State/Local)  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0007-A1  
**Comment Excerpt Number:** 12  
**Flag Excerpt as Containing Submitted Info:**

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The County appreciates the opportunity to comment on the Draft PEIS. We look forward to continuing to work with the EPA on implementation of the Comprehensive Infrastructure Solution. If you have any questions regarding these comments, please contact Deborah Mosley, Chief with the Department of Parks and Recreation at Deborah.Mosley@sdcounty.ca.gov or (858) 444-5711.

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**Commenter Name:** Angela T. Howe, Mitch Silverstein, and Ben McCue  
**Commenter Affiliation:** Surfrider Foundation and Outdoor Outreach  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0013-A1  
**Comment Excerpt Number:** 4  
**Flag Excerpt as Containing Submitted Info:**

### Legal Requirements Under NEPA

The National Environmental Policy Act of 1969 (“NEPA”) establishes a policy to encourage a productive and enjoyable harmony between human and environment, prevent or eliminate damage to the environment, and enrich the understanding of the ecological systems and natural resources important to the nation. (42 USC § 4321). In furtherance of this policy, NEPA requires that the Federal Government use all practicable means such that the Nation may, among other duties, fulfill its responsibilities as trustee of the environment for future generations; assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; and enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (42 USC § 4331(b)).

NEPA requires that federal agencies fully consider the environmental effects of proposed major actions and any reasonable alternatives of a proposed major federal action. 42 U.S.C. § 4332(2)(C). NEPA is a critical law that has empowered local communities to protect themselves, their environment, and protected areas for over 45 years. The Council on Environmental Quality (“CEQ”) regulations note that the “NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” See 40 CFR 1500.1.

One of NEPA’s key mandates requires Federal agencies to prepare a detailed EIS for any major Federal action significantly affecting the environment, which addresses: (1) the environmental impact of the proposed action; (2) any adverse environmental effects which cannot be avoided if the proposal is implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. (42 USC § 4332). The primary purpose of an EIS is to force the government to take a “hard look” at its proposed action, and to provide full and fair discussion of significant environmental impacts and inform decision makers and the public of reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. (*Baltimore Gas and Electric Co. v. Natural Resources Defense Council, Inc.*, 462 U.S. 87 (1983); 40 C.F.R. § 1502.1). Additionally, California Environmental Quality Act (“CEQA”) compliance analysis may be required for components of the project that may be constructed within state or local jurisdiction.

Agencies complying with NEPA must also consider environmental justice (“EJ”) concerns. In 1994, Executive Order 12898 was established to require federal agencies to address “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations.” Exec. Order No. 12898, 32 C.F.R. 651.17 (1994). An accompanying Presidential Memorandum clearly linked this executive EJ order to NEPA. To articulate how this may be achieved under NEPA, the CEQ released EJ guidance in 1997. In addition, The Executive Order created the Environmental Justice Interagency Working Group (EJ IWG) which released updated guidance for agencies in 2016.

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**Commenter Name:** Courtney Baltiyskyy  
**Commenter Affiliation:** YMCA of San Diego County  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0009  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Thank you to the U.S. Environmental Protection Agency and U.S. Section of the International Boundary and Water Commission teams and affiliates for the tremendous effort involved in producing the draft of the Programmatic Environmental Impact Statement (PEIS). The YMCA of San Diego County is thankful for the opportunity to engage in the public comment process. YMCA Camp SURF is a forty-five acres education, recreation, and overnight camping facility located on the Pacific Ocean in Imperial Beach, CA. For over fifty years, YMCA Camp SURF has welcomed children, youth, families, and groups from around the world to the Pacific Coast at Imperial Beach.

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1  
**Comment Excerpt Number:** 1  
**Flag Excerpt as Containing Submitted Info:**

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Statement (DPEIS). The San Diego Audubon Society (SDAS) is a 3,000+ member non-profit organization with a mission to foster the protection and appreciation of birds, other wildlife, and their habitats, through education and study, and to advocate for a cleaner, healthier environment. We have been involved in conserving, restoring, managing, and advocating for wildlife and their habitat in the San Diego region since 1948. We have followed this project from EPA’s initial set of 10 projects. This letter will address the biological impacts discussed in the considered Alternatives. Questions seeking clarification are included in red.

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**Commenter Name:** James A. Peugh and John Reidel  
**Commenter Affiliation:** San Diego Audubon Society  
**Commenter Type:** Environmental Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1

**Comment Excerpt Number:** 8

**Flag Excerpt as Containing Submitted Info:**

**Action Area Definition**

Section 2.2 defines the Action Area, "The Action Area is defined in 50 CFR § 402.02 as "all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action."

**Consultation to Date**

Section 1.2 noted a meeting on July 1, 2021, with USFWS that included an updated overview of the project, the status of alternatives development, and a proposed approach to ESA Section 7 consultation.

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**Commenter Name:** James A. Peugh and John Reidel

**Commenter Affiliation:** San Diego Audubon Society

**Commenter Type:** Environmental Organization

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0012-A1

**Comment Excerpt Number:** 11

**Flag Excerpt as Containing Submitted Info:**

Thank you for the opportunity to comment on the DPEIS of the USMCA Mitigation of Contaminated Transboundary Flows Project. We look forward to it improving the water quality in the community, the River, the Estuary, and the Pacific.

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**Commenter Name:** Baron Partlow

**Commenter Affiliation:** Stop the Poop

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004

**Comment Excerpt Number:** 2

**Flag Excerpt as Containing Submitted Info:**

AFTER MY PUBLIC COMMENT, A LADY NAMED SONIA DIAZ SPOKE. SHE CLAIMED SHE REPRESENTED A NON-PROFIT IN SAN DIEGO THAT BENEFITS UNDERT PRIVILEGED YOUTH OF COLOR, AND THAT THEY ARE TAUGHT HOW TO SURF THROUGH THIS NGO. SHE ALSO SAID THEY STAND IN "SOLIDARITY" WITH THE OTHER NGO'S OF SURFRIDER AND COASTKEEPER. HER COMMENTS WERE A MOCK AND TROLLING ACTION AGAINST THE RESIDENT STAKEHOLDERS OF THE SOUTH BAY.

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**Commenter Name:** Baron Partlow

**Commenter Affiliation:** Stop the Poop

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004

**Comment Excerpt Number: 4**  
**Flag Excerpt as Containing Submitted Info:**

SURFRIDER, WILD COAST, COAST KEEPER, ELECTED OFFICIALS, AND OTHERS ARE THE EXACT LINE OF THINKING AND PERSONAL AGENDA THAT HAS BROUGHT US TO THE LEVEL OF CRISIS IN WHICH WE ARE NOW FORCED TO EXIST IN AND ENDURE.

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**Commenter Name:** Baron Partlow  
**Commenter Affiliation:** Stop the Poop  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0004  
**Comment Excerpt Number: 6**  
**Flag Excerpt as Containing Submitted Info:**

CONGRESSMAN JUAN VARGAS WILL PROBABLY HAVE ME DEAD IN THE TIJUANA RIVER FOR THE THINGS I SAQY AND DO. I WILL WEAR IT LIKE A BADGE OF HONOR TO FIGHT AND DIE FOR THE PEOPLE IN THE TIJUANA RIVER VALLEY. WE WILL FIGHT IN THE STREETS, ON THE GROUND, IN THE COURTS, IN THE MEDIA, FINANCIALLY, POLITICALLY-AS I SAID-WHATEVER IT TAKES. WE ARE TIRED OF BEING IGNORED.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017  
**Comment Excerpt Number: 1**  
**Flag Excerpt as Containing Submitted Info:**

Dear EPA,  
THANK YOU! Thank you for this opportunity to comment on your amazingly detailed plan to correct the environmentally devastating sewage, trash and sediment problems in the otherwise extraordinary Tijuana River Valley.

WHO CARES (WE DO!): I write you on behalf of over a hundred members of the Tijuana River Valley Equestrian Association, TRVEA. Our non-profit organization is based in the Tijuana River Valley. Most of our members recreate there weekly if not daily.. I believe we also speak for additional hundreds of equestrians who also inhabit and/or enjoy the TRV regularly. I personally serve as TRVEA's rep to TRVRT, IBWC Citizens Forum and we have other members who attend TRNERR, TRNERR Trails, All Trails Alliance, and TRAN and more.

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**Commenter Name:** Mary Johnson Powell  
**Commenter Affiliation:** Tijuana River Valley Equestrian Association (TRVEA)  
**Commenter Type:** Community Organization  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0017

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**Comment Excerpt Number: 15**  
**Flag Excerpt as Containing Submitted Info:**

Thank you for your time and consideration of our concerns and comments. Thank you for all you are doing to fix these problems and restore some health to the river and ocean. I hope you will have the chance to spend some time actually enjoying and exploring the TRV in person. Contact us if you'd like us to point out sites from the road or trails that we believe could be of interest to you. In gratitude for all you are doing and in hopes of success cleaning the TRV,

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**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1  
**Comment Excerpt Number: 1**  
**Flag Excerpt as Containing Submitted Info:**

Thank you to all involved in preparing the 'Draft Programmatic Environmental Impact Statement for the USMCA Mitigation of Contaminated Transboundary Flows Project'. I greatly appreciate the efforts of the hundreds of interested parties that have finally brought us to this point as well as the select group from the Environmental Protection Agency (EPA) and the International Border and Water Commission (IBWC) involved in preparation and analysis of this document.

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**Commenter Name:** Viviane Marquez-Waller  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen  
**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0019-A1  
**Comment Excerpt Number: 15**  
**Flag Excerpt as Containing Submitted Info:**

What is clear is that it is unfeasible to take on the sewage and trash of the entire Tijuana and Tecate region in our River Valley. What is also clear, is that all we, as stakeholders, can do at this point is to hope and pray that things will work out. It takes a superhuman level of faith... Thank you for your attention to my comments.

P.S. The e-mail I received late this afternoon about the collapse of pressurized pipes downstream of PB-1 (flowing to SAB) is a prime example of how the best laid plans can throw you for a loop! PB CILA shut down, sewage in our valley and no clear repair timeline or process identified. This is more of what we have dealt with for decades and why even prayers and superhuman faith may not be enough.

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**Commenter Name:** Karen Rodgers  
**Commenter Affiliation:** None  
**Commenter Type:** Private Citizen

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**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0293

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

Perhaps the reason for no verbal questions is the amount of information presented — especially to those of us new to much of this detailed info. A very good presentation but I personally will have to look at your flow-charts and read up to be sure I have the facts right, as far as what is included in each plan. I agree with Mary Powell's comment above, another problem!

---

**Commenter Name:** Waylon Matson

**Commenter Affiliation:** None

**Commenter Type:** Private Citizen

**Document Control Number:** EPA-USMCA-PEIS-Draft-2022-0298

**Comment Excerpt Number:** 1

**Flag Excerpt as Containing Submitted Info:**

Thank you, great job on the Draft PEIS and look forward to the next update.

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**Response from EPA and USIBWC:**

- EPA and USIBWC appreciate and have reviewed these comments on the Proposed Action. These comments are included in the administrative record for the Final PEIS. No specific response has been developed in accordance with 40 CFR § 1503.4.