

## **APPENDIX M**

### **PUBLIC SCOPING COMMENTS IDENTIFYING ALTERNATIVES, INFORMATION, AND ANALYSES**

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**Mitchell D McKay**, President – Citizens for Coastal Conservancy

April 20, 2021

NEPA Public Scoping – Verbal Comment

1)

Yes, good evening, thank you for this opportunity to speak. I was wondering why I didn't see any specific plans or proposals for actual treatment and wastewater reclamation as opposed to continuing to pump primary advanced primary and secondary sewage effluent into the ocean. It seems kind of short sighted, maybe it's not within the purview of what you folks see your job as, but it just seems like we're missing an excellent opportunity for wastewater reclamation and reuse, especially with the fact that, you know, we seem to have cyclical events of drought in both California and Baja California and I would just like to ask that some type of thought and exercise into looking into something a little more aggressive on the wastewater reclamation portion of what's possible.

Thank you.

2)

Yes, thank you I wanted to find out when the next scheduled interagency stakeholder meeting is scheduled with the EPA, since they kind of seem to get their licks in before the public. So I was just curious on your schedule, is there another opportunity for the inter-agency stakeholders, such as cities, municipalities, the NAVY, all the other non public stakeholders?

**Fay Crevoshay, Wildcoast**

April 20, 2021

NEPA Public Scoping – Verbal Comment

1)

I just wondered if you are taking into consideration the new Odis Asversa treatment plant that is being built currently being built on the site.

So all this Odis Asversa treatment plant is being built now in San Antonio de los Buenos on the site of Punta Bandera, and they are going to use most of the water that is currently streaming into the Pacific ocean from there (interruption) and they're going to use it, they're going to reuse that water, sell it into the Valle de Guadalupe, this is a reuse treatment water for reuse, and I don't think you are taking that into consideration in your projects. Just wondering.

2)

Yes, thank you. I just want to add that you know, we can really, I'm just trying to solve this problem in both countries together, because I don't think there is unilateral solution to this problem, even the fact that the water the transboundary water originated in Mexico. Now about the plastic and that was just spilled, I'm communication director of wildcoast and we just built at the beginning of this year a trash boom in Los Laureles in Tijuana that is holding up that is not letting past all this solid waste that will go into the Tijuana River and from there to the Pacific ocean.

It's much cheaper to do it there and we are taking out the trash periodically, every two weeks, and we are sorting it and we recycling it for much cheaper than it would happen in the US, so with regard to the trash, that could be done there from all those tributaries that are bringing a tsunami of plastic and trash down into the US side of the border.

So there's a lot of work. I just want to give a shout out in support of your trash booms ideas and binational cooperation, it can be done efficiently.



**Eric Syverson, Private Citizen**

April 20, 2021

NEPA Public Scoping – Verbal Comment

Yes, thank you, my name is Eric Syverson, City of Imperial Beach data citizen advocate for the Tijuana River. First of all, I will speak more to the history of the river than the infrastructure proposed here because I hear no one on either side speak about the beautiful river and it makes me cry every time I'm in this meetings. They absolutely make me cry. Sediment basins are illegal in California especially in coastal feeder canyons; they are considered coastal armory. It should be objected by the California coastal commission, and they will be when they go through environmental impact studies. I can trace the importance of travel of sediment, cobble, rock, and sand in written history to the diaries of Saint Junipero Serra in which he details how important those are to the fisheries of the Kumeyay offshore, specifically the cobble reef that produces world class surf and world class fisheries. On the US side we need to consider proper riparian management with the goal of a fresh positive freshwater outcome, the sand, the rock, the sediment has to travel; the trash has to stop immediately. No one else talks about cleaning. It is just absolutely sad. In terms of a short term fix, I'm looking at charts, November 13 to December 13, at pump station CILA, it absolutely functioned beautifully last November, four or five days of flow, the rest of it downward trending. I'm looking at the chart over the last 30 days and it is a jumbled mess. Get CILA electricity. Get it running for proper O&M. Put it in American hands if you have to and that will eliminate dry event flows. Thank you very much.

**Mary Johnson Powell, Tijuana River Equestrian Association**

April 20, 2021

NEPA Public Scoping – Verbal Comment

1)

Awesome. New computer, learning how to do this.

If the sewage is not controlled and blocked before it comes across the border or specifically comes across the border and is treated, having any kind of sediment pond in Smuggler's Gulch or anywhere else is just going to contribute to the sewage going down to the ocean. You need to get the sewage out of the water and then deal with the sediment and trash preferably on the Mexican side and not destroy Smuggler's Canyon as it is. Smuggler's Canyon is what we call the areas south of Monument Road and Smuggler's Gulch is north of Monument Road. There needs to be a new bridge built over Monument Road so that the campground and beach and borderfield park can be accessed even during a flood by emergency vehicles. And I think that's probably my time. So I will stop with that.

2)

All right. Struggling with the computer. The County of San Diego is looking at getting money from the state coastal conservancy to do the settlement pond in Smuggler's canyon or Smuggler's Gulch. So why is this even still on your list of projects? They claim they have the money or they will soon have it and they have to go through their own public comment process. Couldn't it simplify things by removing that from here?

**Leon Benham**, Citizens for Coastal Conservancy

April 20, 2021

NEPA Public Scoping – Verbal Comment

1)

Okay. Well, I didn't have time to think about a response, but I really appreciate this opportunity to hear from the EPA, and even though you receive a lot of comments that I understand that you really have a big job on your hands. And I have to say that the reuse of water, is important. And the \$300 million is a lot of money, but maybe it is not up to the job that or maybe there's funds are not adequate. Recently the city of San Diego just put forward a \$5 billion project to process 83 million gallons a day, and if we bring this water to secondary treatment levels, then it seems like we're spending all this money to treat this water and then we're dumping it into the ocean, which in fact, the Tijuana River basin is 1800 square miles and there is lots of state money for aquifer replenishment and injection wells, and this would be a cooperative venture with Mexico.

We have about one third of that 1800 square mile basin in the United States. And if you think about what the volume of water would be. An acre foot of water, six inches of water would provide a cash flow of about \$130 million a year of positive cash flow for the sale of the water. And so, I'm out of time, thank you guys very much.

2)

From the aerial photos and the flow diagrams that are shown by, I think Doug made a presentation, you know, by the north and south jetties in imperial beach you see a definite difference in the path of the water. The water jumps out and seems to get diluted more because the jetties change the flow of the water coming north.

Since the outfall in Mexico is such a great volume and it's not being treated, the idea of placing jetties at Playas de Tijuana at two points to make the water go out into the ocean, so that by the time that it comes to our beaches, it's much more diluted and I know it's a static system, but it also provides those surface areas of the stones and the rocks provide areas for habitat as well as for animals to filter the water. Right now the city, the port district of San Diego is using Oyster beds to filter water. And you know, these things, these jetties if you made them 1,000 feet long or to change the direction of the flow of the water, so it takes it away from Playas Tijuana and also from imperial beach, although they're simple but they're static and you don't need to maintain them. And I know there's studies by the US NAVY and by Scripps that look at these flows along the beach and I think it would be warranted to look at them and see what kind of relief they would provide to our coastal beaches. Thank you.

**Peter Lloyd, Private Citizen**

April 20, 2021

NEPA Public Scoping – Verbal Comment

1)

Perfect. So I would like to bring up the idea that maybe we could have some technology that comes out of the US and allows us to present a scaled model that could be looked at as far as trying to solve the surge issues that are coming across from Mexico. Is that a possibility for us to present new ideas?

2)

The issue I believe is that's causing the problem is the bacteria that's in the water. We really need to remove or destroy that bacteria. We have, there is technologies around that can sterilize the water during surges that are coming from Mexico. I don't think Mexico is interested in doing anything to help America beaches. And therefore, it's very tough position to try to get them to help us because they would have to spend a huge amount of money. We can do it on the US side and sterilize that water so that when it goes into the ocean and along the beaches, that it doesn't affect people who are surfing. That would also be for pharmaceuticals as well. Any pharmaceuticals getting into that water or oil can be removed without using biological means to do it. Biologicals take a long time for it to have retention time and to work. It can be done very quickly. Anyway, that's my comment. Thank you.

**Mary Johnson Powell, Tijuana River Valley Equestrian Association**

April 20, 2021

NEPA Public Scoping- Written Comment

01:16:08

- 1) With water becoming so scarce and valuable why are you not considering recycling like San Diego is starting to do?

01:17:57

- 2) Why is recycling of water not being considered?

01:35:20

- 3) I agree with Steven Wright that source control of trash in MX should be done in combination with treating sewage to clean water standards either here or in MX

01:38:21

- 4) Eric Syverson mentioned the incredible, historical spring in Smuggler Gulch (south of Monument Rd); that MUST be considered and SGIP moved north of Monument if done at all because the local animals and birds rely on that fresh water

01:40:55

- 5) \$300 million best spent upgrading treatment facilities and putting a dry weather collector in main channel.

**Fay Crevoshay, WILD COAST**

April 20, 2021

NEPA Public Scoping- Written Comment

01:17:32

- 1) Are you taking into consideration the Odis Adversa treatment plant that is currently being build on the site of the treatment plant at San Antonio de los Buenos? They will be processing about sewage water from Tijuana, actually most water going today from that site into the Pacific Ocean for reuse

01:26:03

- 2) FYI WILD COAST put up on January 2021 a trash boom in Los Laureles tributary to the Tijuana River to stop solid waste coming down into the Tijuana River and the ocean.

**Delia Cristina Castellanos Armendariz**

April 20, 2021

NEPA Public Scoping- Written Comment

01:26:21

- 1) Me parece que debieran explorarse tambien opciones para el desarrollo de sistemas micro de tratamiento y reuso domiciliario de agua, debe priorizarse la necesidad de ampliar capacidades, a costos mas accesibles, concentrar volumen hace mas costosas las inversiones, por lo que los financiamientos debieran revisar tambien estas posibilidades, y potenciar el reuso del agua, no su desperdicio...en cuanto a los residuos, deberia explorarse la posibilidad de un mercado regional de manejo de residuos, y pensar en mecanismos colaborativos e infraestructuras compartidas

Translation: It seems to me that options should be explored for the development of micro treatment systems and home water reuse. The need to expand the capacities at a more accessible cost should be prioritized. Concentrating volumes makes investments more expensive, so financing should also review these possibilities and promote the reuse of water so as not to waste it. In terms of waste, the possibility of a regional waste management market should be explored and collaborative mechanisms and shared infrastructure should be thought about.

01:51:22

- 2) Creo que en cualquier solucion que se busque que involucre el agua, debe ver el contexto general de la Cuenca, en el caso especifico de los sedimentos, los cambios de uso de suelo estan generando mayores aportaciones de sedimentos, sin embargo los estudios integrales de la cuenca binacional, sigan manejando visiones separadas y las alternativas presentadas persisten en esa vision...

Translation: I believe that in any solution that is sought that involves water, should be looked at in the general context of the watershed. In the specific case of sediments, the change in land use is generating greater contributions of sediment; however, comprehensive studies of the binational watershed continue to handle different visions and the alternatives presented continue in that vision.

**Eric Syverson**

April 20, 2021

NEPA Public Scoping- Written Comment

01:28:05

- 1) Smugglers had a water bottling operation until 1990's. It is a powerful natural aquifer that produces amazing water. Fresh water marked on maps in that area until now. It is sad. beyond sad.

01:29:21

- 2) Mexico is definitely in violation of EVERY clean water ACT



**Jack Fisher**, Imperial Beach (Local Government)

April 20, 2021

NEPA Public Scoping- Written Comment

01:34:37

- 1) I agree that water reclamation should be considered since ever couple years we struggle with drought conditions in Southern California

**From:** [Richard McCarthy Jr](#)  
**To:** [Tijuana-Transboundary-EIS](#)  
**Subject:** Fw: Tijuana sewage  
**Date:** Monday, May 10, 2021 12:06:39 PM

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----- Forwarded Message -----

**From:** Richard McCarthy Jr <[rickmccj@yahoo.com](mailto:rickmccj@yahoo.com)>  
**To:** [tammy.murga@sdtribune.com](mailto:tammy.murga@sdtribune.com) <[tammy.murga@sdtribune.com](mailto:tammy.murga@sdtribune.com)>  
**Sent:** Sunday, May 9, 2021, 12:02:22 PM PDT  
**Subject:** Fw: Tijuana sewage

----- Forwarded Message -----

**From:** Richard McCarthy Jr <[rickmccj@yahoo.com](mailto:rickmccj@yahoo.com)>  
**To:** [tijuanatransboundary-eis@epa.gov](mailto:tijuanatransboundary-eis@epa.gov) <[tijuanatransboundary-eis@epa.gov](mailto:tijuanatransboundary-eis@epa.gov)>  
**Sent:** Sunday, May 9, 2021, 10:09:01 AM PDT  
**Subject:** Tijuana sewage

Howdy,

I used to live in TJ about 25 years ago. At that time one could smell sewage in the storm drains. The two systems, the storm drains and sewage pipes were interconnected. When I was a boy growing up in San Francisco the city had just one system of drains for storm and sewage. They were separated about 50 years ago. Tijuana needs to separate the two systems if it has not done it. Without separation of the two drainage systems Tijuana will not be able to clean up their sewage flow to the Pacific ocean and the US will not be able to fix it on this side of the border. Thanks, Richard

**From:** [Michael Sexton](#)  
**To:** [Tijuana-Transboundary-EIS](#)  
**Subject:** U.S./Mexico (WRRF) - Urgent  
**Date:** Tuesday, May 11, 2021 12:34:06 PM

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To the Attention of David Smith & Team,

My name is Michael Sexton. I am a San Diego native.

I provide Infrastructure-as-a-Service solutions to public entities for their energy, water and transport projects. The results are a positive triple bottom line; resilient to the shocks and stresses of an unforeseen future.

It is my understanding you are in the “eleventh hour” in determining a remedy to the wastewater solution on our border.

I support the PURA team. Whom, I believe, have the only holistic solution to the “water” problem on the U.S. & Mexico (Tijuana/San Diego) border because PURA addresses the problem at the source, Tijuana, Mexico. Transforming the wastewater liability, into an asset. Also, PURA’s sustainable approach has a Biogas recovery component.

Due to the gravitas of the environmental, social and economic conundrum on the border, I have enlisted the support of Mayor Joe Riley Jr. and Tom Cochran – Executive Director of U.S.Conference of Mayors. Because, as Mayor Riley says, “Our nation needs a win on the border.”

My request is for a meeting with you and your team so that we may enlist the support of you and the EPA; to present a “turn-key” solution for the Biden Administration to support and get this intractable problem solved.

I look forward to expanding the dialogue with you. Please contact me at your earliest convenience so that we may calendar a meeting.

Thank you for your time and attention.

Best

**Michael Sexton** | Principal

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# City of Imperial Beach, California

PUBLIC WORKS DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8311 Fax: (619) 429-4861

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May 19, 2021

Mr. Douglas Eberhardt  
EPA Public Scoping Comments

Dear Douglas Eberhardt,

The City of Imperial Beach (City) appreciates the effort from the U.S. Environmental Protection Agency (EPA) to identify and bring forward projects for a comprehensive solution to the transboundary wastewater and stormwater pollution crisis in the Tijuana River Valley. The City is committed to the long-term solution to the chronic transboundary pollution crisis in the Tijuana River. We believe that the \$300 million allocated to the EPA's United States-Mexico-Canada-Agreement (USMCA) - combined with funding from the U.S.-Mexico Border Water Infrastructure Grant Program, North American Development Bank, and other existing binational programs provides an opportunity for EPA to orchestrate a comprehensive fix to the pollution in the Tijuana River. It is with this perspective that the City offers its comments on the NEPA Public Scoping for the USMCA Mitigation of Contaminated Transboundary Flows Project.

#### General Project Comments:

- The NEPA analysis should include the evaluation of all projects that are needed to support a comprehensive solution to the transboundary pollution problem in the Tijuana River Valley. The scope of the analysis should not be limited by the \$300M allocated in the USMCA but rather cover the entire range of projects that are necessary to solve the problem (defined as mitigation of transboundary flow events to fewer than 20 per year).
- The likelihood and magnitude of trash and solid waste releases from each project alternative, and consequent downstream impacts in Tijuana River Valley, should be evaluated. Management of trash should be considered an important component of each project alternative to minimize the downstream impacts of trash once it enters the River Valley.
- The analysis should consider the impacts of existing transboundary flow conditions and include anticipated growth from future development in the border region that will result in additional wastewater treatment needs.
- The construction of any project will inevitably have associated environmental impacts but the NEPA analysis also needs to appropriately consider the existing environmental impacts from inaction or limited action that results in continued transboundary flows in the Tijuana River.
- In assessing projects with infrastructure components in Mexico, EPA must evaluate the environmental impacts associated with the all-but-certain inadequate operation, maintenance, and catastrophic failure of such infrastructure. Wastewater infrastructure in Mexico has proven to be unreliable because of substandard construction materials and practices, and insufficient resources spent on staff, operations, and maintenance. Those concerns must be taken into account when comparing the environmental impacts of projects in Mexico against projects in the United States, where construction and operations and maintenance practices are subject to higher standards and enforcement.



# City of Imperial Beach, California

## PUBLIC WORKS DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8311 Fax: (619) 429-4861

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- Operation and maintenance need to be recognized as an important component of any successful project. Operation and maintenance requirements and costs should be addressed during the design phase of each project and be consistent with existing efforts in the River Valley such as the Tijuana River Valley Sediment Management Work Plan and Monitoring Program and Nelson Sloan Quarry Restoration Project.
- EPA should consider a programmatic approach to this EIS process that would apply to all EPA projects supporting the long-term clean up and restoration of the Tijuana River Valley. The EPA projects need to support the multiple objectives in the River Valley for habitat restoration, flood control, and recreation.
- The EPA analysis should include as project goals the vision and objectives established in the Tijuana River Valley Recovery Team Recovery Strategy to help inform future conditions in the River Valley. In addition, EPA projects that support the long-term restoration of the River Valley should consider existing climate resilience efforts for the Tijuana Estuary and upland riparian habitat. Impacts from EPA projects need to be evaluated against changes in the tidal prism from future sea level rise and changes in habitat that make the River Valley more resilient to climate change.
- The EPA analysis of projects should consider potential impacts to downstream areas that are actively managed by other agencies like the City of San Diego pilot channel, County areas in Smugglers Canyon and Tijuana River Valley Regional Park, and State Park Goat Canyon basin.
- Air quality impacts from transboundary pollution is an emerging area of concern that the San Diego Air Pollution Control District Board, South County Environmental Justice Task Force, and Scripps Institute of Oceanography are starting to investigate. The EPA analysis should consider air quality impacts related to transboundary pollution, and the potential for each project to mitigate or eliminate those impacts. The project alternatives should be designed and selected in part to help address some of the concerns from potential airborne health hazards.

Thank you for considering our comments and your continued commitment to improving conditions in the Tijuana River Valley.

Sincerely,

Chris Helmer

[chelmer@imperialbeacca.gov](mailto:chelmer@imperialbeacca.gov)

Environmental and Natural Resources Director  
City of Imperial Beach

Fostering the protection and appreciation



of birds, other wildlife, and their habitats...

May 19, 2021

U.S. Environmental Protection Agency  
Sustainable Water Infrastructure  
Office of Water, Office of Wastewater Management  
1200 Pennsylvania Avenue, NW (Mailcode 4204M)  
Washington, DC 2046

via email: [Tijuana-Transboundary-EIS@epa.gov](mailto:Tijuana-Transboundary-EIS@epa.gov).

RE: USMCA Mitigation of Contaminated Transboundary Flows Project

To whom it may concern:

Thank you for the opportunity to comment on the USMCA Mitigation of Contaminated Transboundary Flows Project, and for providing the Public Scoping Meeting on April 20, 2021, which we were able to attend. 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. Our work has included invasive removal and revegetation events, training community scientists, advocating for developments and park management, educating school children about the importance of natural habitats, making comments on environmental documents, suggesting environmentally superior improvements for many public and private projects, and many other projects. Over the years we have engaged with thousands of volunteers in carrying out these goals. We have done many of these activities in the Tijuana River Valley and Estuary. The following are concerns we hope will be considered as the project moves forward.

The three methods used for the various projects are Conveyance, Treatment and Source Control and each will be addressed in this letter. The report addresses the 3 main negative impacts from pollutants as Public Health, Government Activities, and Wildlife Habitat. Each option in the plan gives a snapshot on the benefits to these 3 topics **minus** Wildlife Habitat. It is recognized that sediment, trash and polluted wastewater degrade terrestrial and estuarian habitats that are home to a large variety and quantity of the region's wildlife. More specifically, Federally Endangered Species, the Least Bell's Vireo (*Vireo bellii pusillus*) and Ridgway's Rail (*Rallus obsoletus levipes*), are further threatened by the accumulated pollutants entering their habitat. Least Bell's Vireo build their nests in dense willow stands in riparian habitat along the Tijuana River. The Ridgway's Rail inhabit the coastal salt marshes year-round within dense stands of cordgrass in the Tijuana Estuary. These endangered species live within a watershed with complex humanitarian and environmental justice problems, as well. The best strategy to improve the environmental problems is to engage and empower the local community; if they are secure and respected then they will value the natural resources. It is within these concerns that we provide our comments.

Constructing new facilities should not create new environmental damage in the pursuit of lessening environmental damage elsewhere. Options 1 and 2 plan a proposed new advanced primary treatment plan, and Project 7 diverts treated wastewater from an existing wastewater treatment plant. Project 6

proposes new infrastructure to address trash and sediment, as other options plan to divert wastewater to U.S. facilities requiring new infrastructure. New infrastructure leads to an increase in sedimentation pollution, and it is noted clearly in this report that Sediment/Sludge disposal options for applicable projects are unknown. These projects need oversight and adaptive management built into them so that new infrastructure does not degrade wildlife habitats. These issues will require impacts to be studied and proper mitigation measures be proposed and implemented to protect wildlife habitats and how each option affects or improves these ecosystems.

Treatment projects increase facility capacity to treat wastewater and remove pollutants. Option 8 is an upgrade to the San Antonio de los Buenos Plant (SABTP) which was described at the meeting as not functioning and allowing raw wastewater into the Pacific Ocean in which northern swells bring it all the way up to Coronado. This option's annual impact is 97% sewage reduction and a beach closure reduction of 60%. The data provided that SABTP releases 15 times the contamination (15,860 tons/yr) than the Tijuana River (1,590 tons/yr). This option's range of improvement to the level of wastewater being released to the environment put this in a category of Must be Implemented. In the meeting it was also disclosed that pipes from Tijuana were leaking directly into the Tijuana River. Option 7 addresses this issue by diverting this wastewater to the International Treatment Plan. It also has the added benefit of providing indirect potable reuse in Tijuana by diverting into the Rodriguez Dam. This option provides for a 44% reduction of wastewater at the Transboundary Tijuana River. Option 6 provides for infrastructure of trash booms and sediment basins to reduce deposit into the Tijuana River Estuary. There is anecdotal evidence of a trashboom operating in Los Laureles canyon stopping >6000 lbs. of debris since January of this year. These three options, (6, 7, 8), remedy failing infrastructure causing immediate environmental damages effecting wildlife habitats. They are cost effective methods to reduce pollution as Source Control measures can be implemented and provide less stress on the facilities.

Source Control are stated methods described in options 5 and 10. One is to enhance the Mexico wastewater collection system, the other to address sediment and trash pollution. We urge that stabilizing slopes and other erosion control measures be included in this analysis to substantially reduce the cross-border sediment flows as an essential source control option for this project. Source control is the best fiscal and effective long-term solution for these issues. The EPA states that effective reduction measures encompass good operating practices, technology changes, input material substitutions, and product changes. The EPA provides other guidance on methods to segregate hazardous and nonhazardous waste streams that avoid and reduce the volume of waste requiring treatment. We support a strong recycling program that captures input materials of solvents, detergents and chemicals from entering the waste stream. Once stormwater mixes with wastewater that is not contained in the wastewater system, there is no way to satisfactorily contain and treat that wastewater. The only reasonable solution to this problem is to improve the wastewater system in Tijuana so that the sewage is contained from its source all the way to its treatment site. This will be laborious and time consuming to implement but eventually be the only satisfactory strategy and should have a more robust profile in the options provided for this project.

It appears that the purpose of this project is to identify the best way to use \$300 Million to reduce the cross-border wastewater, sediment, and trash pollution. We urge that the project objective be changed to identifying what measures it will take to resolve the cross-border pollution and then determine the cost to

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of birds, other wildlife, and their habitats...

implement these measures. This change in focus will likely lead to different results. The options currently being considered may cost less than a full source control option, but the containment option is likely to be more cost effective in the long run.

Lastly, how will the options provided in this report respond to the consequences of Sea Level Rise in the coming decades. As sea levels rise, the effect of contaminated water and sediment will spread farther upstream into the watershed and keep it longer in places where it currently flows. Although current IPCC projections are uncertain due to all the complex issues contributing to the projections, models using an RCP of 2.6 and 8.5 give appropriate estimations of approaching SLR scenarios. Investments to fixing the challenges of wastewater treatment in facilities so close to the Pacific Ocean must provide infrastructure that can operate in these rapidly changing conditions.

It is also very important to appropriately work with the humans that are using and living in the Mexican canyons along our borders where many of these sediment and water problems could be dealt with. Environmental justice concerns are critical to an effective and sustainable solution to the Tijuana River problems. The source control components suggested above need to be scoped with local partners that know the residents and are experts on the issues in these areas. In many cases, organizations and universities have already started planning and organizing certain components of a just and sustainable strategy. We ask you to commit to upgrading existing infrastructure, investing in source control that prioritizes environmental justice, and devoting 5% of the investment to creating a long-term, human-focused strategy to improve the water quality and quantity of the Tijuana River. This component of the project will result in the largest, long-term benefit to the pollution problem.

Thank you for the opportunity to comment on the USMCA Mitigation of Contaminated Transboundary Flows Project. Please include us on any information of changes or updates to the project as it moves forward.

Sincerely,

James A. Peugh  
Conservation Chair

and,

John Riedel  
Conservation Committee





CITIZENS FOR COASTAL CONSERVANCY

David Smith – EPA Region 9  
Water Division Assistant Director  
US Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

May 20, 2021

Reference: Public Comment of EPA's NEPA Assessment and Scoping  
USMCA Agreement/Cross Boarder Sewage Flows

Dear David,

The Citizens for Coastal Conservancy (C4CC) has prepared a review and comment of the three "Alternative Groupings" of ten down-selected projects as described by the EPA's engineering consultants. These "collective" groupings were initially shared and described during the last EPA public (virtual) NEPA Scoping meeting conducted on April 20, 2021.

The purpose of this review is to understand the best and most effective way the EPA is going the to spend the \$300 million dollars allocated under the NAFTA MPA agreement. The goal of these various mix of EPA projects is to use this money to provide a comprehensive solution to control US/Mexico cross-border sewage flows and to restore the River to standards set by the U.S. Clean Water Act.

The C4CC has a couple of over-arching observations of the current EPA process/proposals.

- 1) The first observation is the short time for public comment and discussion. To present this complex problem on April 20, 2021 and then close public comment 30 days later is too short. It does not allow for proper vetting of the ten projects or the addition of other projects which have been put forward by the public. (See the C4CC project list).
- 2) The second observation is that the majority of current EPA proposals continue to significantly increase dumping of wastewater through the SBOO (South Bay Ocean Outfall) by over 500%. No consideration is given to the fact that the SBOO drains into extremely shallow (approximately 90 feet) water, and that the ocean littoral cell currently brings this water back to the coastline where the public comes into contact with this same water.
- 3) The list of projects does not incorporate wastewater reclamation technologies to help reduce further impacts in the local Pacific Ocean. With the current forecast of drought conditions in California to not incorporate the start of infrastructure systems to reuse of this water is short-sighted and does not provide the public any return on their tax dollar investment. We will spend millions of dollars to bring this water to secondary treatment level and then dump it into the ocean. It only seems to C4CC to make sense to start incorporating wastewater reuse into these projects.



CITIZENS FOR COASTAL CONSERVANCY

- 4) Some of the EPA projects listed (1,7) fail to embrace a sense of “Environmental Justice or Stewardship”. In an area of San Diego County that is already highly impacted with standing sewage water, these projects would permanently place more treatment ponds on US soil. So instead of controlling and managing sewage within piping as is currently being accomplished by the Canyon Collectors operated by the IBWC - the acrid sewage would instead be contained in open-air treatment ponds. These same lands are currently being used by the public (Border Field State Park, Tijuana River Valley San Diego Regional Park). The direct, on-ground impacts of these EPA projects would be detrimental to the environment by replacing existing natural ecosystems (that work at no cost) with man-made structures that cost millions a year to maintain (O&M). These projects would situate sewage ponds next to residential communities to treat toxic Mexican sewage on a permanent basis. Ask yourself, if these projects were proposed in more affluent areas of San Diego County would they be even considered?

## **Review and Analysis**

NOTE: See attached Excel spreadsheet for greater details and C4CC scorings

### **Alternative Grouping 1 – (includes EPA Proposals 3, 5 & 6)**

#### Review:

- Relies on increased capacity and discharge through the SBOO (C4CC determines to be unacceptable with modifications to the SBOO Diffuser configuration).
- Does not address the on-going potential of contamination from pools of sewage along the Rio Alomar (Mexico) drainage.
- Provides some potential for wastewater reclamation for reuse in Mexico only.

#### Recommendations/Observations:

- C4CC proposes a Main Channel Canyon Collector design near the US-Mexico border which would also have the capability to re-introduce clean water (minimum secondary stage treatment) into the TRV at between 10 – 20 mgd. Places standing sewage/effluent next to Coral Gate neighborhood - Infeasible. Not practical for large scale rain events (over 3 inches). Stops natural flow of sediment in the river, high maintenance, not financially sustainable, 600k cubic yards of sediment each year to dispose of off-site. Continues to pollute the local aquifer.



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### **Alternative Grouping 2 – (includes EPA Proposals 4, 7 & 9)**

#### Review:

- Relies on increased capacity of the ITP and increased discharge through the SBOO (C4CC determines to be unacceptable with modifications to the SBOO Diffuser configuration).
- Trash Booms and Sediment basins in USA have high cost of O&M and also contributes to the further restriction of sediment flow (Sand Starvation) to local Beaches – annual Sand Nourishment is severely impacted.
- Continues to degrade local Pacific Ocean environment with increased capacity and usage of SBOO in shallow water diffuser configuration.
- Acquisition costs of SBWTP are unknown and unknown maintenance burdens in future.

#### Recommendations/Observations:

- Provides no wastewater recycling option. No new capacity for fecal sludge disposal site. Existing Tijuana River main channel remains unchanged with no collector system to capture dry weather flows. Suggest considering extending the SBOO (Diffuser) pipeline to deeper waters – more consistent with City of San Diego Point Loma Outfall at 250-300 feet (76 – 92 meters) in depth and further off-shore.

### **Alternative Grouping 3 – (includes EPA Proposals 1, 2, 8 & 10)**

#### Review:

- Coral Gate 82 million gallon Sewage Retention Pond has been deemed “Infeasible” by EPA
- Continues to degrade local Pacific Ocean environment with increased capacity of SBOO
- Proposed new Primary Treatment plant would not meet Clean Water Act of 1972 without bringing Mexican effluent to at a minimum Secondary treatment level.
- Upgraded SAB facility not under US control, nor are best maintenance practices (BMPs) employed.

#### Recommendations/Observations:

- Upper Rio Alomar sewage is not captured, Dry Weather Flows are also not captured at main Tijuana River channel. Consider extending the SBOO (Diffuser) pipeline to deeper waters – more consistent with City of San Diego Point Loma Outfall at 250-300 feet (76 – 92 meters).



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**The C4CC project list:** After review of the (10) projects outlined by the EPA NEPA Scoping study and commenting on these projects the consensus of local stakeholders who live in the area are detailed below. The Citizens for Coastal Conservancy offers this list of projects as the optimal route to protect the Tijuana River and local oceans from cross-border sewage. The projects outlined below provide ideas and that greatly reduce cross border sewage entering the Tijuana River Valley. These projects provide the future backbone of infrastructure which will provide the best long-term solution to process transboundary sewage flows.

**1) Install a Canyon Collector with a static trash collector in the main channel of the Tijuana River.** The existing (4) canyon collectors currently catch 100% of dry weather sewage flow and these are then processed by the IBWC plant. The past 20 years of history shows the canyon sewage collectors operated by the IBWC are very cost effective and only collect the contaminated water but allow the natural sand and cobblestones to pass through to the ocean during rain events. A recent US IBWC comprehensive testing program of soil and water samples taken at locations throughout the valley show these canyon collectors work. No other system even compares to this efficient system. **Estimated Construction Cost \$35 million.**

**2) Increase the processing capacity of the IBWC plant from the current 25mgd to 60mgd to process the water from the new canyon collectors.** This new processing capacity would bring the wastewater to secondary level treatment and follows the law of the US and the Clean Water Act to dump this water offshore Imperial Beach. Additionally, building the backbone of infrastructure at the new plant so that in less than 5 years the processed water can eventually be reprocessed for reuse. The certain result of this project, in 5 to 7 years, will be far less sewage water dumped off Imperial Beach and the potential of \$80 million in revenue per year by the sale of this reclaimed water. **Estimated Construction Cost \$100 million.**

**3) Build into the treatment plant a future expansion potential.** The City of Tijuana continues growing at an exponential rate. Therefore, the capability to expand the IBWC plant is especially crucial. Additionally, with the Tijuana River basin/watershed being over 1,780 square miles, the ability to redirect water inland so ground water injection can be considered/implemented is a great investment for our region's future. **Estimated Construction Cost \$25 million**

<https://waterinthewest.stanford.edu/groundwater/recharge/>

**4) Install a pair of 1000-foot-long large rock groins/jetties from the shoreline to beyond the surf line at the US/Mexico border.** The up to 50 mgd of raw sewage from Punta Bandera is the most serious threat to ocean water quality to Coronado, Imperial Beach, and Playas de Tijuana. With the almost certain growth of the sewage dump to 80 mgd there is no solution to this problem which is even remotely within the \$300 million dollar EPA USMCA budget. However, currently right now, from historical aerial photos when the longshore surf current is redirected by the Imperial Beach north and south jetties the water is dispersed and a cleaner near shore water is produced almost immediately downstream of the jetties. By redirecting the long shore current at the border 3 miles away from the shoreline of Imperial Beach the result will be cleaner water in Imperial Beach and Coronado. The best part is that these rock jetties work around the clock and there are no moving parts. They also provide additional benefits of sand



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retention, shoreline storm protection, better water circulation for natural biological processes to clean the water and they provide habitat for fish and mollusks which also clean the water.

**Estimated Construction Cost \$35 million.**

5) **IBWC plant to reintroduce clean water back into the Tijuana River.** With this reintroduction of clean processed water and the County of San Diego effort to pump out this same water at Hollister Street bridge would provide a natural cleaning action to continuously wash out the most polluted part of the Tijuana River. Using the existing IBWC Hollister pump station with smaller pumps located next to the bridge which would be operated by the County of San Diego the water would be sent back to the IBWC plant using the existing pipeline. This would be a low-cost method to provide many benefits to the Tijuana River ecology. These benefits include: 1) the removal of fecal sediment that has built up over the last 40 years, 2) introduction of clean water to the ecosystem and 3) would support the SB507 project which is currently being scoped to clean up this site. **Construction Cost \$1 million, operational cost \$100,000 per year.**

6) **Introduction of continuous water flow into the upper Rio Alomar River in Mexico.** Currently, this River consists of a series of stagnant sewage ponds which stretch almost 10 miles from Tijuana to Tecate. Each time it rains, these ponds are emptied/flushed and flow down to the Tijuana River. By the introduction of a small amount of water upstream, the continuous flow of water would be captured by the new Main Channel Canyon Collector. This would greatly reduce the rain event sewage content in the Tijuana River. **Construction Cost \$2 million, operational cost \$200,000 per year.**

The total estimated cost for all the aforementioned projects is approximately **\$200M USD.**

The remaining \$100M of the USMCA funds can be used to implement flood control measures as outlined by the IBWC, including static trash collectors/ sediment pumps in the channel of the IBWC property, development of a US side fecal sludge disposal site, additional infrastructure utilities to support the projects outlined and used as a reserve for future projects such as the need becomes known.

These projects represent the best comprehensive long-range solutions to reducing the amount of cross border sewage flows, limiting further treated effluent dumping via the SBOO and restoring the TRV environment.

### **Epilogue:**

Although this is not within the scope of work of the EPA as authorized by the US MCA agreement, the EPA can provide and exercise overview and guidance for the restoration of the Tijuana River Valley (TRV).

The TRV needs to receive a comprehensive environmental mitigation which should include: riverbed stabilization, removal of all trash, plastics, tires and invasive plant species removal. These factors currently all contribute to the creation of stagnant ponds of standing sewage, mosquito/vector infestations and contain human pathogens for infectious diseases.



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Additionally, the Tijuana River has historically supplied upwards of 665,000 cubic yards of sand and cobbles per year to the shoreline of Imperial Beach. These natural sand and cobble materials deposit on the beach and serve to build up on offshore reefs. This natural offshore armoring dissipates large wave energy and the buildup of sand on the beach protects coastal homes. The natural sand transfer from the Tijuana River Valley to the Imperial Beach shoreline, under California Law is a right of each person within California. These sediment rights should be part and parcel of every policy the EPA enforces regarding Environmental Justice.

Furthermore, C4CC firmly believes that some quantity of reclaimed wastewater needs to be re-introduced to the Tijuana River Valley to help restore the local riparian environment and the unbalanced Tidal Prism of the Tijuana Estuary. While C4CC recognizes this is not currently within the EPA's specific work scope, nevertheless it **does** fall within the definition and scope of the over-riding NEPA charter: "Requiring federal agencies to evaluate environmental and related social and economic impacts of proposed federal actions prior to making such decisions" – decisions that COULD otherwise cause further harm in the Tijuana River Valley.

In summary, while several of the individual proposed EPA projects positively address specific, individual cross-border challenges within the Tijuana River Watershed, other equally important environmental issues are being ignored by the EPA's limited scope and lack of understanding of the Tijuana River Valley's unique riparian ecology and the Valley's overall importance to the residents, farmers and visitors of the South Bay region.

Respectfully,

Executive Board of Citizens for Coastal Conservancy

Mitchell D. McKay – President  
Leon Benham – Executive Director  
Dane Crosby – Treasurer

[www.citizensforcoastalconservancy.org](http://www.citizensforcoastalconservancy.org) – a 501c3 non-profit organization (EIN #83-3516727)

**From:** [G. Harris Hartman](#)  
**To:** [Tijuana-Transboundary-EIS](#)  
**Subject:** EPA Public Comment on 10 projects  
**Date:** Wednesday, May 19, 2021 9:20:32 PM

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To David Smith-EPA Region 9  
Water Division Assistant Director  
US Environmental Protection Agency  
San Francisco offices

Dear Mr. Smith

I am writing to you regarding the 10 projects proposed by the EPA to address the wastewater, trash and sediment in the Tijuana River Valley. I would like to comment on project 6. This project entails creating a sediment pond in Smuggler's Gulch to reduce downstream sediment. I have several concerns regarding this plan because a very similar sediment pond was built in Goat Canyon and it has become an ecological and financial disaster. The issue of wastewater spillage and trash into the Tijuana River tributaries such as Smuggler's Gulch must be addressed first. Presently there is an inadequate "concept" trash boom in Smuggler's Gulch. This was donated to the county as a prototype. The trash boom is not anchored well and subsequently allows trash to flow over it when there fast moving water such as after a rain event. But even this trash boom has significantly reduced trash in the gulch. I have personally picked up trash in this area and since the "concept" trash boom has been in place, the amount of trash that we have had to pick up has significantly lessened. So, simply placing better anchored and perhaps better engineered trash booms upstream and/or on the Mexican side could eliminate the majority of trash in this area.

The pollution of the water in Smuggler's Gulch has progressively gotten worse. The Surfrider water tests showed that there was unacceptably high levels of coliform and enteric bacteria consistent with sewage contamination. This wastewater contamination impacts any plan for sediment management. The proposed plan to place a cement sediment pond in Smuggler's Gulch would create a pond that would collect polluted water. This would be a perfect breeding area for mosquitos which would significantly impact the safety of local residents. The sediment would also be contaminated by this bacteria and would result in the same situation we now see at Goat Canyon. The sediment removed from Goat Canyon cannot be used and has to be "stored". So, the county would have the added expense of storing this contaminated sediment as well as the cost of dredging. Best practices seen in other areas of water management in California has shown that if a river is allowed to flow rapidly over a rocky bottom, it has some self-cleaning. The aeration performed by the turbulence will kill anaerobic bacteria in the water. This will improve the quality of the water and the sediment. Presently, Smuggler's Gulch is a narrow canyon where water can run fairly rapidly over a rocky bottom. There is a problem with the outflow from the canyon under Monument Road. The culvert under Monument road is not adequate to handle the flow and so water floods the road and also backs up into the gulch. This issue could be solved by fixing the road and placing a larger culvert or multiple culverts to handle the flow. On the north side of Monument Road, the river is choked by overgrowth of non-native plants. If this area were cleared and widened then a natural sediment basin would be created. There are several advantages to this type of sediment pond. It would have clean sediment and sand. The sand could be used to replenish our beaches. Some of the standing water would seep into the severely depleted natural aquifer. The fresh water replenishment of the aquifer could not happen with a cement pond. This aquifer is



important to the plant life in the valley and has seen an increase in salinity over the past decade. There would be no destruction of the natural canyon and its ecosystem with the construction of a cement pond. And non-native species could be removed from the valley.

In summary, The proposed cement sediment pond in Smuggler's Gulch would destroy the natural ecosystem in the last remaining canyon in the Tijuana River Valley. It would have create a standing body of water that will negatively impact the air quality and quality of life of nearby residents with its odor. It will be a potential breeding site for mosquitos who also negatively impact the health of the surrounding residents. And in a few years (as in the case of Goat Canyon) it will produce contaminated sediment which will be another ecological burden for the county. Please consider these concerns in your final decision regarding this project. Thank you for your time and consideration.

Amy Wandel, MD, FACS



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Dear EPA Region 9:

19May2021

I believe the Project 6 Smuggler's Gulch alternative is the wrong approach for clean water along the channel, nor for sediment and trash control for the downstream river.

However, I believe San Diego County Parks SGIP has significant political momentum, so much so that a sediment basin will be placed into Smuggler's Canyon.

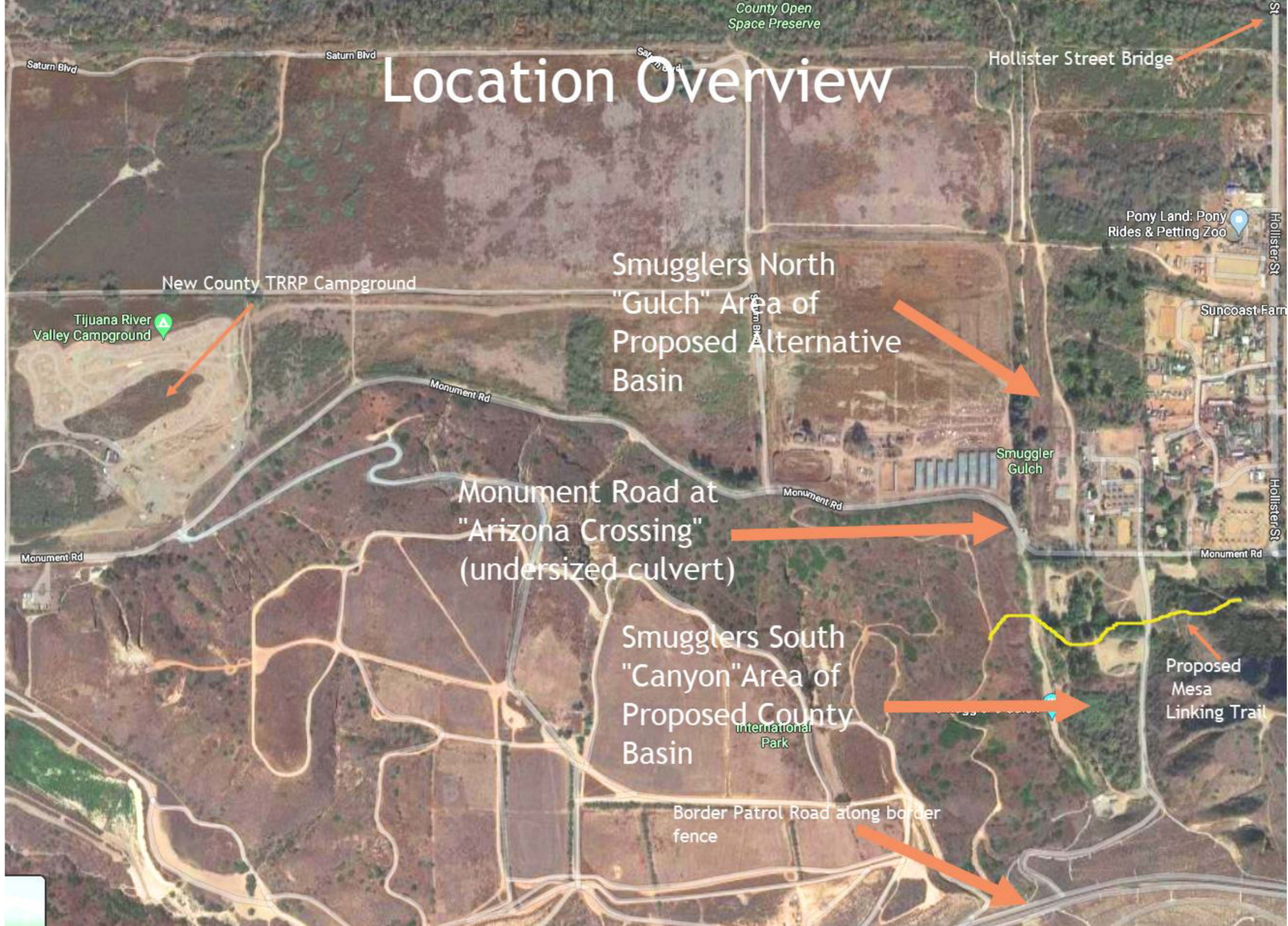
I propose that *if* a sediment basin is inevitable in Smugglers Gulch, that this basin be constructed literally across the street (Monument Road) from the County's SGIP location. I have included diagrams for this and a comparison of pros and cons of this alternative site.

I have crisscrossed this entire Tijuana River Valley for 25 years while involved in stewardship, recreation, and in park planning activities. I know the valley's heartbeat and rhythms. Here's what I know, in support of either no sediment basin, or a location a couple of hundred yards North of the County's proposed location.

- Major water events are seldom. Likely, this gulch is dry 330 days a year. Smugglers Gulch is a minor source of pollution, trash, and sediment. A sediment basin is overkill for such a minor part of the massive Tijuana River problem.
- Trash booms placed upstream in Tijuana for evaluation are so highly effective that the relatively small amounts of trash getting into Smugglers is easily removed by volunteers or by low-cost mechanical means.
- Placement of the basin into the North location preserves dozens of mature trees in the County's proposed South location that provide a natural park setting. This type of tree setting is unique in the entire valley user-accessible allowed locations.
- The South location is already a City sediment management area that is rarely used, but is completely disturbed land for use by heavy equipment. Placing another sediment management project slightly south of this City field would double the size of disturbed land and heavy equipment activity in a small area. This is a burden on wildlife corridors and for the residents and recreational users and simply is unfair.
- The County's proposed south location will likely eliminate any chance of replacing the mesa-to-mesa linking trail that was destroyed when DHS seized the land where the original linking trails were located. Without restoration of linking trails, recreational users who "hike the three mesas" will have to either walk along the fast and curving Monument Road in order to enter each mesa's trail system, or drive to park along the road. This trail is a critical issue for future park users' safety and quality of enjoyment of this highly unique border area. With the linking trails restored a person could traverse from the ocean to the ranger station over three mesas and along an international border without getting into automobile traffic. This is a profound experience.

Sincerely,  
John Gabaldon (619-920-1282)

# Location Overview



Saturn Blvd

Saturn Blvd

Saturn Blvd

Hollister Street Bridge

Pony Land: Pony Rides & Petting Zoo

Hollister St

New County TRRP Campground

Tijuana River Valley Campground

Smugglers North "Gulch" Area of Proposed Alternative Basin

Suncoast Farm

Monument Rd

Monument Rd

Monument Road at "Arizona Crossing" (undersized culvert)

Smuggler Gulch

Hollister St

Monument Rd

Monument Rd

Smugglers South "Canyon" Area of Proposed County Basin

Proposed Mesa Linking Trail

International Park

Border Patrol Road along border fence



# Smugglers "Canyon" Sediment Basin Sketch By County Parks

Location is south of Monument Road and against the border (County land). These are the County's proposals (2 alternatives) for a sediment basin



## Legend

- Culvert and Road Improvements
- Smuggler's Gulch Channel
- Proposed Trash Boom Location
- Inline Weir
- Side Weir
- Basin: Alternative 1
- Basin: Alternative 2



# Proposed Alternative "3" Smugglers "Gulch" Sediment Basin Sketch

Location is north of Monument Road and placed In  
City's maintenance undeveloped field (City land).  
This is the alternative proposed by TRVEA.

Smugglers "Canyon" Area  
remains park area

## Proposed Basin Location South "Canyon" Alternative 2

### Pros:

1. County owned land (no jurisdictional issues)
2. Loaded trucks make right hand turns

### Cons:

1. Removes mature forested park area and wildlife habitat
2. Eliminates the last canyon-habitat along the border
3. Blocks E - W wildlife natural corridor
4. Obliterates historical references & artesian wells
5. Large water events could plug /overwhelm collectors and basin causing road and private property flooding
6. Blocks future mesa-to-mesa linking trails. Forces hikers, cyclists and equestrians onto narrow, dangerous Monument Rd.
7. Can't comply to NRCS Code 350 length/width of 2/1 (National Resources Conservation Service Jan 2010)
8. Doubles the disturbed denuded area for sediment control and places an unfair quality-of-life burden on residents, wildlife, and users

## Alternative "3" Location Basin North "Gulch"

### Pros:

1. Preserves the south "Canyon" forest setting for many park and ecological uses
2. This area already used for City's sediment staging
3. Largest area for optimized basin design
4. Major water events have designated overflow areas
5. Allows future mesa-to-mesa linking trail (lost to DHS seizure of land without promised alternate route restoration)
- 5a: Keeps recreational users off Monument Rd
6. Side slopes of basin can be planted to add vegetation & habitat for this now denuded and disturbed area

### Cons:

1. Requires collaboration with City land use (G Cox said to "forget" possible political and funding barriers)
2. Loaded trucks make left hand turns



May 20, 2021

To: U.S. Environmental Protection Agency  
Via Email: Tijuana-Transboundary-EIS@epa.gov

**Re: NEPA Public Scoping Comments for Tijuana River Watershed, USMCA Mitigation of Contaminated Transboundary Flows project**

The Surfrider Foundation hereby submits these comments regarding the scope of the U.S. Environmental Protection Agency's ("EPA's") environmental impact statement ("EIS") for the Tijuana River watershed, United States-Mexico-Canada ("USMCA") Mitigation of Contaminated Transboundary Flows project. Surfrider Foundation appreciates the U.S. EPA's efforts in addressing and helping to find a solution to the border water quality crisis.

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 nationwide network with over 500,000 supporters, activists and members.

After Surfrider Foundation's San Diego Chapter had already engaged in a decades long "No Border Sewage" and "Clean Border Water Now" campaign, in July 2018, Surfrider filed a lawsuit against the International Boundary Water Commission–United States Section 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 seeks 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 seeks 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). We appreciate the opportunity to present these scoping comments on the EIS for the Tijuana River Watershed projects under consideration.

**Legal Requirements Under NEPA**

The National Environmental Policy Act of 1969 ("NEPA") establishes a policy to encourage a productive and enjoyable harmony between man 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 from dangerous and poorly planned federal projects 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 the fullest extent possible” 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 a 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)

To comply with NEPA, an EIS must describe the affected environment, that is, the area(s) to be affected by the proposed project (40 C.F.R. § 1502.15); provide a full and fair discussion of all significant environmental impacts and consequences of the project (40 C.F.R. §§ 1502.1, 1502.16); and address, in detail, all reasonable alternatives, that will avoid or minimize adverse effects to the environment. (40 C.F.R. § 1502.14.)

## **Purpose and Need**

Under NEPA regulations, an EIS shall briefly specify the underlying purpose and need for the proposed action. (40 CFR § 1502.13). As the Notice of Intent for this project provides:

“The USMCA Project involves the planning, design, and construction of infrastructure to reduce transboundary flows of untreated wastewater (sewage), trash, and sediment that routinely enter the U.S. from Mexico via the Tijuana River,

its tributaries, and across the maritime boundary along the San Diego County coast. These transboundary flows impact public health and the environment and have been linked to beach closures along the San Diego County coast. EPA intends to evaluate project options located in the Tijuana River area in southern San Diego County, California in the U.S. and in the Tijuana region in Mexico. EPA has identified a set of 10 project options that have the potential (individually or in combination) to reduce these transboundary flows.”

Surfrider asserts that the EIS’s project purpose and need should expressly also include the reduction of pollutants, including sewage and other bacteria, heavy metals, contaminants, and physical trash, from coastal waters and watersheds, which threaten human health and safety, and should also include the reduction of beach closures, to the maximum extent possible. Inclusion of these reduction targets is necessary in order to comply with NEPA’s policy of attaining the widest range of beneficial uses of the ocean and coastal environment without degradation or risk to health or safety, as possible; and in order to comply with NEPA’s policy that the federal government serve as a responsible trustee of the transboundary environment for future generations.

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

The EIS must include data on the baseline environment, and current state of transboundary pollution. This should include information on the number of annual Clean Water Act violations, and the rate of beach closures affecting southern California beaches and recreational users, including corresponding flows and sources of pollution leading to beach closures. In 2020 alone, the Tijuana Sloughs were closed 295 days, Imperial Beach was closed 160 days, Silver Strand 59 days, and the Coronado shoreline closed 17 days. In order to reduce the risk to public health from the sewage contaminated run-off and pollution that leads to these beach closures, the sewage contaminated effluent traveling through the Tijuana River Valley must be captured, diverted, and treated before entering the Pacific Ocean. The EPA assessment should consider the impacts of existing transboundary flow conditions and include anticipated growth from future development, especially on the Mexican side of the border where extensive growth is anticipated.

The EIS must also include a full, detailed discussion on the current wastewater treatment and trash prevention infrastructure and the failures of the existing infrastructure and projects to prevent pollution. (For instance, even over Earth Day, there were spills at Stewart’s Drain with pooling of contaminated effluent and a blocked inlet for Junction Box 1 from April 19-22, 2021). Surfrider Foundation San Diego County Chapter tests 17 sites for water quality in the County. (See <https://sandiego.surfrider.org/bwtf/>) Data from Surfrider Foundation’s Blue Water Task Force in February 2021 showed that all testing areas in the Tijuana River Valley resulted in a high level of bacteria, including Goat Canyon and Smuggler’s Gulch. (See Surfrider Foundation San Diego County Chapter’s May 17, 2021 letter to EPA) (hereinafter “Attached Letter”). Finally, we ask that the EPA analysis include the vision and objectives established in the Tijuana River Valley Recovery Team Recovery Strategy to help inform future conditions in the Tijuana River Valley.



## **Considerations for Proposed Projects**

In order to fully assess the potential impacts of the proposed projects 1-10, the EIS must provide full details on the impacts to recreational opportunities and beach closures. Recreational opportunities and beach closures are also affected by climate change, including coastal sea level rise, other sources of pollution and destructive coastal development. The EIS should assess the cumulative impacts on the beach and coastal watershed. These impacts are critical to understanding the health and viability of coastal recreation, which is a supporting pillar to tourism and the local economy.

### *Sea Level Rise*

The EIS should evaluate the proposed projects as they relate to sea level rise and corresponding changes in environmental conditions and habitat due to this and other climate change impacts, such as ocean acidification and increased storms. These future projections should take into account various estimates of sea level rise, including the extreme scenarios that California state agencies have studied. Flooding, drought conditions, and other geologic concerns should be taken into account. Additionally, existing climate resilience projects in the Tijuana Estuary and watershed should be taken into account.

### *Environmental Justice*

On February 9, 2021, the San Diego County Board of Supervisors declared a public health crisis in the Tijuana River Valley due to the sewage, trash, and chemicals that pollute border area beaches and impact the health outcomes in the South San Diego County communities. The situation must improve for these impacted communities. The EIS must consider environmental justice (“EJ”) impacts of the projects. The “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (Executive Order 12898) directs each Federal Agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations,” including tribal populations. Specifically, the EIS must describe how the current transboundary water pollution is affecting minority and low income communities, for example, by creating health and safety impacts, and/or reducing recreational opportunities or access to public trust resources from beach closures. The EIS must also describe how each project, and any alternatives discussed, will address these very important environmental justice impacts.

### *O&M Costs and Oversight*

An important consideration is whether the ongoing operation and maintenance of the project(s) is fully funded and under appropriate oversight and control. In undertaking major project(s) to address water quality in the region, the sustained ability to operate, fix and improve the project(s) must be taken into account, including cost estimates and existing and potential funding sources. There is a higher likelihood of transparency in decision-making, assurance of ongoing maintenance of the selected project(s), and ability for citizen oversight for the project(s) that take place on the United States side of the border. This oversight and engagement, including community support or ability to express

concern, is of high import to the Surfrider Foundation San Diego County Chapter, its members, and affected communities.

### *Cumulative and Other Impacts*

The EIS must further consider the impacts of how these projects may be selected in combination. For example, for projects that may be selected and implemented in combination; are there benefits or drawbacks to certain projects being selected together (e.g., increased cumulative beneficial or detrimental impacts); or how might the selection of some of these project(s) preclude the option (e.g., funds) for other alternatives that might better address the pollution and beach closures? The EIS should also assess the project(s)' effects on species, habitat (including any habitat restoration), flood control, and recreational resources on the coast and inland.

### **Funding**

In addition to the concern for solidifying ongoing operation and maintenance costs for the selected project(s), Surfrider Foundation encourages the EIS to state and discuss additional grant funding opportunities or other sources of funding that may address the border pollution crisis, over and above the \$300 million already appropriated for the project(s) under the USMCA. It is likely that this complex issue and long-standing environmental degradation will not be completely solved by the current funding level. Surfrider encourages the scope of the EPA analysis to not be confined by the current funding level but to consider the entire range of solutions to the border pollution issue.

### **Alternatives to be Considered**

The current list of projects pose a good range of potential solutions to the rampant pollution in the Tijuana River watershed. As stated in the Attached Letter, wherein Surfrider Foundation San Diego County Chapter commented on identification and selection of projects for a comprehensive solution to the transboundary pollution issue affecting the greater South San Diego area, Surfrider urges the EPA to allocate USMCA funds to U.S.-side infrastructure solutions, prioritizing "Project 1: New Diversion System in the U.S. and Treatment in the U.S." Additionally, Project 1 should strive for the most effective rate of diversion and treatment of flows that will correspond to increased watershed health and coastal water quality, as well as minimizing beach closures.

### *Comprehensive Trash Capture*

Surfrider Foundation would also like to emphasize that there should be a well-informed 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. Surfrider Foundation prioritizes the reduction of pollution as a nationwide initiative, and addresses macroplastic in many of our programs and campaigns. As pictured in the Attached Letter from Surfrider, enormous amounts of plastic waste accumulate each year, as seen accumulated in Smuggler's Gulch this year. There must be a comprehensive trash plan if the entire system is going to function properly. This accumulation is in spite of Surfrider Foundation volunteers and other NGOs operating in

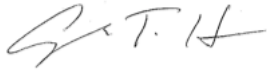
South San Diego, who have engaged in countless beach cleanups in the Tijuana River Valley watershed and corresponding beaches. The extent of trash pollution is a high level of concern for and must be fully addressed.

*U.S.-Side Solution*

As stated in the Attached Letter from Surfrider regarding USMCA projects, our organization puts an emphasis on U.S.-side solutions. In the United States, there is a higher likelihood of transparency and public input on decision-making, as demonstrated by the current NEPA process. Unfortunately, there has historically been little or no assurance that projects will be fully administered or maintained on the other side of the border. Surfrider Foundation advocates for a solution that has a strong commitment for not only completion, but also ongoing operation, maintenance, and improvement of those projects. Finally, it is very important to maintain the ability for citizen oversight, comment, and feedback on U.S.-side projects, including from the Surfrider San Diego County Chapter. As discussed above, we are greatly impacted by the ongoing conditions, and we have valuable input to provide towards effective solutions.

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.

Sincerely,



Angela T. Howe, Esq.  
Legal Director  
Surfrider Foundation



Gabriela Torres  
Policy Coordinator  
Surfrider Foundation San Diego County Chapter

encl



May 17, 2021

Attn:  
Mr. Andrew Sawyers  
Mr. Tomás Torres

Environmental Protection Agency: USMCA

[Sawyers.andrew@epa.gov](mailto:Sawyers.andrew@epa.gov)

[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)

Re: Solutions to Transboundary Flows in the Tijuana River Valley

Dear Mr. Sawyer and Mr. Torres,

Surfrider Foundation, San Diego County (“Surfrider San Diego”) has been an integral stakeholder in the border region for over 15 years, addressing the transboundary pollution issue that plagues the Tijuana River Valley. In this role, as early as 2017, we advocated aggressively for the allocation of USMCA (previously NAFTA) funds to remedy the border pollution issue. We are therefore grateful that the U.S. Environmental Protection Agency (EPA) is identifying and assessing projects for a comprehensive solution to the transboundary pollution issue affecting the greater South San Diego area.

**Surfrider San Diego submits this letter urging the EPA to allocate USMCA funds to U.S.-side infrastructure, prioritizing Project 1: New Diversion System in the U.S. and Treatment in the U.S.**

In South San Diego County, our local beaches are regularly closed due to sewage contaminated run-off and pollution stemming from the Tijuana River which travels through San Diego and funnels into the Pacific Ocean. The below infographic includes statistics that I’m sure are not new to EPA or area stakeholders, and which have been widely reported in news media. Unfortunately, beach closures in the area ranged from 17 days to

295 days in 2019 and 2020. In order to reduce the risk to public health from the sewage contaminated run-off and pollution that leads to these beach closures, the sewage contaminated effluent travelling through the Tijuana River Valley must be captured, diverted, and treated before entering the Pacific Ocean.



*Picture and infographic of South San Diego County Beach Closures*

Surfrider San Diego is extremely concerned that the project scoring criteria being utilized by the EPA unfairly favors projects in Mexico. Specifically, there is excessive focus on the San Antonio de los Buenos treatment plant in Mexico. While we agree that the San Antonio de los Buenos plant requires rehabilitation, this upgrade will have little if any positive environmental impact on United States beaches and flows in the canyon collectors. Even if the San Antonio de los Buenos plant is updated, San Diego beaches will continue to remain closed because of effluent travelling through the Tijuana River Valley and USMCA funds will have been spent with no meaningful benefit in the United States. Further, flows and trash entering through the canyons and Tijuana River enter public parks accessible to families and risk polluting the Pacific Ocean in South San Diego.

The time to act is now. In March 2021 Surfrider San Diego launched a month-long water quality and trash study in the Tijuana River Valley. Sampling from the Tijuana River and nearby ponds has revealed high levels of enterococcus in public areas.



*February 2021 Water Samples from the Tijuana River Valley*



## TIJUANA RIVER VALLEY SAMPLING (CBWN X BWTF)

**Date Taken:** February 25, 2021

| Site Location                  | Test Results | Bacteria Level |
|--------------------------------|--------------|----------------|
| Effie May Pond                 | >24196       | High           |
| Duck Pond                      | 161          | High           |
| Goat Canyon Basin (Trash Boom) | N/A          | N/A            |
| Goat Canyon Basin (West End)   | 8664         | High           |
| Smuggler's @ Monument          | 6294         | High           |
| Dairy Mart Road Bridge         | >24196       | High           |

### Test Results Key

Enterococcus (MPN/100mL)

Based on water quality standards set by California State Water Resources Control Board

- Low Bacteria (0 - 35)
- Medium Bacteria (36 - 104)
- High Bacteria (> 104)



**U.S. side infrastructure is needed to address the trash and tires that flow into the Tijuana River.**

The Tijuana River Valley is absolutely littered with innumerable tires and trash that travel through the Tijuana River each year. Among other places, the trash rests in public parks until it is swept away into the ocean. California State Parks spends an estimated \$2 million dollars annually cleaning up even a small portion of the trash that travels into South San Diego. Much of the trash rests in Tijuana River Valley public parks until it is swept into the ocean, buried by sediment or collected by non-profits like Surfrider. In 2018 Surfrider ceased its official clean-ups in the Tijuana River Valley when volunteers fell ill at a volunteer clean-up event.

*Smuggler's Gulch February 2021*



**It is fiscally irresponsible to spend USMCA funds on projects in Mexico, where there historically has been no transparency or assurance that projects will be administered.**

Surfrider San Diego has been active on the topic of border pollution and these issues for over 15 years. We are concerned that spending USMCA funds on projects in Mexico will not be reliable or enforceable, and thus have no impact in remedying the issue. For example, the San Antonio de los Buenos plant has been undergoing a feasibility study for updates for years. Only recently have we seen reports that ground has finally been broken on any such San Antonio de los Buenos upgrades. That process has not been public and no timeline has been provided to active stakeholders such as Surfrider. Projects like updates to the San Antonio de los Buenos plant are better suited for programs like the Border Wastewater Infrastructure Program (BWIP) or funding through the North American Development Bank





(NADBank), and not through such large scale funds that were appropriated through U.S. legislative efforts.

Surfrider is appreciative of the EPA's efforts and we would like to encourage it to prioritize projects that will have a meaningful benefit on U.S. side beaches and result in the reduction of transboundary flows in the Tijuana River Valley.

Please feel free to contact me if you have any questions.

A handwritten signature in black ink that reads "Gabriela M. Torres". The signature is fluid and cursive.

Sincerely,

Gabriela M. Torres,  
Policy Coordinator, Clean Border Water Now  
[gabriela@surfridersd.org](mailto:gabriela@surfridersd.org)



## County of San Diego

**SARAH E. AGHASSI**  
DEPUTY CHIEF ADMINISTRATIVE OFFICER

**LAND USE AND ENVIRONMENT GROUP**  
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May 20, 2021

Thomas Konner  
United States Environmental Protection Agency, WTR-3-3  
75 Hawthorne Street  
San Francisco, CA 94105  
Delivered via e-mail to: Tijuana-Transboundary-EIS@epa.gov

### **COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT**

Dear Mr. Konner:

Thank you for providing the Public Notice and Notice of Intent to prepare an Environmental Impact Statement (EIS) for the United States-Mexico-Canada-Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project (Project). The County of San Diego (County) has been working on efforts for many years to address impacts related to transboundary flows that enter the Tijuana River Valley in the United States from Mexico. Such efforts include coordination with the Tijuana River Valley Recovery Team, an expanded water quality testing program and completion of the Senate Bill 507-funded Needs and Opportunities Assessment in 2020.

The southern coastal region and area residents are continuously impacted by beach closures due to unsafe levels of bacteria from the sewage. Since 1999, the Department of Environmental Health and Quality (DEHQ) has collected over 1,800 ocean water tests at up to 99 beach locations per year, provided public education, posted signs warning of contaminated water at public beaches and closed beaches impacted by sewage or chemical spills. Due to increased concerns in the Tijuana River Valley region, DEHQ now conducts daily water quality testing in the region and is taking the final steps to implement rapid same-day water quality testing in the region.

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.

The County continues to be supportive of implementing projects that could address transboundary flow issues, but also recognizes the need for operation and maintenance funding to ensure projects operate effectively in the long-term. The County appreciates

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the opportunity to review the Notice of Intent and offers the following comments for your consideration.

- Please consider the County's Tijuana River Valley Needs and Opportunities Assessment (NOA) Report that was completed in March 2020, comprised of 27 projects, during the development of the Project. The NOA Report provides a review and assessment of current and potential management strategies that could be implemented in the United States to address the transboundary flows of sewage, trash, and sediment into the Tijuana River Valley. Several projects included in the United States Environmental Protection Agency (USEPA) project list overlap with projects identified in the NOA Report.
- In the environmental analysis, please evaluate the Project with respect to environmental justice. Please consider that communities within and surrounding the Tijuana River Valley have experienced significant impacts related to transboundary flows, and how the Project could potentially affect the community from an environmental justice perspective. For example, the shoreline and beaches in the southern parts of San Diego's region have been disproportionately impacted with poor water quality and beach water closures as a result of cross-border sewage and pollution. In 2020, the Tijuana River shoreline was closed for 295 days, the Imperial Beach shoreline was closed for 163 days, the Silver Strand shoreline was closed for 59 days, and the Coronado shoreline was closed for 39 days, mainly due to sewage flows from the Tijuana River. In comparison, only two other beaches in San Diego County were closed in 2020, Torrey Pines State Beach for two days due to a sewer line break, and Buena Vista Lagoon in Carlsbad for six days related to sewage releases during a major rain event.
- The County Department of Parks and Recreation owns and manages the Tijuana River Valley Regional Park (TRVRP), which is approximately 1,800 acres and is located within the Tijuana River Valley. Please ensure the environmental analysis evaluates potential impacts on the TRVRP and its associated recreational amenities.
- The TRVRP also contains preserve lands that are part of the County's Multiple Species Conservation Program (MSCP). A Resource Management Plan for this preserve is available on our website at the following link: <https://www.sandiegocounty.gov/content/sdc/parks/openspace/RMP.html#TRVRP>
- Please ensure the environmental analysis evaluates potential impacts to the TRVRP preserve lands from a biological and cultural resource perspective, and that the analysis also considers potential impacts to adjacent preserve lands. The analysis should also consider connectivity between preserve lands, including the ability for these lands to function as important wildlife corridors.
- Please provide the County with the information collected from surveys conducted in the Tijuana River Valley. We appreciate the ability to collaborate on data collection and will find this data useful in our efforts to move other projects forward




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in the Tijuana River Valley. Any data or surveys completed on County property require a Right of Entry Permit, details of which are available here: <https://www.sdparks.org/content/sdparks/en/shop/PermitsandFees.html#ROE>

- Please keep the County on your list of interested parties for this effort. When a draft Environmental Impact Statement is ready, we would appreciate the opportunity to review and comment on the draft.

The County appreciates the opportunity to comment on the Notice of Intent. We look forward to continuing to work with the EPA on the development of the Project. If you have any questions regarding these comments, please contact Deborah Mosley, Chief of Resource Management at (858) 966-1374 or [Deborah.Mosley@sdcounty.ca.gov](mailto:Deborah.Mosley@sdcounty.ca.gov).

Sincerely,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Rd  
San Diego, CA 92107  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



May 20, 2021

Thomas Konner  
U.S. Department of the Interior  
Environmental Protection Agency  
[Tijuana-Transboundary-EIS@epa.gov](mailto:Tijuana-Transboundary-EIS@epa.gov)

**Subject: Comments on the Notice of Intent (NOI) to Prepare an Environmental Impact Statement on the United States Mexico Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows (Project(s))**

Dear Mr. Konner:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced draft Notice of Intent to Prepare an Environmental Impact Statement (EIS) on the United States (U.S.) Mexico Canada Agreement Mitigation of Contaminated Transboundary Flows Project, dated April 2021. CDFW offers the comments and recommendations below to assist the United States Environmental Protection Agency (EPA) in avoiding or minimizing potential impacts to biological resources. CDFW is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate plant and animal species, pursuant to the California Endangered Species Act and other sections of the Fish and Game Code.

CDFW attended Part 1 of the EPA Natural Resource Workshop -Tijuana Transboundary Flows Project on March 9, 2021 and Part 2 on April 2, 2021. CDFW appreciates the early coordination efforts to help inform the Project to minimize impacts to fish and wildlife resources.

**Project Descriptions**

The entirety of the Project will address polluted wet weather flows in the Tijuana River and associated canyons within the watershed, as well as in coastal areas in southern San Diego and northern Baja.

The NOI includes ten conceptual designs for sub-Projects to address cross-border sewage flows, which are numbered below as presented in the NOI for organizational purposes of this letter:

1. New Tijuana River diversion system in the U.S. and treatment in the U.S.;
2. Expand and upgrade the Tijuana River diversion system in Mexico and provide treatment in the U.S.;
3. Treat wastewater from the International Collector at the Expanded South Bay International Wastewater Treatment Plant (ITP);
4. Shift wastewater treatment of canyon flows to U.S. (via ITP to reduce flows to the San Antonio de los Buenos Wastewater Treatment Plant (SABTP) (complements Project 3);
5. Enhance the Mexico wastewater collection system to reduce flows into the Tijuana River;
6. Construct new infrastructure to address trash and sediment during wet weather flows;
7. Divert or reuse treated wastewater from existing wastewater treatment plants in Mexico to reduce flows into the Tijuana River;
8. Upgrade the SABTP to reduce untreated wastewater to coast;

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9. Treat wastewater from the International Collector at the City of San Diego South Bay Water Reclamation Plant (SBWRP); and,
10. Sediment and trash source control.

To facilitate further discussion, the Projects can be addressed in three main categories: Projects in the U.S., Projects in Mexico, and Projects that are located on both sides of the border. They can be further subdivided into Projects that may impact sensitive species and habitats, and others that are primarily located on developed lands but may have indirect impacts to fish and wildlife resources.

### Projects in the U.S.

**Project 1:** This Project will build a new Tijuana River diversion system in the U.S. near the international border and construct a new advanced primary wastewater treatment plant. The Project is located within the existing footprint of the ITP and the area around the SBWRP. Potential impacts may include diversion infrastructure at the intake point and may also result in net reductions in downstream flow and habitat.

**Project 3:** This Project expands treatment capacity in the U.S. to treat all wastewater from central Tijuana currently pumped to the SABTP for treatment and discharge to the South Bay Ocean Outfall (SBOO). This Project will expand the ITP to 50 million gallons per day (MGD) to provide secondary treatment capacity for International Collector flows; it will reduce demands on SABTP, reduce the amount of untreated wastewater that is discharged to the Pacific Ocean via San Antonio de los Buenos (SAB) Creek, and potentially reduce raw sewage spills that currently reach the Tijuana River. While the Project is located within the ITP footprint, it may also result in net reductions in downstream flow and habitat.

**Project 9:** This Project includes improvements to convey untreated wastewater generated in Mexico to the SBWRP for treatment. The Project will also reduce the amount of untreated wastewater sent to the existing SABTP in Mexico. Potential impacts may occur from construction of conveyance infrastructure.

### Projects in U.S. and Mexico

**Project 2:** This Project will divert and treat dry-weather flow to reduce transboundary flows from entering the U.S. by upgrading and expanding a water diversion from the Tijuana River in Mexico to 35 MGD to provide advanced treatment before being released through the SBOO. This will eliminate the need for Pump Station 1A in Mexico. Potential impacts may include diversion infrastructure at the intake point and may also result in net reductions in downstream flow and habitat.

**Project 4:** This Project will decommission the canyon pump stations in Mexico and construct new pipelines to convey the untreated wastewater to the U.S. for treatment at the ITP. This Project must be done in conjunction with Project 3. Potential impacts may include new pipe infrastructure. Potential mitigation opportunities may be available in canyons where pump stations have been decommissioned.

**Project 6:** This Project will construct infrastructure along the Tijuana River, Smuggler's Gulch, and Yogurt Canyon to reduce sediment and trash deposition into the Tijuana River Estuary. This Project proposes trash booms and sediment basins adjacent to or within the main channel of the Tijuana River and Smuggler's Gulch (U.S.- or Mexico-side), along with flood mitigation infrastructure in Yogurt Canyon.

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**Project 7:** This Project includes improvements to conveyance and provides additional capacity to divert or reuse treated wastewater from existing wastewater treatment plants in Mexico. This will be done by diverting treated water south of the border into the Rodriguez Dam impoundment for reuse, or by constructing pipelines to convey treated wastewater from the wastewater treatment plants in Mexico to the SBOO for disposal to the Pacific Ocean. Potential impacts from this Project include direct impacts to habitat from potential pipeline construction.

#### Projects in Mexico

**Project 5:** This Project will repair and replace pumps and pipelines and expand service areas allowing for increased collection of untreated wastewater from central Tijuana and conveyance to wastewater treatment systems in both the U.S. and Mexico. Potential impacts may occur in Tijuana from pipe replacement and the expansion of service area.

**Project 8:** This Project will include improvements to the SABTP to 40 MGD to create sufficient treatment capacity for current flows and to prevent untreated wastewater from entering the ocean via the SAB Creek. This Project is primarily within a developed footprint.

**Project 10:** This Project will include measures to reduce the non-point source pollutants and contaminated flows in Mexico before entering the U.S. This Project will consider best management practices (BMPs) that reduce trash and sediment, such as road paving, tire recycling, green infrastructure, public outreach, and land stabilization. This Project may include direct impacts from road paving but will also address indirect impacts from non-point source pollution.

#### Comments

CDFW offers the following comments and recommendations to assist the EPA in avoiding or minimizing potential project impacts on biological resources.

#### Project Description and Alternatives

- 1) To facilitate meaningful review of the Projects from the standpoint of the protection of plants, fish, and wildlife, CDFW recommends the following information be included in the EIS:
  - a) the document should contain a complete discussion of the purpose and description of each Project, including all staging areas and access routes to the construction and staging areas;
  - b) the document should contain a complete discussion of the location of all facilities, including whether they are above or below ground, construction methods (i.e., jack and bore or open trench for pipelines), as well as safety features, such as emergency shut-off valves and pipeline monitoring features or processes; and,
  - c) the EIS should include a range of feasible alternatives to ensure that alternatives to each Project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources.

#### Biological Baseline Assessment

- 2) CDFW recommends the EIS provide a complete assessment of the flora and fauna within and adjacent to the Project areas, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a



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complete species compendium of each entire Project site, generated from surveys undertaken at the appropriate time of year.

- a. a complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by each Project. The California Natural Diversity Data Base (CNDDDB) should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- b. an inventory of rare, threatened, endangered, and other sensitive plant and animal species on site and within the area of potential effect. Seasonal variations in use of the Project areas should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and U.S. Fish and Wildlife Service (USFWS);
- c. a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>); floristic, alliance- and/or association-based mapping and vegetation impact assessments should be conducted at the Project site and within the neighboring vicinity. The *Vegetation Classification Manual for Western San Diego County* (Sproul et al. 2011) should be used to delineate vegetation mapping; and,
- d. adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

#### Biological Direct, Indirect, and Cumulative Impacts and Proposed Mitigation Measures

- 3) CDFW recommends the EIS provide a thorough discussion on direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. Based on the information provided, the Projects will have two main impact categories: direct impacts to habitat and species due to habitat modification from the installation and future maintenance of infrastructure elements, and the reduction of water to downstream habitats, which may cause type conversion of habitats and may impact ground water via saltwater intrusion. The EIS should address all potential aspects of Projects' impacts.
- 4) Many Project areas within the U.S. are located within the City of San Diego. The City of San Diego may be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) for the implementation of Projects within their jurisdiction. The City of San Diego along with CDFW and USFWS (collectively known as the Wildlife Agencies) participate in a joint Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP). The City participates in the NCCP/HCP by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). The Multi-Habitat Preserve Area (MHPA) is the area from which a final hardline reserve becomes established in the City to adequately conserve covered species pursuant to the SAP. Many of the Project areas are located within the MHPA and so the Project description should include design features to minimize impacts to the MHPA and

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the EIS should include a discussion of the Project's consistency with the Land Use Adjacency Guidelines described in section 1.4.3 of the City's MSCP. CDFW recommends early coordination with the City of San Diego to develop avoidance and mitigation measures that are consistent with the City's SAP for ease of implementation. Early coordination with other implementing agencies is also recommended to ensure consistency with other CEQA Lead Agency policies and directives.

- 5) CDFW suggests that the EPA consider the City of San Diego Biology Guidelines and Guidelines for Determining Significance for Biological Resources, which include mitigation ratios that are applied to development proposals for addressing direct impacts to the vegetation communities, depending on the location of proposed impact.

#### Listed or Otherwise Sensitive Species

- 6) As a result of the Projects, potential direct, indirect, and cumulative impacts may occur to plant or animal species listed under the federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA), or to species listed as California Species of Special Concern (SSC). The EIS should include early consultation with the Wildlife Agencies for dually listed species. CESA may be applicable for actions carried out by entities subject to California laws, and in such cases CDFW recommends early coordination to avoid, minimize, or mitigate impacts to CESA-listed species. Under CESA, take of any State endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Projects will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project Proponent seek appropriate take authorization under CESA prior to implementing that Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)). CDFW encourages early consultation because significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation, monitoring, and reporting program that will meet the requirements of an Incidental Take Permit. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Incidental Take Permit.
- 7) A review of the California Natural Diversity Database (CNDDDB) identifies the following sensitive species that have the potential to be present in the vicinity of the proposed Projects. Sensitive species include, but are not limited to, the species listed below.

#### Birds

- a) Many Project areas may contain suitable habitat for the FESA- and CESA- listed southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*). CDFW recommends avoidance measures including limiting vegetation clearing in suitable habitat to outside the defined avian breeding season for these species. Additionally, many of the Project designs may lead to net reductions of flows to downstream

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habitat. Impacts to habitat from flow reductions should be included in the impact analysis for these species.

- b) Light-footed Ridgway's rail (*Rallus obsoletus levipes*) is a FESA- and CESA-listed endangered and State Fully Protected Species as defined in section 3511 of the Fish and Game Code. Due to its Fully Protected status, CDFW is unable to authorize take of this species by local entities, as defined by section 86 of the California Fish and Game Code. CDFW recommends avoidance of occupied habitat to the extent practicable.
- c) Project designs along the where salt marsh vegetation occurs may impact Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered). CDFW recommends avoiding work in tidal wetlands to the extent practicable and avoidance measures, including limiting vegetation clearing to outside the defined avian breeding season for Belding's savannah sparrow.
- d) Project designs in freshwater wetlands may impact tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened). CDFW recommends avoiding work in freshwater wetlands to the extent practicable and avoidance measures including limiting vegetation clearing to outside the defined avian breeding season for tricolored blackbird.
- e) There is potential for coastal California gnatcatchers (*Polioptila californica californica*; FESA-listed threatened) in coastal sage scrub habitat in the canyons where Project 6 is proposed. Due to the proximity and presence of suitable habitat, the EIS should include a report of recent, seasonally appropriate, focused surveys for coastal California gnatcatcher in all areas in the U.S. with suitable habitat within and adjacent to the Project(s). Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures are detailed in the *Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Guidelines (United States Fish and Wildlife Service (USFWS) 1997)*. If the species is detected, the EIS should disclose potential impacts to the species and propose avoidance and mitigation measures. Acceptable mitigation measures for Projects within the jurisdiction of the City of San Diego can be found in the City's *Mitigation, Monitoring and Reporting Conditions for Potential Impacts to Habitats Occupied by Sensitive Avian Species (2002)*, for all Project-related activities including mitigation and brush management.
- f) Burrowing owls (*Athene cunicularia*; SSC) are known to occupy areas near potential Project impacts. The CDFW Staff Report on Burrowing Owl Mitigation Appendix D: Breeding and Non-breeding Season Surveys and Reports contains the recommended survey requirements including suitable avoidance buffers (2012). Early coordination with the Wildlife Agencies is recommended if burrowing owls are detected within the Project areas.
- g) CNDDDB identifies northern harrier (*Circus hudsonius*) and Cooper's hawk (*Accipiter cooperii*) within the Project vicinity. There is potential for nesting raptors within or adjacent to the Project areas. See recommendations for general avian surveys below.

#### Plants

- h) Sensitive plants in the vicinity of the Projects include but are not limited to: salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*; FESA- and CESA-listed endangered), Baja California birdbush (*Ornithostaphylos oppositifolia*; CESA- endangered),

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 U.S. Environmental Protection Agency  
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Nuttall's acmispon (*Acmispon prostrates*; California Native Plant Society (CNPS) Rare Plant Rank 1B.1), Orcutt's dudleya (*Dudleya attenuata* ssp. *orcuttii*), beach goldenaster (*Heterotheca sessiliflora* ssp. *sessiliflora*; CNPS 1B.1), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*; CNPS 1B.1), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*; CNPS 1B.1), Brand's star phacelia (*Phacelia stellaris*; CNPS 1B.1), coast woolly-heads (*Nemacaulis denudata* var. *denudata*; CNPS 1B.2), San Diego sand aster (*Corethrogyne filaginifolia* var. *incana*; CNPS 1B.1), south coast saltscale (*Atriplex pacifica*; CNPS 1B.2), aphanisma (*Aphanisma blitoides*; CNPS 1B.2), San Diego barrel cactus (*Ferocactus viridescens*; CNPS 2B.1), cliff spurge (*Euphorbia misera*; CNPS 2B.2) wart-stemmed ceanothus (*Ceanothus verrucosus*; CNPS 2B.2), and sea dahlia (*Leptosyne maritima*; CNPS 2B.2). Focused rare plant surveys should be conducted during the appropriate blooming season for the species.

### Reptiles

- i) Sensitive reptiles in the vicinity of the Projects include but are not limited to: California glossy snake (*Arizona elegans occidentalis*; SSC), Baja California coachwhip (*Masticophis fuliginosus*; SSC), two-striped garter snake (*Thamnophis hammondi*; SSC), Blainville's horned lizard (*Phrynosoma blainvillii*; SSC), orange-throated whiptail (*Aspidoscelis hyperythra* SSC), and Southern California legless lizard (*Anniella stebbinsi*; SSC). CDFW recommends that Projects incorporate exclusion methods to prevent these species from entering construction areas.

### Amphibians

- j) There is potential for western spadefoot (*Spea hammondi*; SSC) within the vicinity of Project areas and the species may be found within road pools along access roads required for the Projects. Western spadefoot typically breed in vernal pools and other seasonal water basins and spend much of the year in earth-filled burrows. Vernal pools are considered a rare resource, as it is estimated over 95% of vernal pools in California have been destroyed (USFWS 1998). CDFW considers the loss of these pool complexes to be regionally and biologically significant. To the extent practicable, vernal pools and depressions, and the entire sub-watershed that supports the hydrology of the pool/depression, should be avoided. The EIS should identify any existing vernal pool habitat, analyze potential impacts, and propose avoidance and mitigation measures should vernal pools be identified on site. If vernal pools are identified within the Project areas, surveys for western spadefoot should be conducted between February and May when potential breeding pools are present (Fisher 2004). Additionally, the creation of year-round pools may create conditions that are suitable for predator species such as bullfrogs (*Lithobates catesbeianus*). If perennial pool creation is required as part of any Project, CDFW recommends that the Project consider potential indirect impacts to the species from predation.

### Mammals

- k) American badger (*Taxidea taxus*; SSC and MSCP-covered) is a fossorial mammal that has the potential to be present within the Project vicinities. In addition, tree and cavity roosting bat species also have the potential to be in the Project vicinities. Assessment of impacts to these species, including survey data, should be included in the EIS. Additionally, black-tailed jackrabbits (*Lepus californicus*) and desert cottontail (*Sylvilagus audubonii*) have the potential to be present in and around Project areas; please be aware of Rabbit Hemorrhagic Disease (RHD), which can cause 70 to 100 percent mortality in affected

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individuals. Please include Best Management Practices (BMP) in the Projects, such as equipment cleaning with a ten percent bleach solution, to prevent the spread of the disease.

### Fish

- l) Southern California steelhead (*Oncorhynchus mykiss irideus*; distinct population segment 10) is considered extirpated from the Tijuana River Watershed; however, efforts are being made to recover the species where it has been historically present. Therefore, Projects that connect directly to the Tijuana River, including diversion intakes, and Projects that have the potential to reduce flow, may impact future access to upstream habitat for the species. Projects that may impact the Tijuana River should consider fish passage and other issues such as percussive noise, entrapment, and impingement.

### Invertebrates

- m) Sensitive invertebrates in the vicinity of the Projects include but are not limited to: Crotch's bumble bee (*Bombus crotchii*; State Rank S1S2), western tidal-flat tiger beetle (*Habroscelimorpha gabbii*; S1), senile tiger beetle (*Cicindela senilis frosti*; S1), western beach tiger beetle (*Cicindela latesignata*; S1), globose dune beetle (*Coelus globosus*; S1S2), sandy beach tiger beetle (*Cicindela hirticollis gravida*; S2), wandering skipper (*Panoquina errans*; S2), and mimic tryonia (California brackish water snail; *Tryonia imitator*; S2). Surveys should be conducted according to the best available methods, disclosed in the EIS, and avoided to the extent practicable.

### Riparian Impacts

- 8) CDFW has responsibility for wetland and riparian habitats. CDFW strongly discourages development in wetlands or conversion of wetlands to uplands. CDFW opposes any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to aquatic resources must be included in the EIS.
- a) The Projects sites include aquatic features that have a bed, bank, or channel. As a Responsible Agency under CEQA, CDFW has authority over: a) activities in streams and/or lakes that will divert or obstruct the natural flow; b) changes in the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; and c) use of material from a streambed. For any such activities subject to California regulatory authority, the Project Proponent must provide written notification to CDFW pursuant to Fish and Game Code section 1600 *et seq.*
- b) CDFW's issuance of a Lake or Streambed Alteration Agreement (LSAA) for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements

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by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the EIS should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.

- c) A preliminary delineation of the streams and associated riparian habitats should be included in the EIS. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin *et al.* 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
- d) In Project areas which may support ephemeral streams, herbaceous vegetation and woody vegetation also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. If these buffer areas are proposed for impact, they should be included in the sensitive habitat impact analysis.
- e) Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the EIS. Indirect changes such as potential habitat loss or type conversion and downstream saltwater intrusion should also be addressed. Monitoring for potential downstream changes and potential mitigation if changes to habitat occur should also be included in the EIS.
- f) As part of the LSAA Notification process, CDFW requests a hydrological evaluation of the 100-, 50-, 25-, 10-, 5-, and 2-year frequency storm event for existing and proposed conditions.

#### Impacts and Potential Mitigation Measures

- 9) CDFW recommends the EIS evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
  - a) Indirect Impacts: a discussion of potential adverse impacts from lighting, noise, exotic species, and human activity and proposed mitigation measures to alleviate such impacts.
    - i) Adjacent Resources: the EIS should include a discussion regarding indirect Project impacts on biological resources at each site, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with the MHPA). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIS. The Projects' description should include design features to minimize impacts to preserved areas.
    - ii) Landscaping: the Projects will likely include revegetation. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the EIS stipulate that no invasive plant material shall be used. Furthermore, CDFW recommends using native, locally appropriate plant species for landscaping on the Project sites. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at the California Invasive Plant

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Council (CALIPC) Responsible Landscaping website (<https://www.cal-ipc.org/solutions/prevention/landscaping/>).

- b) Mitigation Measures: CDFW recommends the EIS consider all relevant and reasonable mitigation measures that cover the range of impacts of the Projects, including commensurate mitigation to sensitive vegetation types, and impacts to listed and narrow endemic plant species, should those be identified. The EIS should include mitigation measures for adverse Project(s)-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of the Projects' impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. CDFW recommends that mitigation ratios for Projects within the City of San Diego should at a minimum be consistent with the Land Development Code Biology Guidelines Table 3 *Upland Mitigation Ratios* (City of San Diego 2018).
- i) Nesting Bird Protection: potential direct, indirect, and cumulative impacts to migratory birds may occur. CDFW recommends that it is appropriate to include an avoidance measure to address the avian breeding season in the EIS. Furthermore, sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory non-game birds as listed under the federal Migratory Bird Treaty Act. The proposed action (including disturbances to vegetation) should take place outside of the general avian breeding season (January 15 - August 15) as defined by CDFW to avoid take (including disturbance which would cause abandonment of active nests containing eggs and/or young). To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat, should occur outside of the breeding season. If removal of habitat and/or construction activities are necessary adjacent to nesting habitat during the breeding season, the EPA or implementing entity shall retain an approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds. The pre-construction survey must be conducted within three calendar days prior to the start of construction. If nesting birds are detected by the approved biologist, the following buffers should be established: 1) no work within 100 feet of a non-listed nesting migratory bird nest, 2) no work within 300 feet of a listed bird species' nest, and 3) no work within 500 feet of a raptor nest. However, buffer widths may be reduced depending on site-specific conditions in coordination with the Wildlife Agencies (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance
- ii) Nest Exclusion: open horizontal pipe ends can be attractive to birds for nesting. Areas with on-going construction or areas that will require on-going operational maintenance should not include open horizontal pipe ends. Both ends should be capped with suitable screens to prevent wildlife access.
- iii) Biological Monitor: a biological monitor shall be present onsite during all initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained and to minimize the likelihood that nests containing eggs or chicks are abandoned or fail due to construction activity. A biological monitor shall also perform

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periodic inspection of the construction site during all initial and major grading to ensure that impacts to sensitive plants and wildlife are minimized. These inspections should take place once or twice a week, as defined by the Wildlife Agencies, depending on the sensitivity of the resources. The biological monitor shall notify the Wildlife Agencies immediately if clearing is done outside of the Project footprint.

10) The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species. Given the extensive documentation of occurrences of these invasive species in the Tijuana River Valley, the EIS should consider impacts from ISHBs at all Project sites, including analysis of direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities. The analysis should also consider the likelihood of the spread of ISHBs because of the invasive species' proximity to Projects' activities. Figures that depict potentially sensitive or susceptible vegetation communities within the Project areas, the known occurrences of ISHBs within the project areas (if any), and ISHBs proximity to above referenced activities, should also be included. Finally, the EIS should include a mitigation measure or measure(s) which describe Best Management Practices (BMPs) that bring impacts of the Projects on the spread of ISHB below a level of significance. Examples of such BMPs include:

- a. education of on-site workers regarding ISHB and its spread;
- b. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
- c. equipment disinfection;
- d. pruning infected limbs in infested areas where project activities may occur;
- e. avoidance and minimization of transport of potential host tree materials;
- f. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
- g. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
- h. solarization of cut logs; and/or,
- i. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:

<http://eskalenlab.ucr.edu/pshb.html>.

In conclusion, CDFW is most supportive of Projects that minimize impacts to fish and wildlife resources as well as address source issues; these include, but are not limited to, Projects 3, 4, 7, 8, and 10. CDFW is concerned about potential impacts from pipeline and infrastructure installation and potential future leaking and maintenance issues, as well as potential impacts from water diversions. Projects should be sited in previously disturbed areas to the maximum extent practicable. The EIS should provide mitigation measures for all habitat and species impacts including, but not limited to, those outlined above. The EIS should also address long-term monitoring, oversight, and contingency plans for all implemented Projects.



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### **Sub-Project-Specific Recommendations**

11) With regard to Project 6, please be aware of County of San Diego (County) project Regional General Permit 53 [(Blanket Permit/Log No. UF2367) Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 1998061097) adopted on May 28, 1998 and current Addendum dated April 2021], which includes some of the same features in Smuggler's Gulch. CDFW recommends early coordination with the County to avoid Project overlap. This Project has potential for direct impacts to species and habitat from the construction of infrastructure within stream channels and surrounding habitat, as well on-going maintenance.

12) With regard to Projects 5, 7, and 8, CDFW recommends that these Projects incorporate long-term monitoring and maintenance of infrastructure into the Project Description; this will assist local entities to avoid and minimize potential impacts to adjacent biological resources which may occur in the event of unobserved sewage leaks.

We appreciate the opportunity to comment on the NOI for the EIS on for this action and to assist the EPA in further minimizing and mitigating the proposed actions and their impacts to biological resources. If you have questions or comments regarding this letter, please contact Elyse Levy at [Elyse.Levy@wildlife.ca.gov](mailto:Elyse.Levy@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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David A. Mayer  
Environmental Program Manager I  
South Coast Region

cc: State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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VIA EMAIL

Mr. Andrew Sawyers  
Mr. Tomás Torres  
EPA Co-Chairs;  
[Sawyers.andrew@epa.gov](mailto:Sawyers.andrew@epa.gov)  
[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)  
[Tijuana-Transboundary-EIS@epa.gov](mailto:Tijuana-Transboundary-EIS@epa.gov).

**RE: COMMENTS ON THE USMCA MITIGATION OF CONTAMINATED  
TRANSBOUNDARY FLOWS PROJECTS PURSUANT TO THE NATIONAL  
ENVIRONMENTAL POLICY ACT'S PUBLIC SCOPING PROCESS FOR A DRAFT  
ENVIRONMENTAL IMPACT STATEMENT**

Dear Mr. Sawyers and Mr. Torres,

The San Diego Unified Port District (District) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) USMCA Mitigation of Transboundary Flows Project in the Tijuana River Valley, as part of the National Environmental Policy Act (NEPA) environmental impact statement (EIS) scoping process. Pursuant to the public notice, "the EPA has identified a set of 10 project options that have the potential (individually or in combination) to reduce these transboundary flows. While EPA has not yet identified the alternatives to be evaluated in the EIS, EPA anticipates that each alternative (including the preferred alternative) will consist of one or more project options." This process and path forward on project feasibility and alternative analysis was further detailed at yesterday's Eligible Public Entities Coordinating Group (EPECG). We appreciate and recognize the effort from the EPA to evaluate project options that will contribute to a comprehensive solution approach to the transboundary pollution and sewage crisis in the Tijuana River Valley.

The District is supportive of a comprehensive, multi-prong approach that will address the transboundary pollution and have a transformational benefit on the health and wellbeing of the local communities in a meaningful, long-lasting way. The USMCA funding allocation in combination with other programs and funding sources such as the U.S.-Mexico Border Water Infrastructure Grant Program, North American Development Bank, and other existing binational programs provides an opportunity for EPA to orchestrate a comprehensive fix to the pollution in the Tijuana River Valley. The District respectfully submits the following comments relating to environmental issues and project options to be examined in the EIS:

- The NEPA analysis should include the evaluation of all project options that are needed to support a comprehensive solution to the transboundary pollution problem in the Tijuana River Valley. The option groupings as determined by the EPA should be ranked by those that would provide the most effective transboundary pollution reduction. To this end, the EPA should focus the \$300M allocated in the USMCA on

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U.S.-side infrastructure projects centered on the International Boundary and Water Commission's (IBWC) flood control channel. However, development of a preferred project alternative that includes a comprehensive solution should not be constrained by the USMCA funding allocation.

- An effective approach would be to incorporate a combination of project options that can be implemented concurrently to be most effective, similar to the framework presented at the EPECG meeting on May 19, 2021. The District strongly recommends the Preferred NEPA Alternative incorporate Project 1, New Tijuana Diversion System in the U.S. and Treatment in the U.S., either stand-alone or in combination with other project options, as a part of an augmented, comprehensive project option. Project 1 adds the necessary defensive infrastructure that protects the river valley and downstream communities from pollution after flows cross the border.
- Operation and maintenance (O&M) is an important component of any project. Accordingly, O&M needs to be part of any NEPA alternative, including the Preferred NEPA Alternative. O&M should be addressed during the design phase of each project option and be consistent with existing efforts in the river valley such as the Tijuana River Valley Sediment Management Work Plan and Monitoring Program and Nelson Sloan Quarry Restoration Project. Consequently, operation and maintenance should be analyzed in the EIS.
- Trash and sediment management should be considered as part of any of alternative analyzed in the EIS. In addition, the EIS analysis should consider how the EPA projects support a more comprehensive programmatic approach and integrate long-term clean up and restoration activities.
- In addition to the impacts to public health, water quality, wildlife and habitat, the EIS should also analyze the following:
  - Anticipated growth from future development in the border region that will result in additional wastewater pollution and treatment needs.
  - Air quality impacts related to the transboundary pollution must be analyzed in the EIS. Increased evidence of air quality impacts and its associated health impacts is emerging. For example, the San Diego Air Pollution Control District Governing Board, San Diego Regional Water Quality Control Board, and Scripps Institute of Oceanography are currently either considering or are initiating studies to improve the understanding of air quality impacts on the local communities from transboundary pollution.
  - Environmental justice (EJ) impacts to the border communities and communities around the San Diego Bay from transboundary pollution is evident. Imperial Beach takes the brunt of the impacts from the transboundary pollution and EJ impacts associated with the pollution should be analyzed in the EIS.
  - Among health risks, impacts to residents and sensitive receptors, especially children, seniors, or individuals with other health conditions should be analyzed.

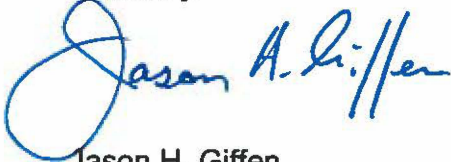


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- Wastewater infrastructure in Mexico has proven to be unreliable due to substandard construction materials and practices, insufficient resources spent on staff, operations, and maintenance, and catastrophic failure of such infrastructure. These factors must be taken into account when comparing the environmental impacts of projects in Mexico against projects in the United States, where construction and operations and maintenance practices are subject to higher standards and enforcement.
- As required by NEPA, analysis of the no-action alternative must address the environmental impacts from the federal government's inaction that results in continued transboundary flows in the Tijuana River Valley, an increase of transboundary flows due to population growth and increased development, as well as associated impacts..

Thank you for considering our comments and your continued commitment to improving conditions in the Tijuana River Valley. If you have any comments or questions on the information above, please do not hesitate to contact me at [jgiffen@portofsandiego.org](mailto:jgiffen@portofsandiego.org) or via phone at (619) 686-6473 or Stephanie Bauer at [sbauer@portofsandiego.org](mailto:sbauer@portofsandiego.org) or via telephone at (619) 400-4719.

Sincerely,

A handwritten signature in blue ink that reads "Jason H. Giffen".

Jason H. Giffen  
Vice President Planning, Environment & Government Relations



**DEPARTMENT OF THE NAVY**

COMMANDING OFFICER  
NAVAL BASE CORONADO  
BOX 357033  
SAN DIEGO, CA 92135-7033

IN REPLY REFER TO:

5000  
Ser PWO/167  
May 17, 2021

US EPA Pacific Southwest, Region 9  
75 Hawthorne Street  
San Francisco CA 94105

Dear Mr. Konner:

**SUBJECT: NAVAL BASE CORONADO COMMENTS ON THE UNITED STATES MEXICO CANADA AGREEMENT MITIGATION OF CONTAMINATED TRANSBOUNDARY FLOWS PROJECT**

On behalf of Naval Base Coronado, thank you for the opportunity to comment on the Environmental Protection Agency's (EPA) project scoping for the Environmental Impact Statement (EIS) for the United States-Mexico-Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project.

We understand the scoping involves the planning, design, and construction of infrastructure to reduce transboundary flows of untreated wastewater (sewage), trash, and sediment that enter the U.S. from Mexico via the Tijuana River, its tributaries, and across the maritime boundary along the San Diego County coast. We also understand EPA intends to evaluate project options located in the Tijuana River area in southern San Diego County, California in the U.S. and in the Tijuana region in Mexico. Further, we understand the EPA has identified a set of 10 project options with potential (individually or in combination) to reduce these transboundary flows.

While we do not have the expertise to identify the best project solutions in this situation, we can relay information to the EPA regarding the associated environmental impacts to the Navy. Naval Base Coronado has two sites within the vicinity of the Tijuana River: Naval Outlying Landing Field Imperial Beach (NOLF IB) and the Silver Strand Training Complex (SSTC). In accordance with the 2020 National Defense Authorization Act, the Navy reported the impacts of Tijuana River sewage runoff on military readiness at San Diego area Navy installations to the House Armed Services Committee on March 11, 2020. In the report, the Navy outlined its concern regarding the amount of debris from the Tijuana River that routinely pollutes the south San Diego County coastline, damages natural resources, and impacts the health and well-being of those who work and recreate in the local waters. The report notes three areas of impact to the Navy:

**Erosion.** During heavy rain, trash and debris clog the Tijuana River, causing it to divert north and erode the southern edge of NOLF IB. This has caused damage to the airfield fence line, undermining its integrity. Twenty year flood models by the U.S. Army Corps of Engineers



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indicate there could be continued erosion of the northern river slope and serious impact to airfield runways if action is not taken to reroute the flow of the river to its prior path.

**Natural Resources.** Contaminated water, trash and debris have a negative impact on Navy natural resources management and conservation efforts in Western Snowy Plover and California Least Tern nesting areas.

**Water Quality.** The Navy monitors all beach water quality closures and bacterial advisories issued by San Diego County along with additional testing of local waters. When there is a water advisory, training evolutions are changed or moved to mitigate any potential impact in accordance with our established risk management protocols. The safety, health and welfare of our personnel are our top priorities when planning and executing any Navy training event in the San Diego area.

Naval Base Coronado supports development of a comprehensive, permanent solution to Tijuana River Valley management and infrastructure that decreases operational impacts and allows for greater operational flexibility. The Navy is supportive of mitigation efforts to address cross-border spills, discharges, and debris in the Tijuana River.

Thank you again for the opportunity to provide public comment and to coordinate on this important endeavor. Please continue to work with Naval Base Coronado personnel to coordinate or request additional information. My point of contact for this matter is Ms. Anna Shepherd, AICP, Community Plans and Liaison Officer. She may be reached at 619-545-4134 or by email at [anna.shepherd1@navy.mil](mailto:anna.shepherd1@navy.mil).

Sincerely,



J. W. De PREE  
Captain, U.S. Navy  
Commanding Officer



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May 20, 2021

**Subject: Comments on Scoping Analysis of Tijuana River Pollution Issues**

To Whom it May Concern at EPA,

This letter is intended to provide input on the alternatives being proposed for analysis by the Environmental Protection Agency (EPA) under the United States-Mexico-Canada-Agreement (USMCA) Tijuana River Infrastructure Technical Analysis.

**COMPREHENSIVE SOLUTION**

I understand this analysis was intended to find a complete and comprehensive solution to the decades-long flows of raw sewage, industrial chemicals, trash and tires coming into our country at our San Diego border with Mexico. I was highly disappointed that the analysis, in process for over a year, has not been looking to solve the Mexican pollution problems, but rather, has been analyzing the best use of the \$300 million dollars provided in the USMCA. We need to find the complete and comprehensive solution and then the federal government can be tasked to find and provide the necessary funding.

**U.S.-SIDE PROJECTS ONLY**

I, along with many others, are disappointed to see that the EPA is analyzing projects in Mexico to be funded with our USMCA funds. Projects in Mexico may be valuable for the Mexicans to construct with funds intended to be utilized in Mexico, for instance: Nadbank funds; Border Water Infrastructure Program (BWIP) funds; or money from their own government to address their infrastructure failures. However, the USMCA money was never intended to go to Mexico-side projects, nor should it. For the EPA to do an EIS-level analysis on these Mexico-side projects is excessive and non-productive. There is much less time and environmental review required if Mexico were to proceed with any of these projects on their own. Your efforts on these

Mexico side projects wastes time and taxpayer money and should be eliminated from consideration.

We have repeatedly seen that we have no recourse when equipment fails and/or pump stations in Mexico are placed off-line. It is high time to consider a comprehensive solution without consideration of, or reliance on, Mexico's infrastructure. We also cannot shift additional sewage from Mexico into our country for treatment. We need a diversion system and a pump station on the U.S.-side of the border, to send effluent to a new or upgraded 167 mgd secondary treatment capacity plant. Placing the needed upgraded plant within the IBWC plant footprint will also greatly diminish the environmental studies needed and the time required to complete these studies.

The 300 million dollars has always been intended for an additional or expanded sewage plant and associated infrastructure on the U.S. side of the border, capable of treating and mitigating the raw sewage, deadly chemicals, trash and tires that come past our border with Tijuana. We absolutely need a new and/or expanded sewage treatment plant for the high volume of current **and future sewage** from Mexico that we will unfortunately need to treat. This is a binational issue and a federal responsibility that must be resolved once and for all with this money; the money we and our legislators worked so hard to have allocated for this purpose.

We also need the new 167 mgd international sewage treatment plant to provide **secondary** (not primary) level treatment with disposal to the south bay outfall. Nothing less should be considered. Primary treatment of sewage entails only removing floating and suspended solids by mechanical means, that is not sufficient. We absolutely need **secondary** treatment and nothing less should be considered.

Utilizing our USMCA funds on Option 1 to provide **secondary** treatment during **dry and wet** weather events is the only acceptable project. Options 2

through 5 either require work to be done in Mexico or sends the U.S. additional wastewater to treat, these are not acceptable options.

Option 6 is required however, it should not be done with our USMCA funds; there are other funds to use for this option. The state invests millions of dollars annually to reduce sediment and trash at Los Laureles Canyon. It is not the State's responsibility, this is a federal issue and should be paid for as such. Please make sure that we have the infrastructure in place **in our country** to eliminate any future onslaughts of border sewage, trash and sediment.

Option 7: diverting and using already treated wastewater in Mexico must be accomplished. However, this needs an interested and motivated party or the government to construct, **not our USMCA money** or EPA's time. In the current potable water crisis in Tijuana and elsewhere, Mexico will be likely to construct the necessary pipeline back to Rodriguez Dam, especially if they see that we will not be doing it for them. They need this water.

Option 8 should be eliminated from any and all consideration of our USMCA funds. Mexico has been unable to maintain the existing, idle and in disrepair, sewage treatment plant in San Antonio Banderas (SAB), we should not consider wasting our money there. In addition, the funds are specifically designated for work in the Tijuana River Watershed; SAB is not in the Tijuana River Watershed. I have utmost respect for Scripps Institute of Oceanography and their work, however, for the EPA to be depending on an untested model and a non-peer reviewed paper for such a critical decision, as to the best solution to our ongoing pollution crisis, is in itself unscientific and possibly borders on negligence.

Option 9 has the U.S. treating even more effluent from Tijuana and is not acceptable and Option 10 is work for the Mexican government to do in their country, not for us to do with our USMCA funds. We cannot use this one-time opportunity and our USMCA funds to do these kinds of projects.

## **NEED FOR A CURRENT BASELINE**

I request the EPA use a more relevant baseline time period for comparing the change in beach closure days, and effects on U.S. Navy and U.S. Border Patrol. EPA proposes to use the years of 2018 and 2019 as a baseline. The

time period of January 2020 through June 2021 is a more current and appropriate time period for comparison and this time period will provide more accurate results. Since November 2019, an average of 70 million gallons a day (an amount that would fill 106 Olympic-size swimming pools daily) of raw sewage and wastewater flowed into our country from Tijuana, Mexico and continues to do so. It is disingenuous to pick a baseline so removed from current conditions that it will provide incorrect results and unrealistic expectations.

The EPA has been given complete responsibility and Congressional authority to fix this binational environmental disaster. We are depending on your agency to **find a comprehensive solution with U.S. side projects and control**, we as a nation, and certainly as a region, deserve better than what we have been forced to endure these past decades. Thank you for your continued efforts on behalf of our health, environment, wildlife, waterways and ocean.

Best regards,

*Viviane Marquez-Waller*

Viviane Marquez-Waller

Wildlife Biologist and Imperial Beach Resident



We are the Tijuana River Valley Equestrian Association, TRVEA, a 501(c)(3) non-profit with 100 plus members, many of whom live locally or visit the TRV daily. We have been active in the TRV since 1986. We heartily thank you for this opportunity to comment on the proposed 10 EPA-USMCA projects and to propose options based on our history and daily experience here.

**WHAT WE DO:** TRVEA members are supportive of/active in TRV clean ups: TRAN, TRAM, I Love a Clean SD, etc. We participate in TRNERR and TRNERR Trails meetings, US-IBWC Citizen Forums, TRVRT, San Diego City Council meetings, All Trails Alliance, County Parks Trail Maintenance, Mounted Assistance Unit, Environmental Committee meetings, and countless special forums whose initials escape me now. Beyond that, we provide educational and fun equestrian events and activities for our members and the public. We hold awesome potlucks.

**BASIS FOR COMMENT:** Comments about these 10 projects are based on our members' and valley neighbors' long history in the TRV plus our current daily experiences. For some of us, this is our 24/7 home. For others, it is our daily home-away-from-home where we board and care for our horses at local ranches. Horse keeping is a powerful economic engine in the TRV and a wonderful, natural way to enjoy nature. Riding the many trails and sitting on local committees gives us an intimate and personal understanding of the issues.

**ENVIRONMENTAL JUSTICE:** We are especially grateful for Supervisor Nora Vargas' new South County Environmental Justice Task Force. TRV horse keeping has more cultural

diversity and greater daily ecological stressors than many other parts of the County. The TRV is not a monetarily wealthy equestrian area like Del Mar, Rancho Santa Fe, or Bonita, but we humans and our animals don't deserve to be overwhelmed by the constant stench of sewage. We cry that this is affecting the local bird and aquatic life. We sigh that "its our zip code," pitch some hay and go sign up for another virtual clean-up or Zoom meeting discussing the problem. We thank you for this opportunity to weigh in on the possible solutions and options.

**OUR MEMBERS' HISTORIC MEMORY:** Many TRVEA members and neighbors have personal memories of the TRV back to the mid 20<sup>th</sup> Century. Some have family stories that go even further back. A few even claim ancestors who were companions of Father Junipero Serra who came through Smuggler's Gulch centuries ago. Memories include pure Artesian Well water in Smuggler's Gulch, joyous jumping fish in the river, pristine local dairies, farms with fabulous strawberries and wonderful vegetables, an estuary full of busy aquatic life, dolphins chasing sardines and diving through waves (Hallmark card moment!). Some tell of competition waves rivaling Oahu's North Shore. Others remember the seasonal river channeled between berms with traveling trash promptly removed by local farmers.

**CONCERNS ABOUT #6 SEDIMENT POND:**

Locals remember pure, clean Artesian well water being sold in Smuggler's Gulch before the sand mining operation shut it down. SD Historical Society record mentions those Artesian Wells. The proposed Smuggler's Gulch sediment pond area south of Monument Rd. is the only remaining safe mesa-to-mesa link for wildlife since Homeland Security installed more fencing and roads. A cement bottom sediment pond would become a problematic mosquito haven, would disrupt aquifer recharging and could create unbearable sewage stench on the

neighboring ranches. For these reasons, we can't fully support option #6.

#### **WE LIKE PROJECT #10: CONTROL AT THE SOURCE**

We believe source control is the most sustainable and environmentally conscious way to lessen/eliminate pollution. We believe in empowering individuals to manage their lives and their land, giving them the tools, training and time to do so. 4 Walls, Wildcoast and Alta Terra have been doing that in Mexico with much initial success. When NGOs control trash and sediment cost effectively in Mexico and it also improves the lives of our canyon neighbors, it is a win/win situation. Since this USMCA funding allows work to be performed across the border unlike many grants, we strongly favor support for project #10 at this time!

**AN OPTION** while #10 is being implemented: If the Smugglers Gulch drainage ditch north of Monument Rd (SD City responsibility) is widened somewhat and **CLEANED OUT REGULARLY** - which it hasn't been for years - the excess sediment could be managed better and more cheaply than south of the road. Alta Terra's experimental trash booms installed in Smugglers Gulch were created from mostly recycled materials. They have worked fairly well considering they weren't given proper anchorage and their design is still in the development stage. They can be improved and continue to be used cost effectively in Smuggler's Gulch.

**SHIFT of BUDGET** within **OPTION #6?**: If all-weather Borderfield and Campground access is the goal, the Arizona Crossing on Monument Road at Smugglers Gulch should be rebuilt with larger culverts underneath. When it is rebuilt, it **MUST** include a safe side pathway for bikers, hikers and horses like the northern Hollister St. Bridge. Perhaps this construction



budget could be shifted to San Diego Streets and StormWater's road work in the valley slated for the coming 2 years.

### **THE REALLY BIG PROBLEM: MAIN RIVER CHANNEL; THE RIVER IS DYING WHERE NOT ALREADY DEAD**

Long ago and recent river memories are of fish actually alive (a concept we celebrate) and swimming up the river. There was a joyous part of the river we called "Jumping Fish" near the estuary below the Navy Base. This part of the river recently smells and looks like Black Death. No fish. No birds. Black sludge. Is this from years and tons of sewage coming down the main channel accumulating there? There have been TOO MANY dry weather transboundary flows in the main channel in recent years while PBCila was inactivated for repairs or just plain broken down.

What the number days of transboundary flows look like on a computer screen and what they smell and look like on site are two very different things. Millions and millions of gallons of dry weather flow did not flow properly. The main channel is near dying, if not already dead.

**SEWAGE IS EATING AWAY AT COUNTY TRAILS:** During the past two years, stinking water has been seeping and creeping over "designated year-round" County trails (Lower Sherwood Forest) even during a drought! The seasonal Sunflower trail near the Dairy Mart Bridge has been unusable for YEARS at any time, in any weather: too much mud, sludge, trash and overgrowth of non-native opportunistic plants. The east-west Pilot Channel under the southern Hollister St. Bridge is a year round cesspit. The stench from this area extends far beyond the 1/3 mile it travels north-south winding under and along the two Hollister St. bridges. Even a mile away, residents and visitors gag or wish their masks were less permeable to smells. On neighboring ranches, including the home of TRVEA, the stench has been pervasive year

round. Is it our zip code again? We go to meetings. We study the options. We live in the middle of the problem, coping best as we can. We are grateful for this chance that USMCA money can redeem the river by controlling the terrible problem of dry weather flows down the main channel.

## WE FULLY SUPPORT C4CC's PROJECT RECOMMENDATIONS

Please refer to their submission [here](#).

They have presented support of some existing project options and we concur. They have also proposed some other structural solutions to the ongoing pollution. We also like these proposals.

We appreciate their carefully constructed focus on some of the worst of the sewage problems. We like that these can be fixed within the budget!

We support the goal of eventually not dumping partly cleaned water into the too-shallow ocean outfall, especially while we suffer ongoing drought.

## WE FULLY SUPPORT PROJECTS THAT ALLOW THE FUTURE RECYCLING OPTION OF PRECIOUS WATER.

We realize the problems are huge. We realize it isn't easy and that these things won't fix the existing valley pollution, only hopefully prevent it from becoming worse. Nature is resilient if we give her (them?) half a chance, however! We appreciate what difficult work you have to do. We are hopeful and we will stay engaged. Thank you for your consideration of our views.

Sincerely,  
Mary Johnson Powell  
TRVEA president  
[trveanews@cox.net](mailto:trveanews@cox.net)



May 20. 2021



Via email to  
Tijuana-Transboundary-EIS@epa.gov

US EPA  
Tijuana Transboundary EIS Scoping Process Coordinator

Re Tijuana River Watershed NEPA Public Scoping  
United States-Mexico-Canada Agreement (USMCA) Implementation Act

To whom it may concern,

My name is Margarita Diaz. I am the Executive Director and Tijuana Waterkeeper at Proyecto Fronterizo de Educación Ambiental in Tijuana, Baja California, Mexico. My Organization's mission is to protect the streams, canyons, and coasts of the Tijuana River basin in Baja California, Mexico. We have been a licensed Waterkeeper Organization through the international Waterkeeper Alliance and our members and supporters care deeply about the health of our beaches, rivers and community.

Thank you for the opportunity to comment on this US-EPA scoping process for the Tijuana Transboundary EIS. I respectfully submit some preliminary comments below. However this process is unfamiliar to us and it has been a struggle to free up enough capacity to provide you with meaningful input from the Mexico side of the border. The 45-day time frame was not sufficient for us to fully analyze the 10 proposed projects and fully consider the impacts to our community. As such I respectfully request additional time to provide input on this important process that impacts the health of our community.

Tijuana Waterkeeper plans to submit additional information in the next 30 days. Will you please receive and consider it as normalized formal comments with the rest of your analysis of public comments?

Please also let me know if there are additional opportunities to engage as a stakeholder to shape this important process. In order for the final designs of the

projects to be accepted and supported by the community it will be important to have a robust opportunity to provide input and consider the opinions of our community members. It will also be important to consider the negative impacts of disruption and construction on our community members

## **Preliminary Comments**

### Overview

Tijuana Waterkeeper's overarching concern is that the bulk of the investment is aimed to provide the maximum benefit furthest downstream on the swimming beaches of San Diego. While we appreciate that some benefits are calibrated to Tijuana, we feel that these do not go far enough. And we are concerned that these projects underemphasize the opportunity for a true partnership to reduce pollution furthest upstream at its source, which will have maximum benefits for the whole watershed. What can EPA do to study further cost-effective upstream benefits for the watershed?

Project #2 Expand and Upgrade Tijuana River Diversion System in Mexico and Provide Treatment in the U.S: We are concerned this project will have few benefits on the Mexican side. Can EPA study more ways to move the collection of contaminated water further upstream?

Project #5 Enhance Mexico Wastewater Collection System to Reduce Flows into Tijuana River: We are concerned that this project will be engineered primarily for downstream benefits. Are there additional design benefits that will provide community water quality outcomes on the Mexico side?

Project #6 Construct New Infrastructure to Address Trash and Sediment During Wet Weather Flows. This project seems to provide minimal benefits to Mexican waters, but rather reduce waste flowing downriver from the border. Can the EPA look farther upstream to reduce sources of solid waste? Will the EPA commit to working with Mexican communities to reduce the unforeseen impact that source control will have?

Project #7 Divert or Reuse Treated Wastewater from Existing Wastewater Treatment Plants in Mexico to Reduce Flows into the Tijuana River: We appreciate the thinking to increase potable water in the Rodriguez Reservoir. We are however concerned that treated influent into the Rodriguez reservoir may not be safe. What assurance will we have that industrial chemicals will not poison our reservoir? What assurance will we have that human health standards will be protected? What will be the standards used to determine the cleanliness of the water?

Project #8 Upgrade SAB Wastewater Treatment Plant to Reduce Untreated Wastewater to Coast: We appreciate the opportunity to invest in water treatment inside Mexico. What will the standards be? Although there is talk elsewhere of reducing inflow into the treatment plant, we note that the plan is also to increase the capacity of the plant to 40 MGD. Will treatment be primarily geared to reduce human pathogens or will it also include nutrient and toxic chemical reduction? Will you help us restore the vitality of San Antonio de Los Buenos Estuary? Why is SABTP going to continue discharge to a sensitive coastline on the Mexican side, while the South Plant TP discharges to a deepwater outfall on the US side? Was a deepwater outfall for the Mexican side considered?

Project #10 Sediment and Trash Source Control. We are pleased to see this placeholder for upstream solutions inside Mexico. Why is this the least detailed of all the plans? Why are the dollar amounts not given? When will the scope of this project be available? Will there be an additional opportunity to provide input once the scoping plans become available?

Thank you for the opportunity to participate in this important process for the health of our watershed and community

We hope that you will consider additional input in the next 30 days as we are able to provide it.

Sincerely,

Margarita Diaz



Director  
Proyecto Fronterizo de Educacion Ambiental A.C.  
Tijuana Waterkeeper