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Before the
Committee on Transportation and Infrastructure
Subcommittee on Water Resources and Environment
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Madam Chairwoman, members of the Subcommittee, thank you for the opportunity to come before you today. As the Regional Administrator for Region 9 of the U.S. Environmental Protection Agency, I am responsible for protecting the public health and the environment in Arizona, California, Nevada, Hawaii, the Pacific Islands and the 147 federally recognized tribes in the Pacific Southwest. I am pleased to have the occasion to discuss with you the EPA's ongoing efforts to address sanitation concerns in the Tijuana River Valley.

Since the 1930's, raw sewage flowing into the United States from Mexico has posed a serious threat to the public health, environment, and economy of the South Bay communities of San Diego.

In the Water Quality Act of 1987 and subsequent appropriations, Congress authorized and appropriated $239.4 million to the EPA to construct a wastewater treatment plant and ocean outfall in southern San Diego County. The purpose of the plant was to treat sewage from Tijuana, Mexico which would otherwise enter the United States and contaminate the Tijuana River, estuary, and coastal beaches.

With these funds, the EPA provided a grant to the United States International Boundary and Water Commission, or IBWC, to construct the South Bay International Wastewater Treatment Plant. The EPA also provided grant funds to the City of San Diego to construct the South Bay Ocean Outfall, a pipeline conveying treated wastewater 3.5 miles out into the Pacific Ocean.

The South Bay International Wastewater Treatment Plant became fully operational in 1999. To expedite treatment of the Tijuana sewage, the South Bay International Wastewater Treatment Plant was built, as an interim measure, as an advanced primary treatment facility. A second phase of the treatment plant, as required by federal law and regulations and to protect public health and the environment, was anticipated to be initiated shortly after the primary treatment facilities became operational.

In 2000, EPA approached Congress requesting an increase to the spending cap to the South Bay International Wastewater Treatment Plant project to construct the second phase of treatment. Congress opted for an alternative approach with the Estuaries and

Clean Waters Act of 2000, Public Law 106-457. The Public Law requested that the IBWC begin negotiations with Mexico to construct a secondary treatment plant -- known as the Public Law facility -- in Mexico. The Public Law facility would serve to upgrade the South Bay International Wastewater Treatment Plant, as well as to treat additional Tijuana sewage.

The EPA has not been a party to the negotiations between the IBWC, Mexico, and Bajagua LLC, the company selected to implement the requirements of Public Law 106-457. Therefore, the EPA is not in a position to update the Subcommittee on these negotiations or the specifics of the implementation of Public Law 106-457.

The EPA has readily responded to the requests by the IBWC and Bajagua LLC for assistance. We authorized the IBWC to use remaining grant funds to support the development and completion of IBWC's 2005 Environmental Impact Statement or EIS prepared in accordance with the National Environmental Policy Act. This EIS selected the Public Law facility as the preferred alternative for the secondary treatment component to the South Bay International Wastewater Treatment Plant. Most recently, my regional office provided detailed comments on the draft Request for Proposal prepared by Bajagua LLC to select a design, build, and operate contracting firm to complete the Public Law facility in Mexico.

Until secondary treatment is provided, the South Bay International Wastewater Treatment Plant is in violation of the Clean Water Act and inadequately treated sewage continues to pollute the waters in Southern California. But let me also share with you some good news about the performance of the South Bay International Wastewater Treatment Plant. The treatment plant is fully operational at the advanced primary level and southern San Diego County is no longer experiencing the effects of daily sewage contamination to their rivers and beaches. The EPA and U.S. IBWC are continually working to optimize the U.S. treatment plant to achieve peak operational performance. We also recognize that we must continue our efforts to ensure that rivers and beaches in this area are free from sewage contamination year round.

EPA stands ready to work with all agencies and stakeholders to move forward with compliance with the Clean Water Act, including secondary treatment requirements, creating a foundation for sustainable infrastructure for decades to come.

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