

## **APPENDIX H**

### **COASTAL CONSISTENCY DETERMINATION**

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901



**International Boundary and Water Commission**  
**United States and Mexico**  
**United States Section**

Cassidy Teufel  
Manager  
Energy, Ocean Resources and Federal Consistency  
California Coastal Commission  
455 Market Street, Suite 228  
San Francisco, CA 94105-2219

Re: Submittal of the Coastal Consistency Determination for the United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows Project (Alternative 1) and request for review and concurrence

Dear Mr. Teufel:

The U.S. Environmental Protection Agency, Region 9 (EPA) and the U.S. Section of the International Boundary and Water Commission (USIBWC) would like to request the California Coastal Commission (the Commission) review of the enclosed Coastal Consistency Determination. EPA and USIBWC are submitting this request pursuant to National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 Code of Federal Regulations [CFR] Part 930), which state that federal actions with reasonably foreseeable coastal effects must comply with state coastal management programs to the maximum extent practicable. The proposed Federal Agency Action is the implementation of Alternative 1 of the United States-Mexico-Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project, as described below and in the enclosed Coastal Consistency Determination. EPA and USIBWC have determined that implementation of the proposed Federal Agency Action is consistent to the maximum extent practicable with the California Coastal Management Program, pursuant to the requirements of the Federal Coastal Zone Management Act of 1972 (CZMA), the California Coastal Act of 1976 (CCA), as amended, and NOAA Federal Consistency Regulations (15 CFR Part 930).

In January 2020, Congress passed the USMCA Implementation Act, which appropriated funds to EPA for implementation of wastewater infrastructure projects at the U.S.-Mexico border and authorized EPA to plan, design, and construct wastewater treatment projects in the Tijuana River area. These projects aim to reduce transboundary flows that cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas. In accordance with the requirements of the National Environmental Policy Act, EPA and USIBWC have developed a Draft Programmatic Environmental Impact Statement (PEIS) and are currently preparing a Final PEIS to support an informed decision-making process that considers and reviews the environmental impacts of reasonable alternatives to meet the purpose and need of the USMCA goals.

EPA and USIBWC have identified two alternatives for evaluation in the PEIS to address the purpose and need: a limited funding approach for implementing the Proposed Action (Alternative 1) and a more comprehensive solution for implementing the Proposed Action (Alternative 2), as well as a third alternative of no disbursement of funding and continuation of current wastewater management practices (No-Action Alternative). The Federal Agency Activity evaluated in the enclosed Coastal Consistency Determination consists of the four Core Projects that comprise Alternative 1 in the PEIS. Alternative 2 in the PEIS includes the four Core Projects and six additional Supplemental Projects. If Alternative 2 is selected at the conclusion of the National Environmental Policy Act (NEPA) process, additional consistency determinations for Supplemental Projects that affect the coastal zone would be prepared and submitted during subsequent tiered NEPA analyses for those projects. Further details regarding the USMCA Mitigation of Contaminated Transboundary Flows Project are provided in the Draft PEIS, which was made available for public review on June 17, 2022.<sup>1</sup>

We are hereby requesting Commission review of the enclosed Coastal Consistency Determination for the proposed Federal Agency Action pursuant to 15 CFR Part 930 and request concurrence with the determination.

Please contact us or Steven Smith of the EPA Region 9 Water Division, at 415-972-3752 or smith.steven@epa.gov, if you have questions or need additional information.

Sincerely,  
**TOMAS  
TORRES**

Tomás Torres, Director  
Water Division, EPA Region 9

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TORRES  
Date: 2022.10.28 09:32:35  
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Sincerely,



Dr. Maria-Elena Giner, P.E.  
Commissioner, USIBWC

Enclosure:

Enclosure 1: *Coastal Consistency Determination, USMCA Mitigation of Contaminated Transboundary Flows Project* (Eastern Research Group, Inc., October 24, 2022)

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<sup>1</sup> The Draft PEIS and appendices are available on EPA's website at <https://www.epa.gov/sustainable-water-infrastructure/usmca-draft-programmatic-environmental-impact-statement>.

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# Coastal Consistency Determination

## USMCA Mitigation of Contaminated Transboundary Flows Project

October 24, 2022

Prepared for:



**U.S. Environmental Protection Agency**  
Office of Wastewater Management  
1200 Pennsylvania Avenue, NW  
Washington DC 20460



**International Boundary and Water Commission**  
United States Section  
4191 N Mesa Street  
El Paso TX 79902

Prepared by:



**Eastern Research Group, Inc.**

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## ABBREVIATIONS, ACRONYMS, AND SYMBOLS

APTP	advanced primary treatment plant
BA	Biological Assessment
BMP	best management practice
CCA	California Coastal Act
CCMP	California Coastal Management Program
CFR	Code of Federal Regulations
CILA	Comisión Internacional de Limites y Aguas
CWA	Clean Water Act
CZMA	Coastal Zone Management Act of 1972
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FR	Federal Register
HDPE	high-density polyethylene
ITP	South Bay International Wastewater Treatment Plant
LCP	Local Coastal Program
MGD	million gallons per day
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NO <sub>x</sub>	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
PB1-A	Pump Station 1A
PB-CILA	Planta de Bombeo CILA
PEIS	Programmatic Environmental Impact Statement
PVC	polyvinyl chloride
RWQCB	Regional Water Quality Control Board
SAB	San Antonio de los Buenos
SABTP	San Antonio de los Buenos Wastewater Treatment Plant
SBLO	South Bay Land Outfall
SBOO	South Bay Ocean Outfall
SEIS	Supplemental Environmental Impact Statement
SWPPP	Stormwater Pollution Prevention Plan
TRVRP	Tijuana River Valley Regional Park
U.S.	United States
U.S.C.	United States Code
USFWS	United States Fish and Wildlife
USIBWC	United States Section of the International Boundary and Water Commission
USMCA	United States–Mexico–Canada Agreement
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
ZID	Zone of Initial Dilution



## **1. INTRODUCTION**

The United States (U.S.) Environmental Protection Agency (EPA) and the U.S. Section of the International Boundary and Water Commission (USIBWC), as joint lead agencies, are proposing to fund and implement the United States–Mexico–Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project (the Proposed Action) to reduce transboundary flows from Tijuana that cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas. Under present conditions, deficiencies in the treatment, piping, and pump station network in Tijuana contribute to contaminated transboundary flows entering the U.S. via coastal waters of the Pacific Ocean, the Tijuana River, and tributaries that flow north through canyons to the Tijuana River Valley and Estuary.

On April 5, 2021, EPA published a Notice of Intent to prepare an Environmental Impact Statement (EIS) (86 Federal Register [FR] 17595) for the Proposed Action pursuant to the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] 4321–4347). EPA and USIBWC made available for public review a Draft PEIS for the Proposed Action on June 17, 2022 (EPA & USIBWC, 2022). EPA and USIBWC are currently preparing the Final PEIS. EPA and USIBWC have identified two alternatives for evaluation in the PEIS to address the purpose and need: a limited funding approach for implementing the Proposed Action (Alternative 1) and a more comprehensive solution for implementing the Proposed Action (Alternative 2), as well as a third alternative of no disbursement of funding and continuation of current wastewater management practices (No-Action Alternative).

The Federal Agency Activity evaluated in this Coastal Consistency Determination consists of the four Core Projects that comprise Alternative 1 in the upcoming Final PEIS. This Coastal Consistency Determination evaluates the Federal Agency Activity for consistency with the California Coastal Management Program (CCMP), which is implemented by the California Coastal Commission (the Commission). Alternative 2 in the PEIS includes the four Core Projects and six additional Supplemental Projects. If Alternative 2 is selected at the conclusion of the NEPA process, additional consistency determinations for Supplemental Projects that affect the coastal zone would be prepared and submitted during subsequent tiered NEPA analyses for those projects.

## **2. AUTHORITY**

EPA and USIBWC are submitting this consistency determination in compliance with Section 930.34 *et seq.* of the National Oceanic and Atmospheric Administration Federal Consistency Regulations (15 Code of Federal Regulations [CFR] Part 930), which state that federal actions with reasonably foreseeable coastal effects must comply with state coastal management programs to the maximum extent practicable.

## **3. DETERMINATION**

In accordance with the Federal Coastal Zone Management Act of 1972 (CZMA), as amended, EPA and USIBWC have determined that the Federal Agency Activity is consistent to the maximum extent practicable with the CCMP, pursuant to the requirements of the CZMA and the California Coastal Act of 1976 (CCA), as amended.

## **4. ACTIVITIES SUBJECT TO CONSISTENCY DETERMINATION**

### **4.1 Standard of Review**

Under Section 307 of the CZMA (16 U.S.C. Section 1456 (c)(1)(a)), federal activities that affect any land or water use or natural resource of the coastal zone are required to be consistent with the affected state's coastal management program to the "maximum extent practicable." The Federal Consistency Regulations define "consistent to the maximum extent practicable" as follows (15 CFR § 930.32):

*(a)(1) The term "consistent to the maximum extent practicable" means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.*

The standard of review for federal consistency determinations consists primarily of the principal component of the CCMP, namely the policies of Chapter 3 of the CCA.

### **4.2 Prior Commission Action at the ITP Parcel**

In 2005, USIBWC finalized the Supplemental Environmental Impact Statement (SEIS) for Clean Water Act (CWA) compliance at the South Bay International Wastewater Treatment Plant (ITP) and issued a Record of Decision for an advanced primary treatment facility with secondary treatment in Mexico (Parsons, 2005). The 2005 SEIS for the advanced primary treatment facility underwent a coastal consistency determination and received approval from the Commission that year (California Coastal Commission, 2005). In 2008, USIBWC issued a revised Record of Decision when the project was reevaluated and decided to upgrade the ITP to secondary treatment in the U.S. (Alternative 5, Option B-2 under the 2005 SEIS). USIBWC had previously received a consistency determination in 1994 (CD-002-94) from the Commission for the 25-MGD facility located in the U.S. No other known Commission action has occurred at the ITP parcel.

### **4.3 Project History**

Contaminated transboundary flows originating in Mexico and flowing into the U.S. have raised water quality and human health concerns since at least the 1930s. Additionally, the conveyance of untreated wastewater and diverted river water to San Antonio de los Buenos Wastewater Treatment Plant (SABTP), and the inability to treat these flows prior to coastal discharge via San Antonio de los Buenos (SAB) Creek in Mexico, results in the discharge of approximately 35.5 MGD of mixed Tijuana River water and wastewater to the Pacific Ocean via SAB Creek, approximately 28.2 MGD of which is untreated wastewater. A complete history of the binational collaborative efforts to address transboundary pollution in the Tijuana and San Diego border region is included in Section 1.1 (Background) of the Draft PEIS.<sup>1</sup>

In 2018, the U.S. signed the USMCA, a trade agreement that renegotiated and replaced the North American Free Trade Agreement between the three countries. Under this authority, Congress passed the USMCA Implementation Act in January 2020, which appropriated \$300 million to EPA under Title IX of the USMCA for architectural, engineering, planning, design, construction, and

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<sup>1</sup> See <https://www.epa.gov/sustainable-water-infrastructure/usmca-draft-programmatic-environmental-impact-statement>.

related activities in connection with the construction of high-priority wastewater facilities in the U.S. Mexico border area. Subtitle B, Section 821 of the USMCA authorized EPA to plan, design, and construct wastewater (including stormwater) treatment projects in the Tijuana River area. Based on that direction, EPA began coordinating an interagency and binational effort to plan, design, and construct infrastructure to reduce transboundary flows of untreated wastewater (sewage), trash, and sediment that routinely enter the U.S. from Mexico via the Tijuana River and its tributaries, and across the maritime boundary along the San Diego County coast. In 2022, IBWC adopted Treaty Minute No. 328, which designates sanitation projects for immediate implementation in San Diego and Tijuana as well as projects for future consideration and negotiation. The treaty minute also identifies U.S. and Mexico funding commitments for each of the immediate projects.

On April 5, 2021, EPA published a Notice of Intent (NOI) to prepare an EIS (86 FR 17595) for the USMCA Mitigation of Contaminated Transboundary Flows Project pursuant to the requirements of NEPA (42 U.S.C. 4321-4347). Following issuance of the NOI, EPA completed a technical, economic, and environmental feasibility assessment of an initial set of 10 projects. The feasibility analyses also documented engineering, regulatory, and implementation issues and presented capital and 40-year life cycle cost estimates.

The results of the feasibility analysis were then used to inform the creation of several alternatives to proceed through an alternatives analysis. EPA defined a set of alternatives—each consisting of an assemblage of projects and their individual components and sub-projects based on individual project purposes, impacts, environmental benefits, capital costs, and operations and maintenance (O&M) costs. Next, they were scored using a systematic, replicable, and transparent evaluation tool developed by EPA called the Augmented Alternatives Analysis. As a result of the alternatives analysis, EPA announced in November 2021 that it had selected the Comprehensive Infrastructure Solution alternative to move forward through the NEPA process.

Since the NOI was issued, EPA decided to prepare a Programmatic EIS (PEIS) for the USMCA Mitigation of Contaminated Transboundary Flows Project, which sets forth a framework for tiered decision making. USIBWC joined the effort as a joint lead agency for preparation of the PEIS. EPA and USIBWC published a Notice of Availability for the Draft PEIS (87 FR 36487) on June 17, 2022 and anticipate release of the Final PEIS in November 2022.

#### **4.4 Description of the Federal Agency Activity (Core Projects)**

The Federal Agency Activity consists of the four Core Projects—identified as Projects A, B, C, and D—that comprise Alternative 1 in the upcoming Final PEIS. This consistency determination analyzes the Core Projects only; Supplemental Projects from Alternative 2 in the PEIS will be analyzed for consistency at a later date and therefore are not included in this analysis. The Core Projects are listed in Table 4-1 and their locations, with a map of the relevant coastal zone areas, are shown in Figure 4-1. Attachment 1 includes additional detailed project figures.

In summary, Projects A, B, and C are intended to improve collection and treatment of wastewater from Tijuana. Project A (Expanded ITP) involves expanding wastewater treatment capacity at an existing facility in the U.S. (the ITP). Projects B (Tijuana Canyon Flows to ITP) and C (Tijuana Sewer Repairs) are focused on modifying and improving wastewater collection systems to ensure that more wastewater is conveyed to treatment, rather than released directly to the Tijuana River or the Pacific Ocean without treatment via SAB Creek in Mexico. Project D (Advanced Primary Treatment Plant [APTP] Phase 1) would reduce impacts to the U.S. coast by treating diverted Tijuana River water that otherwise would be discharged to the Pacific Ocean via SAB Creek without adequate treatment, or any treatment at all.

Some components of the Federal Agency Activity would take place in Mexico. Binational negotiations are underway regarding the scope, funding, and implementation of projects in Mexico being contemplated as part of the USMCA Mitigation of Contaminated Transboundary Flows Project. EPA and USIBWC would move forward with funding and/or implementing projects in Mexico only if such projects have support and funding contributions from appropriate Mexican authorities.

**Table 4-1. Core Projects Constituting the Federal Agency Activity**

Project Title	Project Location	Property Owner(s) in U.S.
A. Expanded ITP Option A1: Expand to 40 million gallons per day (MGD) Option A2: Expand to 50 MGD Option A3: Expand to 60 MGD	U.S. only	Federal
B. Tijuana Canyon Flows to ITP Option B1: Trenching via Smuggler's Gulch and Monument Rd Option B2: Trenchless Installation via Smuggler's Gulch and Under Mesa Option B3: Connect to Existing Canyon Collector System	U.S. and Mexico	Federal County
C. Tijuana Sewer Repairs	Mexico only	N/A
D. APTP Phase 1	U.S. and Mexico	Federal

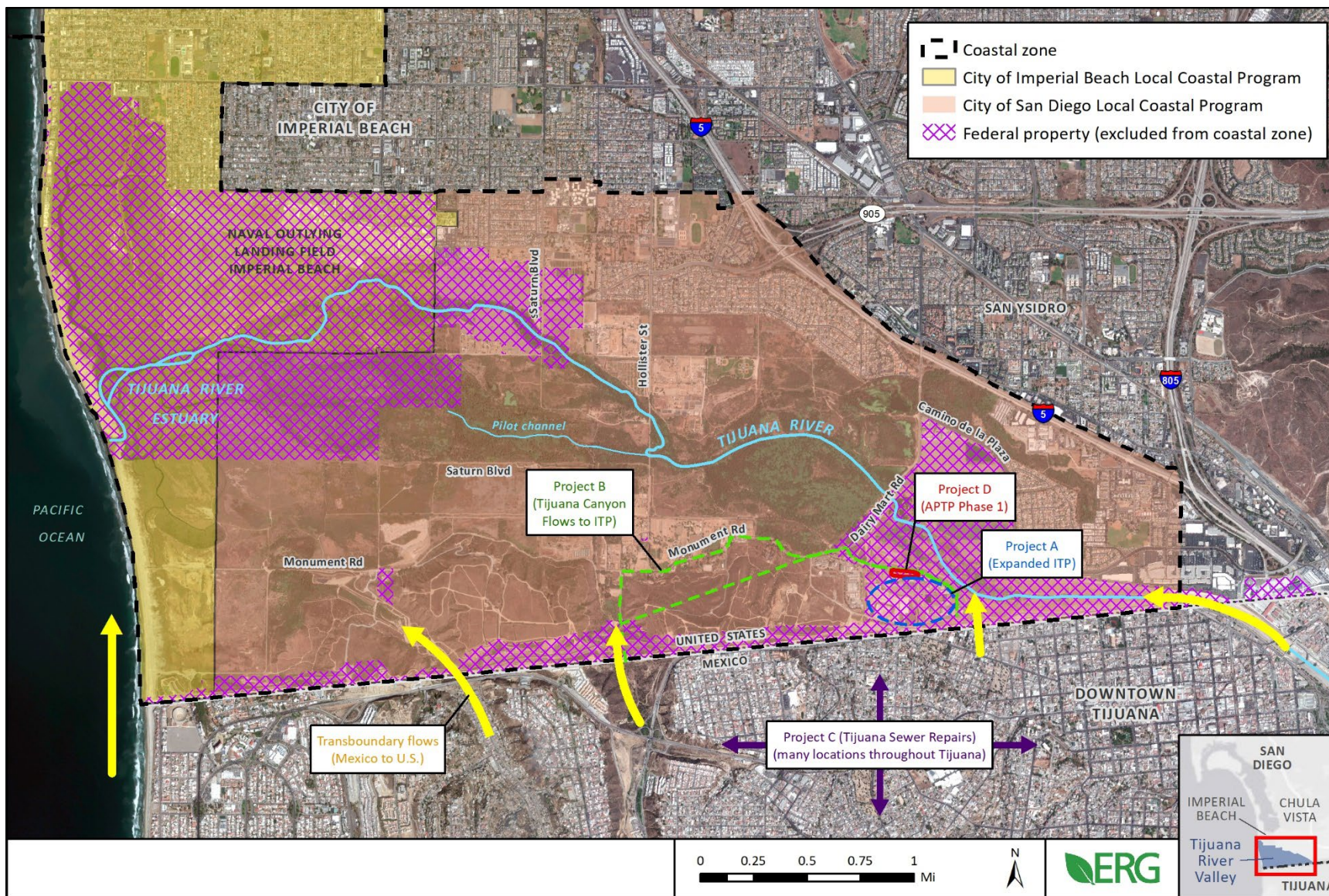


Figure 4-1. Locations of Federal Agency Activity, Federal Property, and Relevant Coastal Zone Areas

#### **4.4.1 Project A: Expanded ITP**

Project A includes the expansion of the 25- MGD ITP for secondary treatment of wastewater at one of three different average daily flow capacity options, 40 MGD (Option A1), 50 MGD (Option A2), or 60 MGD (Option A3); construction of a new solids processing facility; installation of other new supporting facilities; and associated site modifications. The primary purpose of expanding the ITP is to reduce impacts to the U.S. coast by treating wastewater from the International Collector pipeline in Tijuana that otherwise would be discharged to the Pacific Ocean via SAB Creek without adequate treatment, or any treatment at all. The expanded ITP could also reduce untreated wastewater overflows from the sanitary sewer to the Tijuana River caused by mechanical failures at Pump Station 1. Depending on the proposed capacity of the plant, the expanded ITP could also provide treatment for sewage collected in the canyons (Project B: Tijuana Canyon Flows to ITP), as well as for additional sewage flows produced by the future population of Tijuana. Project A construction is estimated to be completed by no later than 2027.

The proposed new and expanded facilities and processes for Project A include upgrades to the preliminary, primary, and secondary treatment trains and the discharge of the additional resulting effluent through the South Bay Land Outfall (SBLO), which then discharges into the South Bay Ocean Outfall (SBOO) and then into the Pacific Ocean. Modifications to the wye diffuser array on the SBOO could be necessary to promote dispersal of the increased loadings (e.g., opening ports on existing capped risers and/or installing new diffuser heads and ports to existing closed, blind flanged risers). Project A would also incorporate anaerobic digestion of primary and secondary sludge to substantially reduce the amount of waste solids produced per gallon of wastewater treated at the ITP. Reducing solids is necessary due to anticipated logistical challenges with securing enough trucks and drivers to transport sludge offsite for disposal; however, incorporating anaerobic digestion increases the complexity of plant operations and necessitates the installation of air pollution control equipment. This could include, among other controls, installation of an electric generator to combust biogas emissions and produce electricity to offset a portion of the ITP's energy demand. The ITP expansion would include auxiliary facilities (i.e., office space, a control room, and restrooms); additional roads and parking within the ITP parcel; new utility connections, such as electrical (including a backup electrical generator) and communications; and expanded security fencing and lighting around the ITP.

Site modifications would be necessary to accommodate the new and expanded facilities. This would include providing fill material to create a level foundation for the proposed secondary reactors and clarifiers, as the areas southwest of Dairy Mart Road are approximately 10 feet lower in elevation than the rest of the ITP parcel. Fill material would be sourced from elsewhere within the Tijuana River Valley, such as the transboundary sediment deposits in Goat Canyon or Smuggler's Gulch. Other site modifications would include relocating the portion of Dairy Mart Road that crosses through the ITP parcel by demolishing it and paving a replacement road along the western boundary of the ITP parcel, and enclosing or relocating the stormwater swale that runs alongside this portion of Dairy Mart Road. Construction activities would also potentially involve temporary work (e.g., material/equipment staging and stormwater management) throughout the undeveloped 25-acre southwest quadrant of the ITP parcel and in portions of the 4-acre parcel northwest of the ITP.

The infrastructure at the expanded ITP would require regular and ongoing O&M activities to ensure operational reliability and efficiency. As part an agreement between the U.S. and Mexico (Treaty Minute No. 283), long-term recurring operations would include hauling of sludge produced by the treatment process to Mexico for disposal. The pumps and equipment supporting the ITP would also

require regular and ongoing O&M activities such as rehabilitation and replacement at varying time intervals. Attachment 1 includes detailed figures for each project, including a schematic of the proposed treatment train at the expanded ITP under Project A.

Project A includes three proposed average daily flow capacity options for the proposed ITP expansion from the current 25-MGD capacity: Options A1, A2, and A3. The differences between the three options are summarized below and in **Error! Reference source not found.**

- **Option A1: Expand to 40 MGD.** Expanding the ITP to a design treatment capacity of 40 MGD (average daily flow) would enable the plant to treat all wastewater in the International Collector and wastewater that would be collected by the rehabilitated sewer collectors in Tijuana (see Project C). However, the 40-MGD option would have minimal if any reserve capacity for future population growth.
- **Option A2: Expand to 50 MGD.** Expanding the ITP to a design treatment capacity of 50 MGD (average daily flow) would provide the same treatment capabilities as the 40-MGD option (see Option A1) while also accommodating wastewater collected in the canyons in Mexico (see Project B) and providing capacity for current and projected wastewater flows through 2030.
- **Option A3: Expand to 60 MGD.** Expanding the ITP to a design treatment capacity of 60 MGD (average daily flow) would provide the same treatment capabilities as the 50-MGD option (see Option A2) while providing capacity for current and projected wastewater flows through 2050.

#### **4.4.2 Project B: Tijuana Canyon Flows to ITP**

Project B includes the installation of a wastewater conveyance system from Matadero Canyon and Los Laureles Canyon in Mexico to the expanded ITP for treatment (see Project A for details on the ITP expansion) and associated temporary construction activities. Following treatment, these flows would be discharged to the Pacific Ocean through the SBLO and SBOO as described for Project A. Three configurations and/or installation methods of the conveyance line are being considered: trenching through Smuggler's Gulch and Monument Rd (Project B1), trenchless installation in Smuggler's Gulch and under the mesa (Project B2), and connection to the existing canyon collector system (Project B3). The primary purpose of the proposed conveyance system is to reduce the amount of dry-weather wastewater flows that are currently discharged with little to no treatment to the Pacific Ocean via SAB Creek. As a secondary benefit, Project B would potentially reduce the volume and frequency of dry-weather transboundary flows in Goat Canyon and Smuggler's Gulch by eliminating the reliance on pump stations whose mechanical issues could cause occasional wastewater overflows into the canyons in Mexico.

Up to 12.7 MGD (peak daily) of wastewater from the canyons would be collected by the new conveyances and transported to the ITP for treatment. The current wastewater flow from the canyons is 6.3 MGD, so the new conveyances would have available capacity to accommodate flow increases over time.

The new wastewater conveyance system would include new pipelines (Reaches 1–4) in Mexico that use gravity to convey wastewater to the U.S., which would eliminate reliance on the existing pump stations in the canyons—specifically, the Matadero pump station in Matadero Canyon and the Los

Laureles 1 and Los Laureles 2 pump stations in Los Laureles Canyon.<sup>2</sup> The new Reach 5 pipeline in the U.S. is described later in this section. The new conveyance lines in Mexico would consist of the following:

- **Reach 1:** A 15-inch nominal diameter gravity sewer that would flow directly east from the Los Laureles 2 pump station and connect to Reach 2. Reach 1 would be approximately 2,000 feet long, would pass underneath the high ground between the two canyons, and would be installed using directional drilling.
- **Reach 2:** A 15-inch nominal diameter gravity sewer that would flow generally north from the eastern end of Reach 1 to the Matadero pump station. Reach 2 would be approximately 1,700 feet long and would be installed using conventional open-cut trenching methods.
- **Reach 3:** A 21-inch nominal diameter gravity sewer that would flow generally north along Matadero Canyon from the Matadero pump station until it intersects Reach 4 approximately 150 feet south of the border. Reach 3 would be about 3,500 feet long and would be installed using conventional open-cut trenching methods (except for approximately 700 feet passing beneath the International Highway, which would be installed using micro-tunneling).
- **Reach 4:** A 15-inch nominal diameter gravity sewer that would flow generally east from the Los Laureles 1 pump station until it intersects with Reach 3. Reach 4 would be approximately 4,000 feet long, would pass beneath the high ground between the canyons, and would be installed using directional drilling.

The sections of the proposed conveyance line that would be installed using open-cut trenching (Reach 2 and a part of Reach 3) would occur in undeveloped areas in Matadero Canyon and would require temporary land disturbance and lighting along the proposed route during construction, as well as for staging areas. The sections of the proposed conveyance line that would be installed using micro-tunnelling or directional drilling (Reach 1, 4, and part of Reach 3) would require temporary pits at each end of the micro-tunnel or drilling location with construction staging areas to feed the pipe sections underground. The construction areas on each side of the micro-tunnel or drilling operation would require temporary fencing, lighting, a truck-mounted generator to run equipment, and other construction equipment. The pipes would have shallow installation, so dirt would be backfilled following installation.

In the U.S., Project B includes three proposed configurations of Reach 5 to convey flows from the end of Reach 4 to the expanded ITP: Options B1, B2, and B3. The differences between the three options are summarized below.

- **Reach 5, Option B1: Trenching via Smuggler's Gulch and Monument Road.** Option B1 includes installing Reach 5 using open-cut trenching methods through Smuggler's Gulch and along Monument Road. Reach 5 would consist of a 24-inch nominal diameter force main that would run from 150 feet south of the border in Matadero Canyon to the headworks of the ITP. This sewer would run north beneath the border for approximately 1,000 feet; north under the Smuggler's Gulch access road for approximately 1,300 feet; east under Monument Road for approximately 6,100 feet; and east/southeast adjacent to Clearwater Way and

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<sup>2</sup> These three pump stations would remain in place as backup to pump flows from the canyons to SABTP or SAB Creek in the unlikely case of failure of a Project B pipeline in the U.S.



West Tia Juana Street for approximately 3,600 feet before reaching the headworks of the ITP.

Reach 5 would be installed using conventional open-cut trenching methods except for the section beneath the U.S.-Mexico border, which would be installed using micro-tunneling. Temporary pits would be required at each end of the micro-tunnel section and may require additional security during construction due to their proximity to the border. Depending on the results of utility surveys, open-cut trenching would be confined to the existing roadway in Smuggler's Gulch and along Monument Road and would be confined to the undeveloped strip of land adjacent to Clearwater Way and West Tia Juana Street. Unvegetated areas would be used for construction staging activities, as necessary.

- **Reach 5, Option B2: Trenchless Installation via Smuggler's Gulch and Under Mesa.**

Option B2 includes installing Reach 5 using a combination of open-cut trenching and trenchless methods to avoid or minimize disturbances within Smuggler's Gulch and along Monument Road. Reach 5 would be a 24-inch nominal diameter polyvinyl chloride (PVC) force main that starts 150 feet south of the border and runs approximately 1,000 feet north into Smuggler's Gulch; east underneath the mesa for approximately 5,000 feet; and east/southeast along Dairy Mart Road, Clearwater Way, and West Tia Juana Street for approximately 4,500 feet before reaching the headworks of the ITP.

The sections of Reach 5 underneath the border, Smuggler's Gulch, and the mesa between Smuggler's Gulch and the ITP would be installed using directional drilling. These sections would require three temporary pits: one located 150 feet south of border in Smuggler's Gulch, one located approximately 900 feet north of the border in Smuggler's Gulch (adjacent to the canyon flow diversion structure), and one located near the intersection of Dairy Mart Road and Monument Road. The temporary construction pits in Smuggler's Gulch may require additional security during construction due to their proximity to the border. Open-cut trenching would be used for the final section to the ITP headworks (identical to that for Option B1).

- **Reach 5, Option B3: Connect to Existing Canyon Collector System.** Option B3 includes installation of Reach 5 beneath the border to connect to the existing canyon collector pipeline in Smuggler's Gulch (part of the existing canyon collector system) for conveyance to the ITP. This option would minimize disturbances and leverage existing infrastructure. Reach 5 would be a 24-inch nominal diameter high-density polyethylene (HDPE) gravity pipe that runs north beneath the border for approximately 1,000 feet and connects to the existing 30-inch gravity sewer ("canyon collector") that currently conveys flows from the Smuggler's Gulch canyon flow diversion structure to the Hollister Street pump station. The existing equipment at the pump station would be used to pump these combined flows (from Reach 5 and the U.S.-side canyon flow diversion structures) to the ITP using the existing 16-inch and 30-inch force mains.<sup>3</sup>

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<sup>3</sup> Depending on the results of the USIBWC condition assessment of existing ITP components, the scope of Option B3 could also include rehabilitation of the Hollister Street pump station and associated force mains. However, this consistency determination does not evaluate impacts of extensive rehabilitation of the force mains (e.g., impacts of open-trench rehabilitation or replacement of the force mains). If EPA and USIBWC select Option B3 and determine that extensive rehabilitation of the force mains is necessary, resulting in impacts that are not documented in this consistency determination, EPA and/or USIBWC would submit a revised consistency determination for review.

Reach 5 would be installed using micro-tunnelling underneath the border. The U.S.-side micro-tunnelling pit would also be used to connect Reach 5 to the existing canyon collector. Temporary pits would be required at each end of the micro-tunnel section and may require additional security during construction due to their proximity to the border.

Project B construction activities, including components in Mexico, are projected to take approximately two years to complete following mobilization but the specific schedule for starting and completing construction is not known at this time.

The infrastructure proposed for Project B would be expected to require regular and ongoing O&M activities to ensure operational reliability and efficiency. Maintenance on the U.S. side would generally consist of inspecting the ground along the sections of pipe installed using open-cut trenching to look for potential leaks. The new conveyance pipelines would use gravity to transport wastewater; therefore, minimal mechanics would be involved, reducing the overall maintenance requirements, and decommissioning the Matadero, Los Laureles 1, and Los Laureles 2 pump stations would reduce maintenance requirements as only access points would remain. Maintenance of the new gravity pipelines in Mexico would generally consist of routine closed-circuit television inspections, cleaning, and leak repairs. Binational negotiations regarding O&M responsibilities and funding for Project B are ongoing.

#### **4.4.3 Project C: Tijuana Sewer Repairs**

Project C includes rehabilitating or replacing targeted sewer collectors in the Tijuana metropolitan area to reduce the amount of untreated wastewater that currently leaks from the sanitary sewer system in Tijuana and enters the Tijuana River. By reducing wastewater leaks to the river in Tijuana, Project C would improve downstream water quality in the Tijuana River Valley and Estuary by both 1) reducing overall river flow volumes, and thus reducing the frequency of dry-weather transboundary flows caused by river flow rates that exceed the Planta de Bombeo-Comisión Internacional de Límites y Aguas (PB-CILA)<sup>4</sup> diversion capacity, and 2) ensuring that more wastewater in the Tijuana sewer system is successfully conveyed to the expanded ITP for treatment (see Project A) rather than entering the U.S. as a transboundary flow.

Comisión Estatal de Servicios Públicos de Tijuana and Comisión Nacional del Agua, with concurrence from EPA and USIBWC, have identified seven sewer collectors to be rehabilitated or replaced using USMCA, Border Water Infrastructure Program, and/or Mexico funds as a Core Project. Most of the improvements would include replacement of old concrete pipes with new pipes made from more durable material (e.g., PVC or HDPE) to prevent the risk of leaks and collapses. All Project C components are located in Mexico.

Project C construction activities are projected to take approximately one to three years to complete (per individual project) following mobilization but the specific schedule for starting and completing construction for all collector repairs is not known at this time. Treaty Minute No. 328 specifies cost

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<sup>4</sup> The PB-CILA pump station is located along the Tijuana River channel just south of the U.S.-Mexico border. When the PB-CILA river diversion system is functioning properly, all dry-weather flow (up to 23 MGD) in the Tijuana River is diverted before transboundary flows occur. However, the amount of river flow that occurs during and after rain events generally exceeds the capacity of the diversion system, resulting in a shutdown of PB-CILA (typically for a multi-day period) and transboundary river flows into the U.S.

sharing provisions for Project C construction costs. Mexico would be responsible for implementation of and costs for O&M.

#### **4.4.4 Project D: APTP Phase 1**

Project D includes the construction and operation of a 35-MGD APTP for advanced primary treatment of diverted water from the existing PB-CILA diversion in Mexico, rehabilitation and extension of the existing force main from PB-CILA to the new APTP, installation of other new supporting facilities, and associated site modifications. The primary purpose of Phase 1 of the proposed APTP is to reduce impacts to the U.S. coast by treating diverted river water that otherwise would be discharged to the Pacific Ocean via SAB Creek without adequate treatment, or any treatment at all. This project would also reduce the frequency of transboundary river flows by eliminating the use of Pump Station 1A (PB1-A) whose mechanical issues indirectly cause occasional shutdowns of the PB-CILA diversion.

The APTP would operate independently of the existing ITP and would consist of the following treatment processes: screening, aerated grit removal, grit dewatering, a ballasted flocculation process, and sludge handling. Attachment 1 includes detailed figures for each project, including a schematic of the treatment train at the proposed APTP under Project D.

The proposed 35-MGD APTP for Project D, which represents Phase 1, would be designed and constructed to allow for potential expansion under Phase 2. For example, concrete pads constructed under Phase 1 for ballasted flocculation, sludge storage, and other process units would be large enough to accommodate the potential installation of additional process units under Phase 2, and piping and stub-outs to convey flows between the units would be sized to accommodate the flow rates of a 60-MGD plant. While these expanded pads would not specifically support operation of the 35-MGD plant, this approach is necessary to ensure soil and foundation stability for the overall plant and to ensure that the siting of Phase 1 infrastructure would not inadvertently prevent potential future expansion under a potential future Phase 2 expansion.

The proposed new facilities and processes for Project D include preliminary and primary treatment facilities and the discharge of the additional resulting effluent through a new 300-foot pipeline located within the ITP parcel to tie into the existing ITP effluent structure, which discharged into the SBLO, then the SBOO, and finally into the Pacific Ocean. With both Projects A and D, modifications to the wye diffuser array on the SBOO could be necessary to promote dispersal of the increased loadings. The APTP under Project D would also include solids handling facilities to process the grit and sludge removed from the river water. The sludge loading facilities would include conveyors and hoppers to load the sludge onto truck to be hauled offsite for disposal. The APTP would include new auxiliary facilities which may be co-located with similar proposed facilities at the expanded ITP (Project A). Electrical upgrades to the current system, including additional backup power, would support the pumps and equipment for the proposed APTP.

Site modifications for the proposed APTP would be necessary and would include grading and land disturbance for siting of the proposed APTP on the northern edge of the ITP property and for construction staging areas within the ITP parcel. The proposed APTP would be constructed in the north area of the ITP parcel, immediately north of the ITP secondary treatment units and south of West Tia Juana Street. Construction activities would also potentially involve temporary work (e.g., material/equipment staging and stormwater management) throughout the undeveloped 25-acre southwest quadrant of the ITP parcel.

In order to convey river water to the new APTP, the existing PB-CILA diversion in Mexico (which would operate when the instantaneous river flow rate is 35 MGD or less) would convey diverted river flows through an existing force main across the border to the APTP headworks. Project D would include the rehabilitation and extension of this existing force main from PB-CILA in Mexico to the new APTP in the U.S. PB-CILA currently conveys diverted river water to PB1-A through a 42-inch force main. This line would be rehabilitated and extended to direct flows from PB-CILA to the headworks of the new APTP, thus bypassing PB1-A and allowing it to be decommissioned. The section of the line proposed for rehabilitation runs from PB-CILA to Avenue M in Tijuana and is approximately 7,200 feet long. Rehabilitation of this section of existing pipe would involve installing mechanical joint restraints and applying corrosion protection. A new section of 42-inch HDPE force main, approximately 800 feet in total length, would be installed (using micro-tunneling) under the border from the PB1-A site in Mexico to a location west of Stewart's Drain on ITP property in the U.S. Finally, open-cut trenching in the U.S. would be used to construct an approximately 1,800-foot section of new 42-inch HDPE force main north to West Tia Juana Street and then to the headworks of the new APTP.

Rehabilitating and extending the existing force main line would involve temporary land disturbance during construction in both Tijuana and in the U.S. within the ITP parcel. In Tijuana, temporary pumps would re-route flow between PB-CILA and PB1-A while this portion of the force main is rehabilitated, and temporary fencing and lighting would be constructed to increase security and support operations. Micro-tunneling under the U.S.-Mexico border would require temporary pits at both ends, and open-cut trenching would involve land disturbance and additional lighting. A temporary shutdown of PB-CILA or bypass of the force main (e.g., by sending diverted river flows to the International Collector) would be necessary to allow for connection of the rehabilitated and new force main sections.

The proposed APTP would require regular and ongoing O&M activities to ensure operational reliability and efficiency. Long-term recurring operations would include hauling of solids produced by the treatment process to a local solid waste disposal site. The pumps and equipment supporting the APTP would also require regular and ongoing O&M activities such as rehabilitation and replacement at varying time intervals.

Project D construction activities, including components in Mexico, are projected to take approximately two years to complete following mobilization but the specific schedule for starting and completing construction is not known at this time. Binational negotiations regarding O&M responsibilities and funding for Project D are ongoing.

## **5. CONSISTENCY WITH PROVISIONS OF THE CALIFORNIA COASTAL ACT**

This section provides analysis of the Federal Agency Activity and its effects on the coastal zone in support of findings of consistency with the CCMP and the enforceable policies of Chapter 3 of the CCA. The analysis is limited to effects to lands outside of federal ownership because federal lands are excluded from the coastal zone. Most components of the Core Projects in the U.S. are located directly on federal land with the exception of elements of Project B (Tijuana Canyon Flows to ITP). All projects have effects that extend to the coastal zone.

Table 5-1 below identifies the CCA policies that EPA and USIBWC determined are not applicable to the Federal Agency Activity.

**Table 5-1. CCA Policies Not Applicable to the Federal Agency Activity**

CCA Policy	Reasons for Non-applicability
<i>Article 2: Public Access</i>	
<u>Sections 30210-30214</u>	All Sections under Article 2 are not applicable. Activity would not interfere with sea or beach access or include any public facilities. New development is not within the coastal zone. <sup>a</sup> EPA and USIBWC are not responsible for carrying out Section 4 of Article X of the California Constitution.
<i>Article 3: Recreation</i>	
<u>Section 30222</u> Private lands; priority of development purposes	Activity would not use private lands.
<u>Section 30222.5</u> Oceanfront lands; aquaculture facilities; priority	Activity would not use oceanfront land that is suitable for coastal dependent aquaculture.
<u>Section 30224</u> Recreational boating use; encouragement; facilities	Activity would not change land use along access corridors to coastal waters.
<i>Article 4: Marine Environment</i>	
<u>Section 30234</u> Commercial fishing and recreational boating facilities	Activity would not affect facilities that serve the fishing/boating industries.
<u>Section 30235</u> Construction altering natural shoreline	Activity would not include construction that alters shoreline processes.
<u>Section 30236</u> Water supply and flood control	Activity would not substantially alter any rivers or streams (e.g., channelizations, dams).
<i>Article 5: Land Resources</i>	
<u>Section 30241.5</u> Agricultural land; determination of viability of uses; economic feasibility evaluation	Activity would not alter agricultural lands.
<u>Section 30242</u> Lands suitable for agricultural use; conversion	Activity would not use lands suitable for agricultural use.
<u>Section 30243</u> Productivity of soils and timberlands; conversions	Activity would not alter productivity of soils and timberlands and would not convert timberlands to other uses.
<u>Section 30244</u> Archaeological or paleontological resources	Activity would not adversely affect archaeological resources (State Historic Preservation Officer concurred on June 26, 2022) or paleontological resources.
<i>Article 6: Development</i>	
<u>Section 30250</u> Location; existing developed area	Activity would not include new residential, commercial, industrial, or visitor-serving facilities within the coastal zone.
<u>Section 30252</u> Maintenance and enhancement of public access	Activity involves new development, but the new development would not occur within the coastal zone. <sup>a</sup> Activity would not alter public access to the coast.
<u>Section 30254.5</u> Terms or conditions on sewage treatment plant development; prohibition	Policy applies to the Commission and is not within EPA and USIBWC authority.
<u>Section 30255</u> Priority of coastal-dependent developments	Activity would not include coastal-dependent development or other development on or near the shoreline.
<i>Article 7: Industrial Development</i>	
<u>Sections 30260-30365.5</u> Location or expansion	Activity would not include the industrial development activities or facilities discussed in Article 7.

a – Construction within the coastal zone would be limited to installation of underground pipelines.

## 5.1 Article 3 – Recreation

### 5.1.1 Sections 30220, 30221, 30223

#### **Applicable Policy**

*Section 30220 Protection of certain water-oriented activities: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*Section 30221 Oceanfront land; protection for recreational use and development: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*Section 30223 Upland areas: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

#### **Comment and Analysis**

Primary water-oriented recreational activities in the area include surfing, sea kayaking, stand-up paddle boarding, boating, and recreational fishing. Poor coastal water quality, driven by both maritime and riverine transboundary flows, has caused frequent beach closures, particularly for the beaches closest to the U.S.-Mexico border. Untreated wastewater contributes to high bacterial concentrations in the Tijuana River and tributaries, creating health risks for recreational users.

The Federal Agency Activity would nearly eliminate discharges of untreated wastewater to the Pacific Ocean via SAB Creek and would substantially reduce dry-weather transboundary flows and pollutant loadings in the Tijuana River. For example, EPA and USIBWC estimate that full implementation of the Federal Agency Activity would reduce annual BOD<sub>5</sub> loadings<sup>5</sup> in SAB Creek discharges and in transboundary Tijuana River flows by approximately 90 percent and 66 percent, respectively.

In particular, reducing discharges of untreated wastewater via SAB Creek is expected to result in substantial improvements to coastal water quality and reduced beach impacts during the tourist (dry) season—i.e., Memorial Day to Labor Day. EPA and USIBWC estimate that full implementation of the Federal Agency Activity would immediately lead to significant reductions in water quality-driven human health impacts at regional beaches, based on reduced exposure to norovirus pathogens in untreated wastewater discharges.

The estimated decreases in pollutant loadings to the Pacific Ocean via SAB Creek and the Tijuana River far outweigh the estimated increases in loadings from discharge of treated effluent via the SBOO. In addition, EPA and USIBWC would ensure new discharges via the SBOO are consistent with the California Ocean Plan via the National Pollutant Discharge Elimination System (NPDES) process, which would include the establishment of a regulatory mixing zone. Implementation of the Federal

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<sup>5</sup> Biochemical oxygen demand over a five-day period (BOD<sub>5</sub>) is an indicator of the amount of organic pollution in wastewater.

Agency Activity would therefore be expected to result in significant marine water quality benefits in the Pacific Ocean. Net reductions in nutrient loadings to the Pacific Ocean would potentially reduce the formation of harmful algal blooms along the coastline and the associated health risks to wildlife and humans.

Based on the above, the Federal Agency Activity would support coastal water-oriented recreational activities and would help protect recreational uses of oceanfront land.

Project B (Tijuana Canyon Flows to ITP), the only project of the Federal Agency Activity that would involve construction within the coastal zone, would include installation of an underground pipeline. This project would not change the use of the upland areas in the coastal zone.

**Finding:** The Federal Agency Activity is consistent with these Sections of Article 3 (Recreation) of the CCA.

## **5.2 Article 4 – Marine Environment**

### **5.2.1 Sections 30230 and 30231**

#### **Applicable Policy**

*Section 30230 Marine resources; maintenance: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*Section 30231 Biological productivity; water quality: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

#### **Comment and Analysis**

The Federal Agency Activity would comply with all applicable laws, regulations, and protections afforded to marine resources, species, and habitats including but not limited to the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act, and the Marine Mammal Protection Act.

While the Federal Agency Activity would not include restoration projects or activities, it would result in net water quality benefits that would improve marine resources, biological productivity, water quality, and human health. Benefits of the Federal Agency Activity would include reduction of untreated wastewater contamination in transboundary flows in the Tijuana River and in flows that would have otherwise been discharged, untreated, to the Pacific Ocean via SAB Creek. The net reduction in pollutant loadings to marine waters is expected to improve water quality conditions in the evaluated area and result in a net beneficial impact on marine wildlife.

The Federal Agency Activity would not diminish biological productivity or populations of marine organisms of the coastal zone. However, the Federal Agency Activity could have localized adverse water quality impacts, as the additional discharges of treated effluent via the SBOO resulting from Projects A (Expanded ITP) and D (APTP Phase 1) would increase pollutant loadings in the immediate area around the SBOO. As stated in the Biological Assessment (BA) submitted to the National Marine Fisheries Service (NMFS), this increase in discharge of treated effluent via the SBOO **is likely to result in adverse effects** to ESA-listed species identified as having a medium to high potential to occur within the action area and **may affect, but is not likely to adversely affect all other listed species** (EPA, 2022a). EPA also evaluated impacts to Essential Fish Habitat (EFH) in an EFH Assessment submitted to NMFS and found that the Federal Agency Activity **would adversely affect** the EFH within the zone of initial dilution (ZID) through an increase in the total amount of chemicals toxic to marine life as well as through anchor deployment during recommissioning of diffuser ports on the SBOO, which could disturb small areas of seabed communities (EPA, 2022b). While the increase in pollutant discharges via the SBOO could affect individual animals belonging to populations of conserved species, this would be unlikely to interfere with sustaining “healthy populations” of these species. Although there remains uncertainty as to whether and how EFH outside of the ZID would be affected by the discharge, the EFH Assessment concluded that the Federal Agency Activity **would not adversely affect** EFH outside of the ZID (EPA, 2022b).

As described in the BA and the EFH Assessment, mitigation measures proposed as part of the Federal Agency Activity to **minimize adverse effects** during construction and O&M include: keeping a constant watch of the ocean surface in front of and adjacent to the vessel for marine mammals and turtles at all times, using onboard sonar equipment to check for reef before anchor deployment, and using an anchor that is as small as safely possible and minimizing the number of anchor deployments. Additionally, during operation, EPA and USIBWC would adhere to NPDES permit conditions, including by staying within operational effluent limitations for the discharge from the SBOO (EPA, 2022a, 2022b). EPA and USIBWC would also adhere to additional reasonable and prudent mitigation measures, if identified by NMFS during ongoing formal consultation or in the Biological Opinion for the Federal Agency Activity, to minimize potential effects to ESA-listed species due to SBOO discharges.

As described in detail in the comment and analysis discussion of Section 5.1.1 (Sections 30220, 30221, 30223) of this consistency determination, the Federal Agency Activity would result in reductions in pollutant loadings that would lead to substantial improvements to coastal water quality and potential reduction in the formation of harmful algal blooms. Based on these benefits, the Federal Agency Activity would result in net benefits to listed marine species and EFH. With the overarching goal of reducing contaminated transboundary flows, the Federal Agency Activity would minimize adverse effects of wastewater discharges.

The Federal Agency Activity would not establish any opportunities for entrainment of species and would not include construction of any intakes. Implementation of the Federal Agency Activity would add a total of up to 12.3 acres of new impervious surfaces within the Tijuana River Valley, increasing stormwater runoff within the coastal zone. To reduce any adverse impacts and to control runoff, EPA and USIBWC would procure necessary state stormwater permits, incorporate stormwater runoff control measures, and develop a Stormwater Quality Management Plan and Spill Prevention Plan that include best management practices (BMPs) for minimizing runoff. Even without these mitigation measures, impacts to the coastal zone from the new impervious surfaces are expected to be negligible.



The Federal Agency Activity would not substantially interfere with surface water flow but would result in a minor reduction in transboundary river flow volume (approximately a 6-percent reduction in annual flow volume based on an analysis of historical stream gauge data). This surface flow reduction would take place over the course of several years as pipeline repairs are performed in Tijuana under Project C (Tijuana Sewer Repairs) and as the reliability and capacity of the existing PB-CILA river diversion system in Mexico increases under Project D. Construction for Project B (Tijuana Canyon Flows to ITP) would potentially impact two potentially jurisdictional waters of the U.S., depending on final design and siting location of the pipeline, but effects would be minor and temporary and would not substantially interfere with natural streams. Operation of Projects A and B would result in negligible or no changes to transboundary river flows.

The Federal Agency Activity would not significantly affect groundwater supplies since it would target the diversion of dry-weather flows and only a very small portion of wet weather flows. It would not affect wet-weather transboundary river flow events that saturate the wider floodplain, fill ponds and other depressions, and gradually recharge the aquifer. Overall, transboundary river flow conditions after implementation of the Federal Agency Activity would be expected to be generally consistent, in terms of frequency and volume, with historical conditions since 2000. Further, operations of the Federal Agency Activity would not introduce a new demand for groundwater, would not promote a new groundwater use, and would not impact drinking water resources because none are present within the affected area.

Natural vegetation buffer areas that protect riparian habitats would be maintained and implementation of the Federal Agency Activity would not result in the removal of vegetation within riparian habitats. Moreover, water quality improvements from implementation of the Federal Agency Activity would likely have long-term beneficial effects on riparian habitat. Based on continued informal consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with ESA Section 7, it is possible that USFWS may identify additional conservation measures necessary to ensure that reductions in freshwater river flows under the Federal Agency Activity would not result in a net loss of downstream riparian habitat. These measures would be implemented for the Federal Agency Activity. Any potential reduction in flows would likely have a beneficial impact on downstream efforts to counteract the increasing freshwater influence on salt marsh habitat in the Tijuana River Estuary.

While the Federal Agency Activity would not reclaim water, it would expand secondary treatment at the ITP (Project A) with the expectation that a portion of the treated effluent would eventually be conveyed to Mexico under a separate project for reuse.

**Finding:** The Federal Agency Activity neither directly promotes nor is inconsistent with these Sections of Article 4 (Marine Environment) of the CCA.

### **5.2.2 Section 30232**

#### **Applicable Policy**

*Section 30232 Oil and hazardous substance spills: Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

### Comment and Analysis

Vessel activities during modifications to the SBOO wye diffuser, if necessary to accommodate increased discharges under Projects A (Expanded ITP) and D (APTP Phase 1), would bring a small risk of grounding or oil spill. Vessels would be maintained to a standard that eliminates the likelihood of spills during normal operation, including the storage and maintenance of spill kits appropriate to dealing with small vessel-based spills such as sand buckets, absorbent pads and cloths, and other emergency containment devices to stop small spills of hydraulic fluids and other polluting fluids from entering the water if they are accidentally spilled on deck.

Construction activities would also have potential for oil leaks or spills. EPA and USIBWC would incorporate specific measures to reduce the potential for soil contamination during construction activities (e.g., from equipment leaks or material spills) in a project-specific Stormwater Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Developer and approved by the San Diego Water Board.

**Finding:** The Federal Agency Activity is consistent with this Section of Article 4 (Marine Environment) of the CCA.

#### 5.2.3 Section 30233

##### Applicable Policy

##### Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*[...]*

*(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*[...]*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such*

*improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.*

*(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

### **Comment and Analysis**

The Federal Agency Activity would not include dredging or disposal of dredged spoils, nor would it include construction of erosion and flood control facilities. The Federal Agency Activity would not involve diking, filling, or dredging of open coastal waters, estuaries, or lakes. Components of the Federal Agency Activity, specifically Project B, would occur in the coastal zone and serve incidental public service purposes since it includes the installation of buried pipelines. Under Option B1 of Project B (Tijuana Canyon Flows to ITP), two potentially jurisdictional coastal wetlands—specifically, wetlands identified in field surveys as MR Trib 1 and MR Trib 2 adjacent to Monument Road—could experience minor impacts from temporary open-cut trenching, depending on final design and siting location of the pipeline. While the Federal Agency Activity would potentially directly impact these wetlands by crossing them during pipeline installation, the Federal Agency Activity would not “fill” the wetlands. Mitigation measures to minimize impacts to wetlands include:

- Acquisition of CWA Section 404 permit authorization(s) and adherence to CWA 404 permit conditions, if applicable; water quality certification or waste discharge permit from RWQCB.
- Adherence to erosion and sediment control measures and prevention procedures in accordance with a project-specific SWPPP prepared by a certified Qualified SWPPP Developer and approved by the San Diego Water Board.
- Incorporation of stormwater runoff control measures, procurement of state stormwater permits, and development of a Stormwater Quality Management Plan and Spill Prevention Plan that include BMPs for minimizing stormwater runoff, erosion, and potential water quality impacts.

Project B would also include temporary construction activities in Smuggler’s Gulch that would occur in the vicinity of the Palustrine Scrub-Shrub wetland and an intermittent stream channel that were delineated as potential jurisdictional waters of the U.S. While construction would occur close to these wetlands, it would not *directly* impact them. To ensure minimal impacts, EPA and USIBWC would implement mitigation measures (e.g., spill prevention and erosion and sediment control measures) to mitigate the minor, short-term impacts to water quality from construction-related activities.

**Finding:** The Federal Agency Activity is consistent with this Section of Article 4 (Marine Environment) of the CCA.

#### 5.2.4 Section 30234.5

##### Applicable Policy

*Section 30234.5 Economic, commercial, and recreational importance of fishing: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

##### Comment and Analysis

The Federal Agency Activity would not directly affect fishing industries and therefore would not directly recognize or aim to protect fishing activities as its goal or purpose. During construction, vessel operation and diver activity during modifications to the wye diffuser array on the SBOO could potentially result in minor temporary inconveniences to recreational and commercial fishing activities. However, construction activities would occur over a relatively short period of time (a few hours each day for a few weeks), would be localized to the area around the southern leg of the wye diffuser of the SBOO, and would likely occur in phases over the course of several years. In the long-term, projects would enhance marine water quality in marine areas used by the recreational and commercial fishing industries.

**Finding:** The Federal Agency Activity neither directly promotes nor is inconsistent with this Section of Article 4 (Marine Environment) of the CCA.

#### 5.3 Article 5 – Land Resources

##### 5.3.1 Section 30240

##### Applicable Policy

*Section 30240 Environmentally sensitive habitat areas; adjacent developments*

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

##### Comment and Analysis

The Federal Agency Activity would not significantly disrupt environmentally sensitive habitat areas. Development for the Federal Agency Activity would occur in areas adjacent to environmentally sensitive habitat areas and parks (including Lemonade berry scrub habitat in Smuggler's Gulch, critical habitat for least Bell's vireo along the Tijuana River, Tijuana River Valley Regional Park (TRVRP), and downstream riparian areas). The Federal Agency Activity would be designed and sited such that no significant degradation of these areas would occur. Specifically, Project B (Tijuana Canyon Flows to ITP) would be located within the TRVRP and Lemonade berry scrub habitat. Impacts to these areas would be from trenching for pipeline installation and would be minor and temporary, and disturbed areas would be revegetated with native species. To further reduce impacts to sensitive habitat, open-cut trenching would be confined to the existing roadway

in Smuggler's Gulch and along Monument Road, as well as the undeveloped strip of land adjacent to Clearwater Way and West Tia Juana Street (on federal land).

Vernal pools are environmentally sensitive habitat because they can provide habitat for a variety of endemic species, including protected specialist species such as the federally listed San Diego fairy shrimp. Although vernal pools are not known to occur in the project area for Project B, a focused survey for vernal pools would be conducted in the Federal Agency Activity area no less than one year prior to construction. If found, vernal pools would be avoided. If vernal pools cannot be completely avoided and protocol-level surveys detect the presence of San Diego fairy shrimp in vernal pools located on the ITP parcel, or within disturbance areas, ESA Section 7 consultation with USFWS would be reinitiated, and a mitigation plan would be developed. Therefore, with implementation of mitigation (avoidance), the Federal Agency Activity would not result in significant disruption or degradation to San Diego fairy shrimp or environmentally sensitive habitat areas.

EPA and USIBWC have developed mitigation measures in case other environmentally sensitive habitats are identified during future surveys (e.g., Quino checkerspot butterfly host plants and sensitive natural plant communities such as Lemonade berry scrub and Gooding's willow-red willow Riparian Woodland and Forest). Implementation of the projects would include protocol-level surveys and/or preconstruction surveys, conducted by a qualified biologist, for special-status flora and fauna and sensitive natural communities that have the potential to occur in the evaluated area. If found, a no-work buffer would be established around the special-status population or sensitive natural community, and this buffer would be avoided to the maximum extent practicable. If the special-status species or sensitive natural community cannot be avoided, a mitigation and monitoring plan would be developed in coordination with USFWS and the California Department of Fish and Wildlife. Additionally, during construction all heavy equipment, vehicles, and construction activities would be confined to existing access roads, road shoulders, and disturbed/developed or designated work areas. Wash stations would be set up at all vehicle entrances into the work area to remove plant material, mud, and dirt from vehicles before entering the area. Project workers would use boot brushes, a metal scraper, soap, water, and scrub brushes to remove mud, debris, and plant materials found on their clothing and personal equipment. Therefore, with implementation of these mitigation measures and others described in the BA, construction would not result in significant disruption or degradation of environmentally sensitive habitat areas.

In the long-term, environmentally sensitive habitat areas could see benefits resulting from improved water quality as a result of the Federal Agency Activity. As described earlier, the purpose of the Federal Agency Activity is to reduce transboundary flows that cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas. Within these areas, environmentally sensitive habitat areas, including but not limited to least Bell's vireo critical habitat, TRVRP, and downstream riparian areas, would see the benefits as a result of improved water quality after implementation of the Federal Agency Activity.

**Finding:** The Federal Agency Activity neither directly promotes nor is inconsistent with this Section of Article 5 (Land Resources) of the CCA.

### 5.3.2 Section 30241

#### Applicable Policy

##### Section 30241 Prime agricultural land; maintenance in agricultural production

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

#### Comment and Analysis

The Tijuana River Valley is surrounded by developed, urbanized areas. Several privately owned parcels in the Tijuana River Valley are used for agricultural purposes, including some located just north of Smuggler's Gulch along Monument Road and several parcels adjacent to the City of Imperial Beach to the east of the Naval Outlying Landing Field Imperial Beach. The USIBWC-owned parcel includes approximately 130 acres between Dairy Mart Road, the Tijuana River, and the north levee that are currently used as a sod farm. The river main channel, Smuggler's Gulch, and Goat Canyon contain no agricultural uses. The Federal Agency Activity would not occur on agricultural lands.

Only Project B (Tijuana Canyon Flows to ITP) activities in Smuggler's Gulch and along Monument Road are located in the vicinity of land used for ranching and agriculture in the middle of the Tijuana River Valley. Construction and operation of facilities under the Federal Agency Activity would not impair air or water quality in agricultural areas elsewhere in the Tijuana River Valley, nor is it expected to increase farm property values, taxes, and other assessment costs or otherwise impair agricultural viability.

**Finding:** The Federal Agency Activity is consistent with this policy in Article 5 (Land Resources) of the CCA.

## 5.4 Article 6 – Development

### 5.4.1 Section 30251

#### **Applicable Policy**

*Section 30251 Scenic and visual qualities: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

#### **Comment and Analysis**

The Federal Agency Activity would result in minor long-term impacts to scenic and visual resources but would not detract from visual quality or character. New infrastructure and minor landform alterations associated with implementation of the Federal Agency Activity would potentially be visible from recreational areas, public roads, and scenic overlooks nearby. Specifically, new infrastructure built for Projects A (Expanded ITP) and D (AFTP Phase 1) would have potential minor visibility from local roads and a nearby scenic overlook. Because they would be built next to and with a similar style, size, and height as the existing wastewater treatment plants, new infrastructure for Projects A and D would be consistent with the existing visual character of the localized area and would not detract from visual quality. Minor topographic changes and/or land conversion would occur to accommodate implementation of Projects A and D. However, any topographic or landform alteration would be limited to the ITP parcel, would not affect scenic views of mesas, would be consistent with the existing visual character, and would not involve alteration of “natural land forms” as the existing ITP parcel has already been extensively modified. Further, operational lighting for Projects A and D would be installed and operated in accordance with applicable regulations and ordinances and would not produce excessive light pollution or glare.

**Finding:** The Federal Agency Activity is consistent with this Section of Article 6 (Development) of the CCA.

### 5.4.2 Section 30253

#### **Applicable Policy**

*Section 30253 Minimization of adverse impacts*

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

(3) *Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

(4) *Minimize energy consumption and vehicle miles traveled.*

(5) *Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

#### **Comment and Analysis**

The Federal Agency Activity would include development within or near areas susceptible to hazardous conditions, such as Very High Fire Hazard Severity Zones (which includes the entire Tijuana River Valley) and areas susceptible to landslides (both sides of Smuggler's Gulch). To minimize risks to life and property, development in these areas would be consistent with applicable design codes to reduce risks, and EPA and USIBWC would incorporate measures to prevent unstable soil conditions such as caving, sloughing, and trench collapses.

Construction would result in temporary and direct emissions of criteria air pollutants (volatile organic compounds [VOCs], nitrogen oxides [NO<sub>x</sub>], particulate matter, and carbon monoxide) due to factors including combustion of fossil fuels by on-road and non-road vehicles and equipment, dust and soil disturbance, asphalt paving, and painting. Construction emissions are estimated to fall well below the General Conformity Rule *de minimis* levels and Air Quality Impact Assessment trigger levels and would not result in significant air quality impacts.

Under Project A (Expanded ITP), incorporation of anaerobic digestion, and the associated requirement to combust the generated biogas (e.g., via flare, engine, or turbine), would drastically increase the ITP's potential-to-emit for regulated pollutants including NO<sub>x</sub>, non-methane hydrocarbons/VOCs, and hazardous air pollutants including formaldehyde, as well as the odorous compound hydrogen sulfide. Operations under Projects A and D (AFTP Phase 1) would increase recurring mobile source emissions to and from the ITP parcel (e.g., along portions of Dairy Mart Road and through the Interstate 5 interchange) due to increases in staff commuting and truck hauling of solid waste. These increases in traffic volume in the U.S. would be negligible compared to existing levels. Operation of the new and expanded treatment plants under Projects A and D would also generate indirect emissions due to factors including energy consumption, landfill use, and water consumption. EPA and/or USIBWC would obtain and comply with all applicable air permits.

Implementation of the Federal Agency Activity would result in increased energy use associated with construction and O&M activities. However, the proposed anaerobic digestion of primary and secondary sludge under Project A would provide an opportunity to offset grid electricity use through biogas combustion. This would have the potential to fully offset the increased electricity demand at the ITP and AFTP, with the possibility of also generating surplus electricity to offset a portion of the electricity demand from continued operation of the existing ITP facilities. To mitigate the overall increase in energy use, EPA and USIBWC would minimize energy consumption through promoting and adopting energy conservation practices during siting, orientation, and design.

Projects A and D would increase Vehicle Miles Traveled (VMT) compared to current conditions. However, several mitigation measures would be implemented to reduce these increases. For Project A, the incorporation of anaerobic digestion into the wastewater processes at the ITP would significantly reduce the quantity of solids waste produced and thus limit the truckloads required for disposal as well as VMT. Additionally, EPA and USIBWC would develop and implement a Construction Traffic Management Plan and an Operational Traffic Management Plan to reduce the



amount of vehicle trips and VMT during construction and operation. Finally, EPA and USIBWC would conduct a feasibility assessment for the use of larger-capacity dump trucks for hauling of APTP solids waste to landfills, which would reduce the number of trips required. This assessment would need to be conducted prior to or during design for the APTP to ensure the facilities and site plan incorporate sufficient clearance for larger trucks. Finally, the Federal Agency Activity would not impact special communities or neighborhoods that are popular visitor destination points.

**Finding:** The Federal Agency Activity neither directly promotes nor is inconsistent with this Section of Article 6 (Development) of the CCA.

#### 5.4.3 Section 30254

##### Applicable Policy

*Section 30254 Public works facilities: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

##### Comment and Analysis

The Federal Agency Activity would accommodate the needs and goals developed in compliance with the USMCA Implementation Act by treating wastewater in transboundary flows from Mexico. These needs are not generated by development or from permitted uses originating in the U.S. Although the Federal Agency Activity would treat wastewater from Mexico, it would provide an essential public service in the U.S. by improving water quality and reducing the associated adverse human health impacts. Existing services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region would not be precluded by the Federal Agency Activity. Implementation of the Federal Agency Activity could create potential indirect socioeconomic benefits due to improved water quality, including improved public recreational conditions and reduction of water-quality barriers to tourism and related economic activity in coastal communities.

**Finding:** The Federal Agency Activity is consistent with this Section of Article 6 (Development) of the CCA.

## 6. LOCAL COASTAL PROGRAMS

This section briefly discusses the relationship between the Federal Agency Activity and nearby LCPs. Elements of the Federal Agency Activity are located within the City of San Diego LCP jurisdiction and are upstream from the City of Imperial Beach LCP (see Figure 4-1). This consistency determination considers the Federal Agency Activity's consistency with the goals of the plans that implement those LCPs respectively: the Tijuana River Valley Local Coastal Program Land Use Plan (1976, as amended) and the City of Imperial Beach General Plan/Local Coastal Program

Land Use Plan (September 2019). The Commission certified the Tijuana River Valley segment of the City of San Diego LCP in 1988 and the City of Imperial Beach LCP in 1984.

The significant majority of the Federal Agency Activity would be on federal lands and therefore would not be within either City of San Diego LCP or City of Imperial Beach LCP jurisdiction. Construction and operation of Projects A (Expanded ITP) and D (AFTP Phase 1) would be located on the ITP parcel, which is federal land and therefore not part of the coastal zone. Project C (Tijuana Sewer Repairs) would be located entirely in Mexico and is not subject to the policies of the CCA and subsequent certified LCPs. Piping under Project B (Tijuana Canyon Flows to ITP) would be located within the City of San Diego LCP jurisdiction. All projects would result in downstream effects that occur in both LCPs.

The following sections describe how the Federal Agency Activity would enhance the goals or policies of the City of San Diego LCP and the City of Imperial Beach LCP as a way of providing supplementary information to this consistency determination. However, the standard of review for this consistency determination is consistency with provisions of the CCA, as specified in Section 4.1 (Standard of Review) and as analyzed in Section 5 (Consistency with Provisions of the California Coastal Act) of this consistency determination.

### **6.1 City of San Diego LCP**

The Tijuana River Valley segment of the City of San Diego LCP prioritizes “preservation, enhancement and restoration of the area, while still allowing for limited recreational and agricultural use,” (City of San Diego, 2007, pg. 2). The Tijuana River Valley Local Coastal Program Land Use Plan contains goals to guide private land use development and governmental actions in the Tijuana River Valley within the following elements: multiple species conservation open space; other community open space and agriculture; utility; military; and circulation.

The Federal Agency Activity as a whole would result in long-term effects (mainly water quality benefits) to the coastal zone by reducing contaminated transboundary flows. Certain components of the Federal Agency Activity—specifically, portions of Project B (Tijuana Canyon Flows to ITP)—would take place within the City of San Diego LCP jurisdiction and would result in some minor localized construction-related impacts within the coastal zone. Once implemented, the Federal Agency Activity (including the pipelines installed within the LCP jurisdiction) would particularly enhance the following goals, objectives, and specific recommendations of the Tijuana River Valley Local Coastal Program Land Use Plan:

- Overall plan goals:
  - To protect, preserve, and restore natural coastal resources.
  - To provide necessary public health and safety facilities and services, including Border Patrol operations, within the public lands portion of the planning area in keeping with the passive use of the natural environment.
- Multiple species conservation open space:
  - Goal: Intermix the natural habitat with compatible agricultural, recreational, and water quality improvement activities, all functioning in concert to maintain and enhance natural ecosystems and the local quality of life and environment.

- Goal: Maintain existing reserve (estuary) and park uses.
- Goal: Retain and enhance, where possible, existing riparian habitat along the Tijuana River.
- Utility:
  - Goal: To provide adequate public and private utilities to serve the Tijuana River Valley and surrounding communities and region, while respecting the natural characteristics of the area.
  - Specific Recommendation: Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable. All such activities must occur on existing agricultural lands or in other disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required.
  - Specific Recommendation: Minimize environmental impacts when planning, designing, locating, and constructing all new development for utilities and facilities within or crossing the Multi-Habitat Planning Area. All such activities must avoid disturbing the habitat of Multiple Species Conservation Program covered species, and wetlands. If avoidance is infeasible, mitigation will be required.

## **6.2 City of Imperial Beach LCP**

The City of Imperial Beach General Plan/Local Coastal Program Land Use Plan is a joint document containing both the city's general development and local coastal program plans (City of Imperial Beach, 2019). It lists a series of goals and policies covering the following elements: land use; mobility; conservation and ecotourism; parks, recreation and coastal access; facilities and services; safety; design; housing; and noise.

While the Federal Agency Activity would not take place within the City of Imperial Beach LCP jurisdiction, impacts from the activities would occur in downstream areas located in the City of Imperial Beach. By improving water quality along the city's beaches, the Federal Agency Activity would particularly enhance several of the LCP's goals and policies, specifically:

- The following goals specified in the Conservation and Ecotourism Element:
  - Protection of the natural, coastal, and cultural resources of Imperial Beach, including water bodies.
  - Improved water and air quality.
  - Restored or enhanced coastal resources.
- All goals specified in the Parks, Recreation, and Coastal Access Element:
  - A city with abundant public beaches, parks, and recreational amenities to support a healthy environment and high quality of life for residents and visitors.

- Preservation and enhancement of public beaches and coastal resources that contribute to the city's identity and scenic beauty.
- Recreational amenities that support a healthy community and a strong economy.
- A city that provides access to beaches and parks that supports the enjoyment of recreational opportunities for all.
- The following goal specified in the Facilities and Services Element:
  - Timely upgrades and improvements to public facilities and services to protect the health and welfare of residents and visitors to Imperial Beach.
- The following specific policies:
  - Conservation and Ecotourism Element:
    - Policy 4.4.1: Continue to collaborate on bi-national solutions to control Tijuana River pollution and improve conditions, while pressing for infrastructure improvements on both sides of the border to foster desired outcomes.
    - Policy 4.5.1: Work with the San Diego County Air Pollution Control District to meet state and federal ambient air quality standards in order to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution.
  - Parks, Recreation, and Coastal Access Element:
    - Policy 5.2.8: Maintain and enhance the environmental integrity of all beach areas.
  - Facilities and Services Element:
    - Policy 6.7.2: Encourage federal, state, and other responsible agencies to address the problems of drainage, sewage and beach pollution associated with the Tijuana River Valley.
    - Policy 6.8.5: Support regional water conservation efforts and prevention of water quality degradation.

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**ATTACHMENT 1**

**PROJECT FIGURES**

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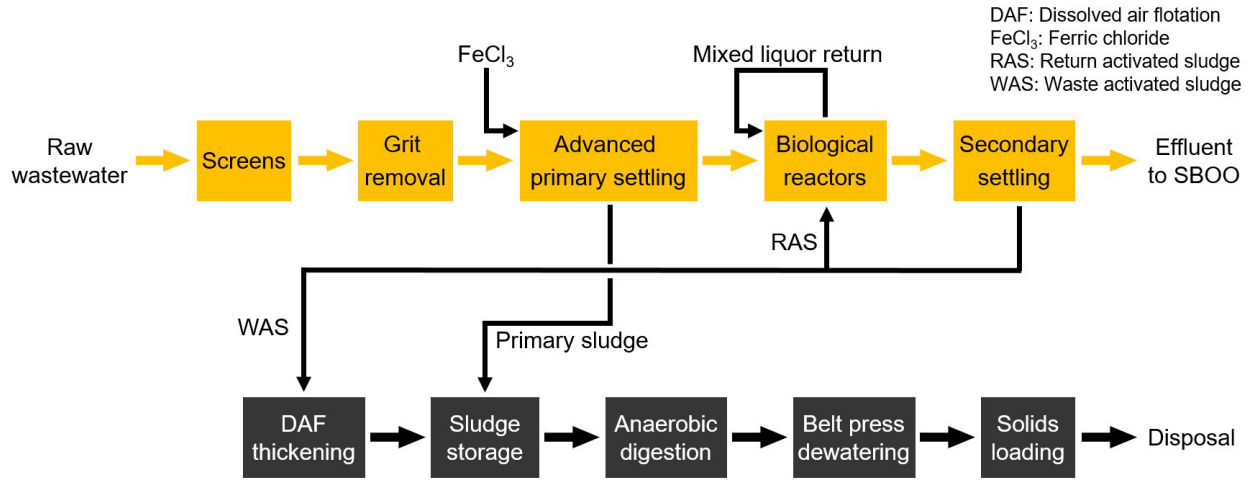


Figure 1. Project A (Expanded ITP) – Schematic of Expanded ITP Treatment Train

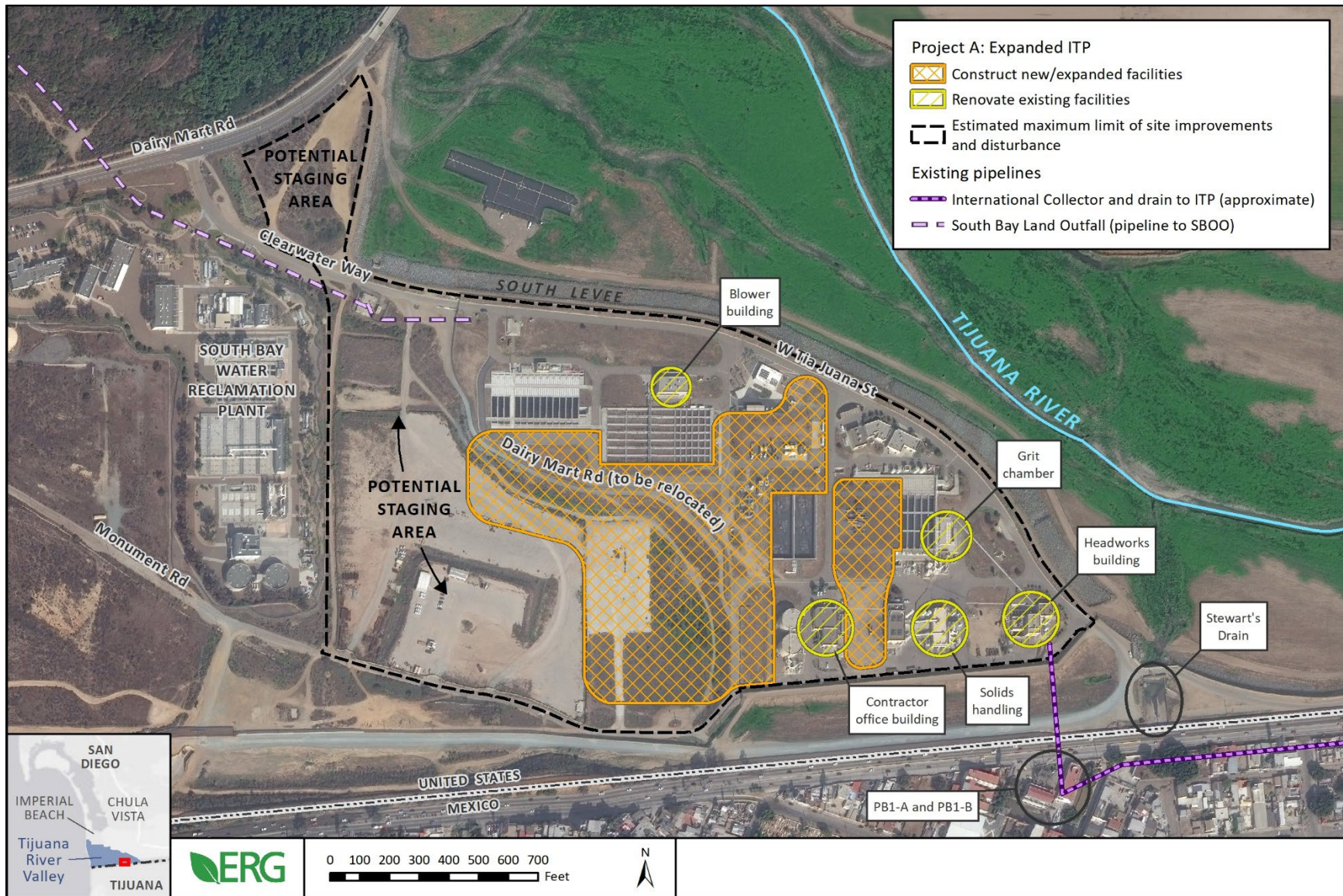


Figure 2. Project A (Expanded ITP) – Locations of Project Components

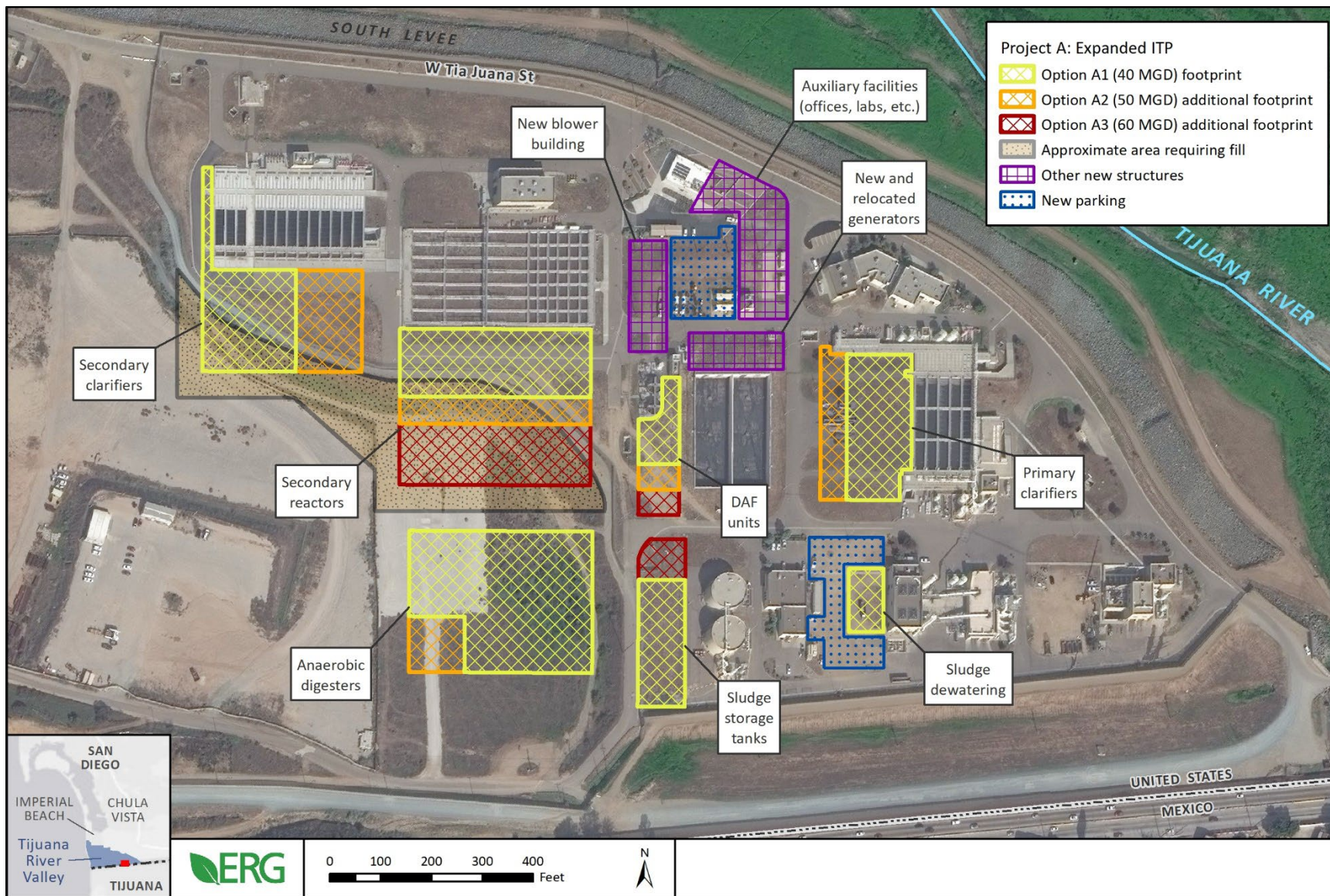


Figure 3. Project A (Expanded ITP) – Conceptual Site Plan of Proposed Facilities

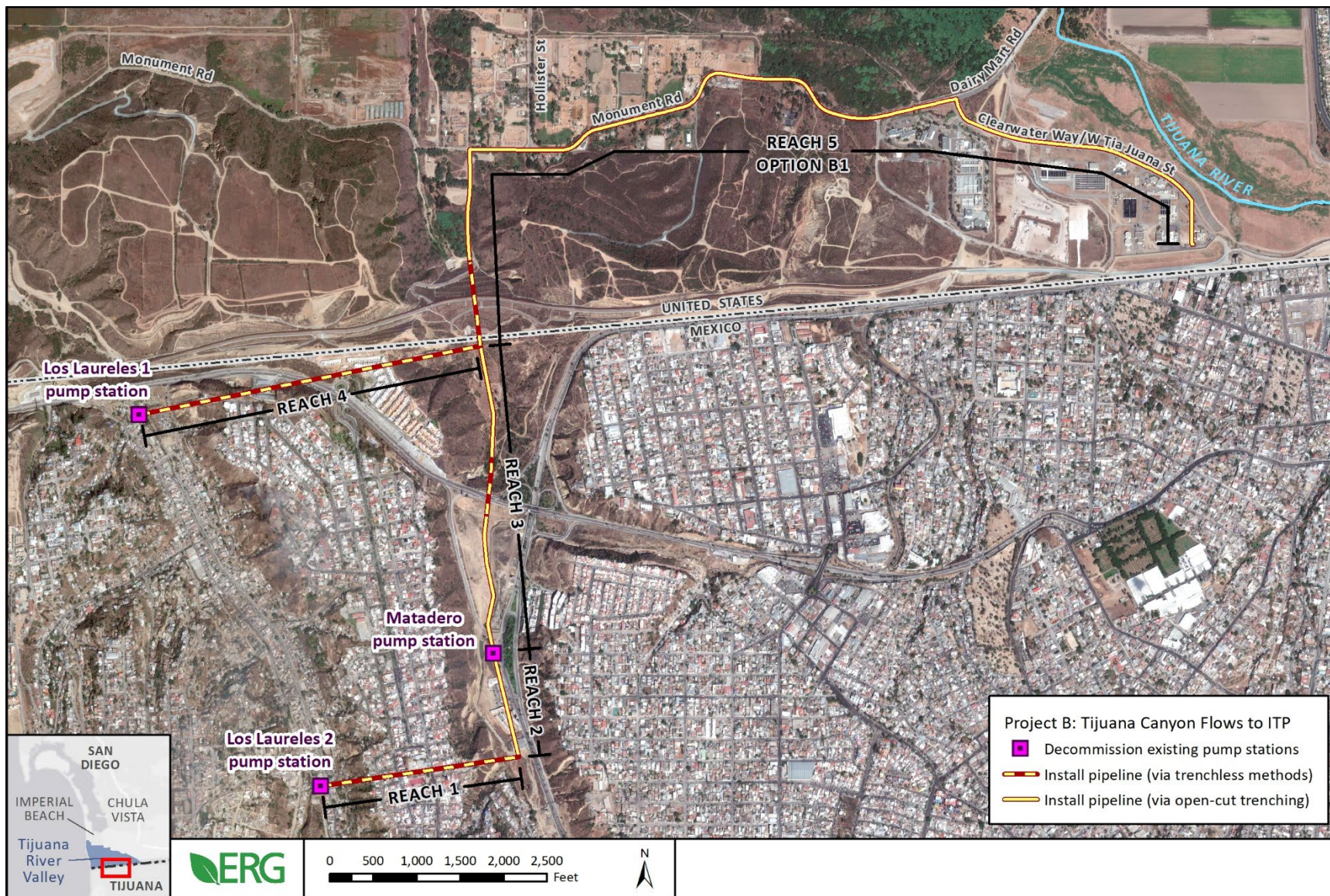
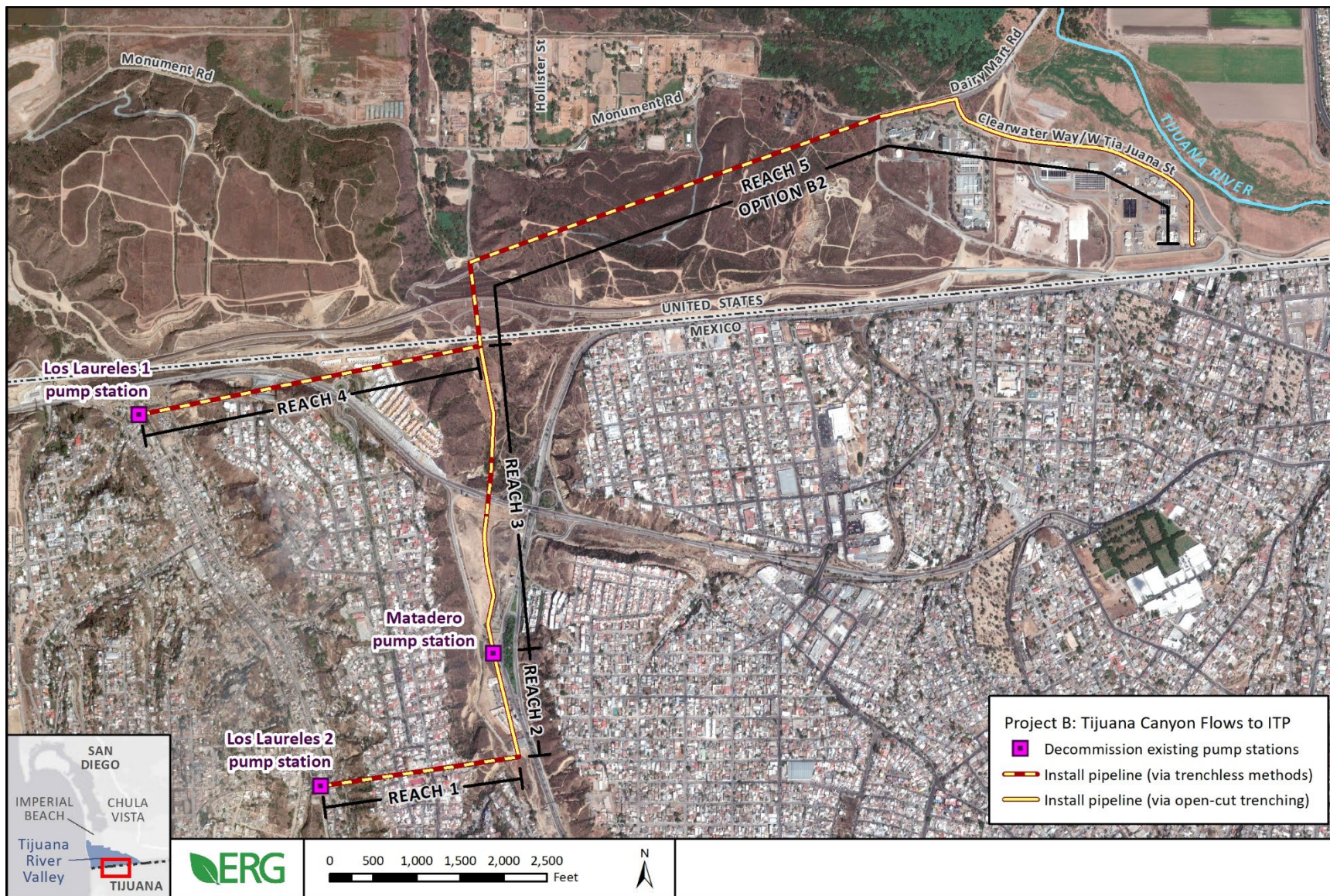


Figure 4. Project B (Tijuana Canyon Flows to ITP), Option B1 – Locations of Project Components



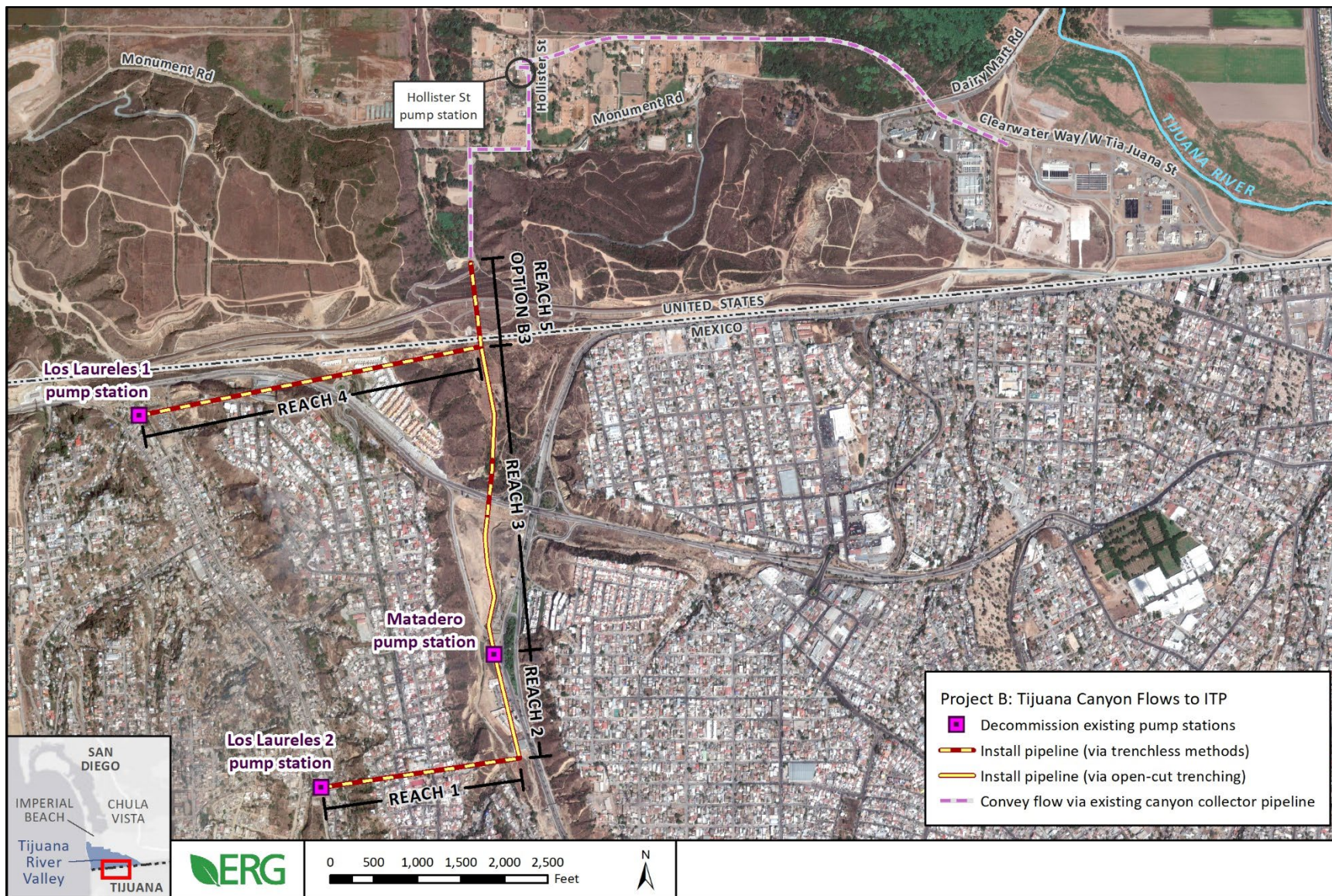


Figure 6. Project B (Tijuana Canyon Flows to ITP), Option B3 – Locations of Project Components

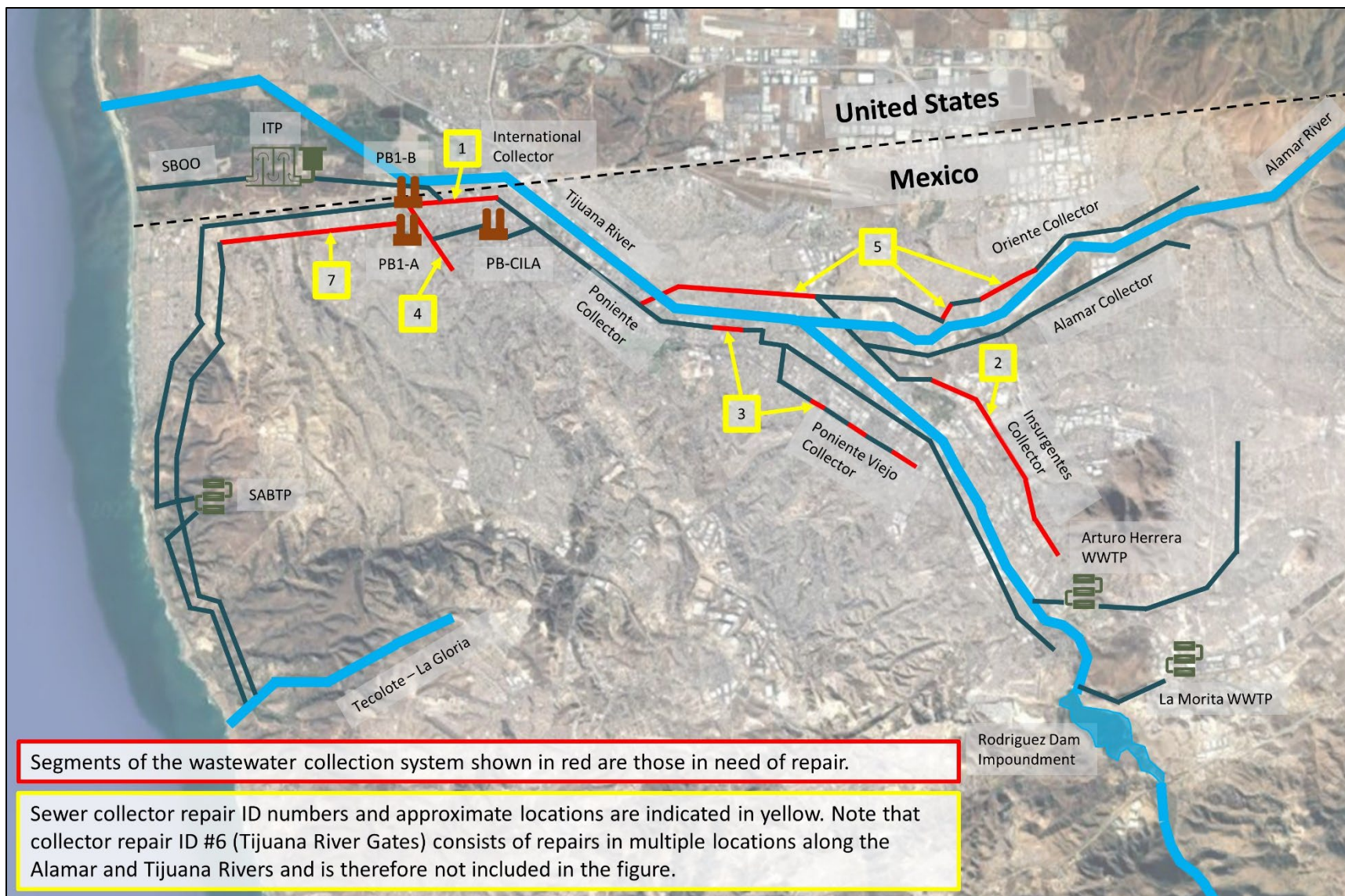


Figure 7. Project C (Tijuana Sewer Repairs) – Schematic of Tijuana Sewer Collectors for Rehabilitation or Replacement

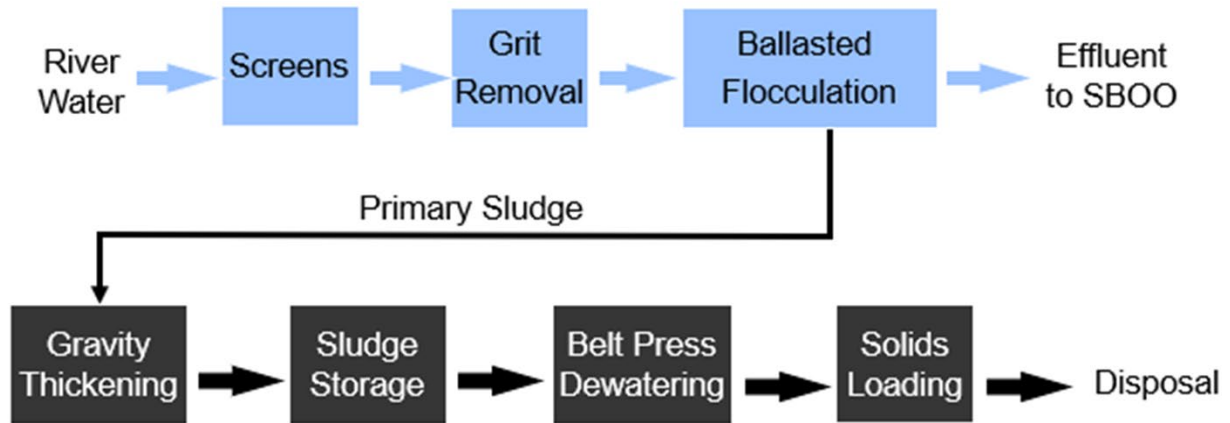
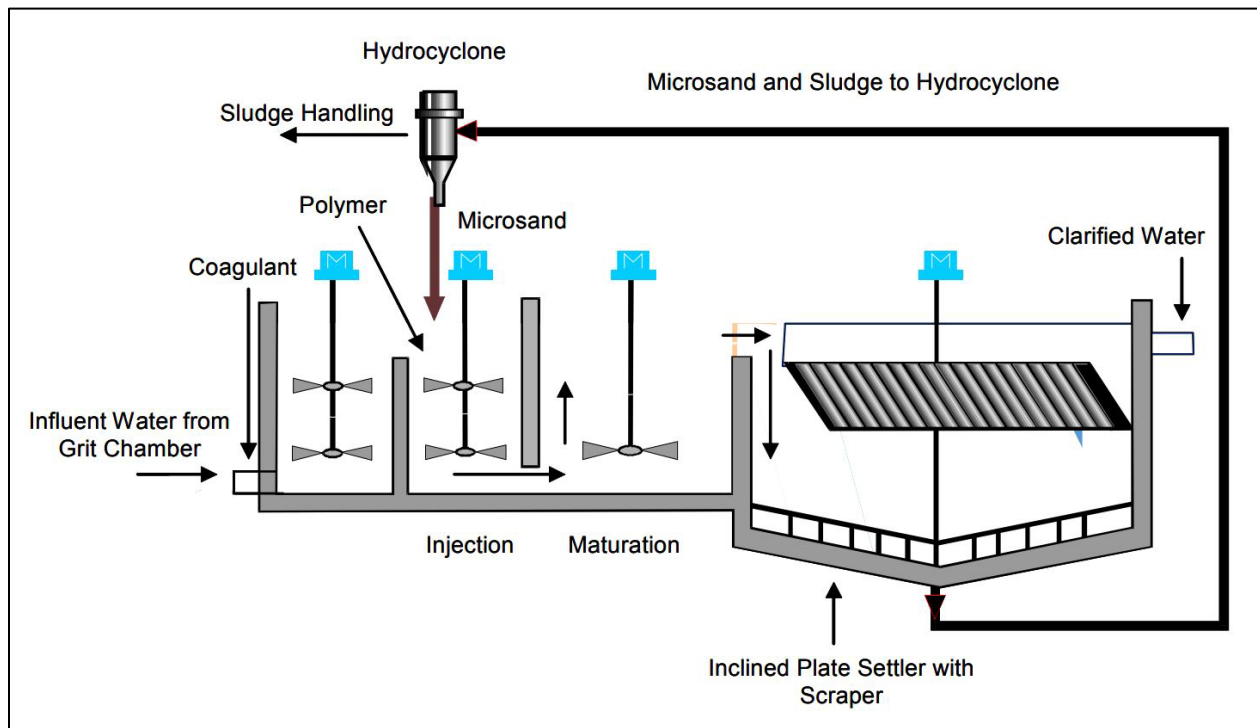


Figure 8. Project D (APTP Phase 1) – Schematic of APTP Treatment Train



Source: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100IL67.PDF?Dockey=P100IL67.pdf>.

Figure 9. Ballasted Flocculation Process Flow Schematic



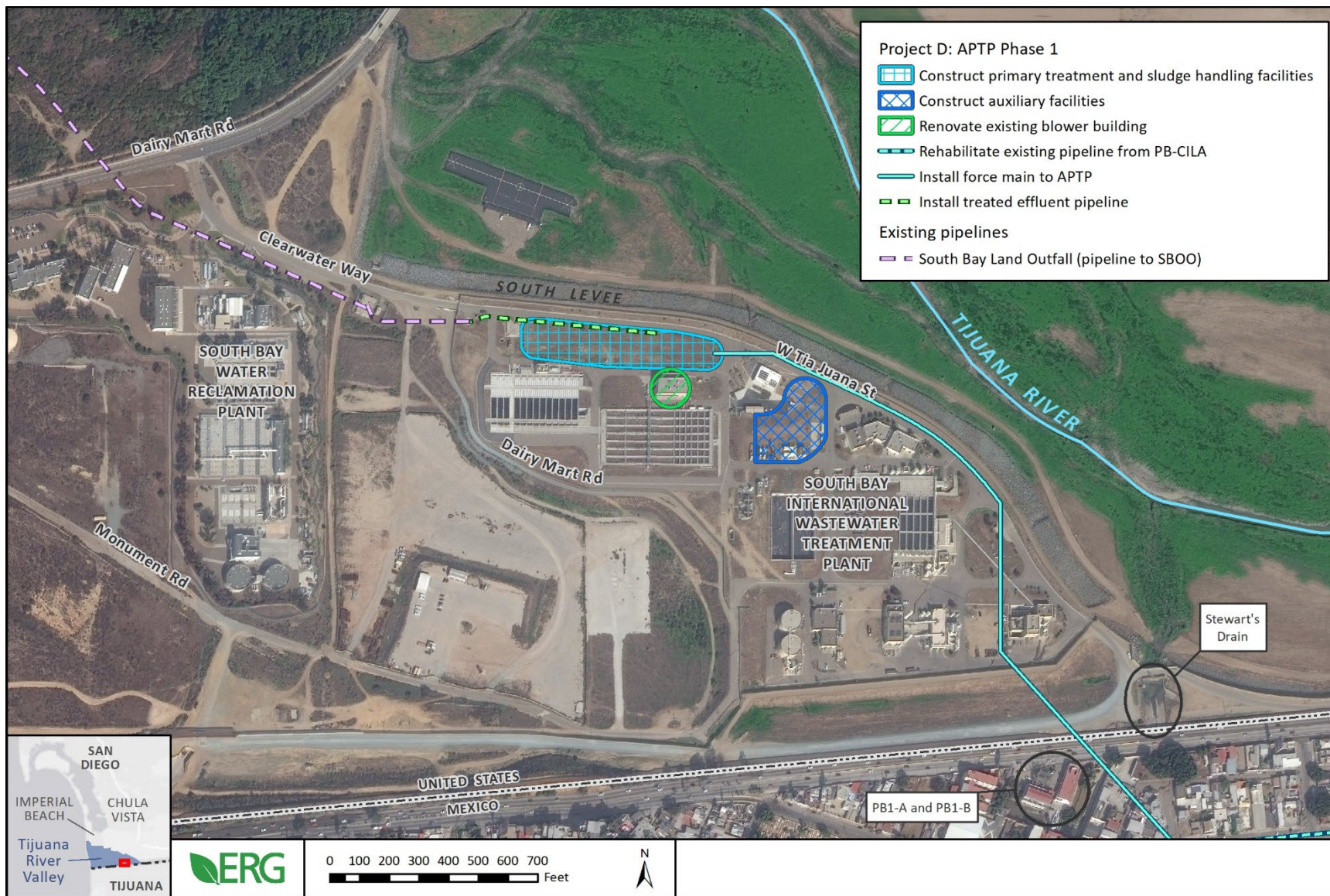


Figure 10. Project D (AFTP Phase 1) – Locations of Project Components (1 of 2)



Figure 11. Project D (AFTP Phase 1) – Locations of Project Components (2 of 2)

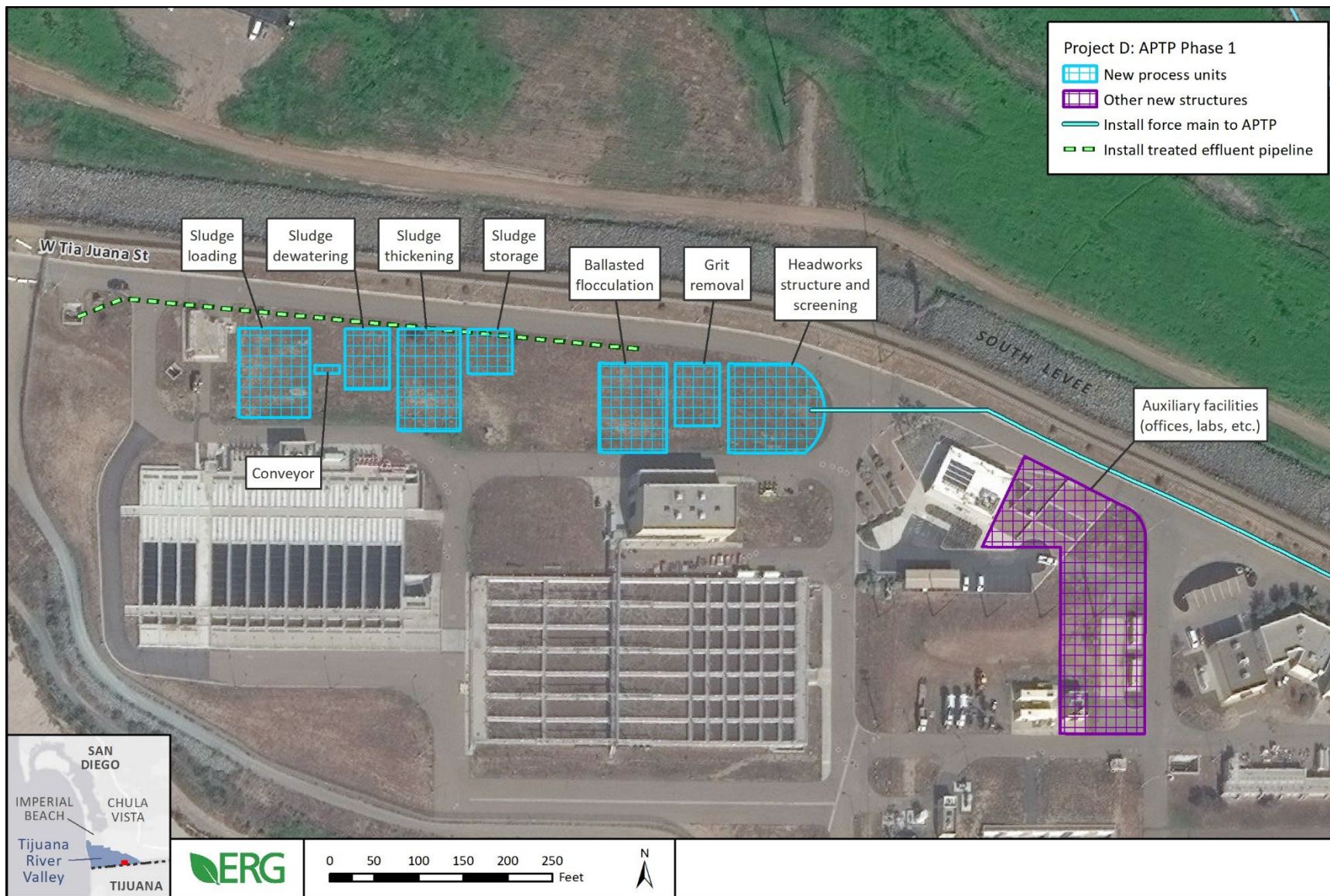


Figure 12. Project D (AFTP Phase 1) – Conceptual Site Plan of Proposed Facilities