

AMENDMENT TO H.R. 2415
OFFERED BY MR. BILBRAY OF CALIFORNIA AND
MR. FILNER OF CALIFORNIA

Page 84, after line 16, insert the following:

1 **SEC. 703. SENSE OF CONGRESS REGARDING SEWAGE**
2 **TREATMENT ALONG THE BORDER BETWEEN**
3 **THE UNITED STATES AND MEXICO.**

4 (a) FINDINGS.—

5 (1) The Congress finds that it must take action
6 to address the comprehensive treatment of sewage
7 emanating from the Tijuana River, so as to elimi-
8 nate river and ocean pollution in the San Diego bor-
9 der region.

10 (2) Congress bases this finding on the following
11 factors:

12 (A) The San Diego border region is ad-
13 versely impacted from cross border raw sewage
14 flows that effect the health and safety of citi-
15 zens in the United States and Mexico and the
16 environment.

17 (B) The United States and Mexico have
18 agreed pursuant to the Treaty for the Utiliza-
19 tion of Waters of the Colorado and Tijuana
20 Rivers and of the Rio Grande, dated February

1 3, 1944, “to give preferential attention to the
2 solution of all border sanitation problems”.

3 (C) The United States and Mexico recog-
4 nize the need for utilization of reclaimed water
5 to supply the growing needs of the City of Ti-
6 juana, Republic of Mexico, and the entire bor-
7 der region.

8 (D) Current legislative authority limits the
9 scope of proposed treatment options in a way
10 that prevents a comprehensive plan to address
11 the volume of cross border raw sewage flows
12 and the effective utilization of reclamation op-
13 portunities.

14 (E) This section encourages action to ad-
15 dress the comprehensive treatment of sewage
16 emanating from the Tijuana River, so as to
17 eliminate river and ocean pollution in the San
18 Diego border region, and to exploit effective
19 reclamation opportunities.

20 (b) SENSE OF CONGRESS.—The Congress—

21 (1) encourages the Secretary of State to give
22 the highest priority to the negotiation and execution
23 of a new treaty minute with Mexico, which would
24 augment Minute 283 so as to allow for the siting of
25 sewage treatment facilities in Mexico, to provide for

1 additional treatment capacity, up to 50,000,000 gal-
2 lons per day, for the treatment of additional sewage
3 emanating from the Tijuana area, and to provide di-
4 rection and authority so that a comprehensive solu-
5 tion to this trans-border sanitation problem may be
6 implemented as soon as practicable;

7 (2) encourages the Administrator of the Envi-
8 ronmental Protection Agency and the United States
9 section of the International Boundary and Water
10 Commission to enter into an agreement to provide
11 for secondary treatment in Mexico of effluent from
12 the International Wastewater Treatment Plant
13 (IWTP);

14 (3) encourages the United States section of the
15 International Boundary and Water Commission to
16 provide for the development of a privately-funded
17 Mexican Facility, through the execution of a fee-for-
18 services contract with the owner of such facility, in
19 order to provide for—

20 (A) secondary treatment of effluent from
21 the IWTP, if found to be necessary, in compli-
22 ance with applicable water quality laws of the
23 United States, Mexico, and California; and

24 (B) additional capacity for primary and
25 secondary treatment of up to 50,000,000 gal-

1 lons per day, for the purpose of providing addi-
2 tional sewage treatment capacity in order to
3 fully address the trans-border sanitation prob-
4 lem;

5 (C) provision for any and all approvals
6 from Mexican authorities necessary to facilitate
7 water quality verification and enforcement at
8 the Mexican Facility to be carried out by the
9 International Boundary and Water Commission
10 or other appropriate authority;

11 (D) any terms and conditions deemed nec-
12 essary to allow for use in the United States of
13 treated effluent from the Mexican Facility if
14 there is reclaimed water surplus to the needs of
15 users in Mexico; and

16 (E) return transportation of whatever por-
17 tion of the treated effluent which cannot be
18 reused to the South Bay Ocean Outfall; and

19 (4) in addition to other terms and conditions
20 considered appropriate by the International Bound-
21 ary and Water Commission, in any fee-for-services
22 contract, encourages the International Boundary
23 and Water Commission to include the following
24 terms and conditions—

25 (A) a term of 30 years;

1 (B) appropriate arrangements for the mon-
2 itoring and verification of compliance with ap-
3 plicable United States, California, and Mexican
4 water quality standards;

5 (C) arrangements for the appropriate dis-
6 position of sludge, produced from the IWTP
7 and the Mexican Facility, at a location or loca-
8 tions in Mexico; and

9 (D) payment of appropriate fees from the
10 International Boundary and Water Commission
11 to the owner of the Mexican Facility for sewage
12 treatment services, with the annual amount
13 payable to be reflective of all costs associated
14 with the development, construction, operation,
15 and financing of the Mexican Facility.