

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE RESOLUTION NO. R9-2015-0035
A RESOLUTION ENDORSING THE TIJUANA RIVER VALLEY RECOVERY TEAM
FIVE-YEAR ACTION PLAN, DATED MARCH 2015**

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (hereinafter, San Diego Water Board), finds that:

1. The Tijuana River watershed straddles the international border between the United States and Mexico. The Tijuana River flows through highly urbanized areas in Mexico before entering into the Tijuana Estuary and the Pacific Ocean through San Diego County of the United States.
2. The Tijuana River Estuary is the largest functioning wetland in Southern California, providing habitat for at least six endangered species and many threatened species of wildlife and vegetation. It is an exceptionally rich and invaluable natural resource and is designated as one of only 25 wetlands of international importance.¹
3. The lower six miles of the Tijuana River and the Tijuana River Estuary (collectively, the Tijuana River Valley, or Valley) are degraded due to excessive sedimentation and trash, as well as numerous other pollutants originating primarily from Mexico and to a lesser extent from sources in the United States.
4. As a result of these pollutants, many water quality objectives are not attained in the Tijuana River Valley and numerous beneficial uses are impaired, most importantly, those associated with protection of aquatic life (e.g., warm freshwater, estuarine, marine habitat, and rare and endangered species, etc.) and protection of human health (e.g., contact and non-contact water recreation, fishing, shellfishing, etc.).

¹ International Ramsar Convention on Wetlands, 2005

5. The Tijuana River and Tijuana River Estuary were first designated on the State's Clean Water Act Section 303(d) List of Impaired Waters in 1992 due to excessive levels of bacteria and heavy metals contained in cross border flows of raw sewage. Since the original listing, numerous other pollutants have been added, including pesticides, toxicity, synthetic organics, nutrients, low dissolved oxygen, sedimentation/siltation, solids, turbidity, and trash. The San Diego Water Board is required to develop total maximum daily loads (TMDLs), or an alternative approach with comparable results, for all impaired waters. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality objectives. Pursuant to State Policy,² when adopting TMDLs, the Water Board must also identify an implementation strategy designed to attain the TMDL and water quality objectives and restore beneficial uses in impaired waters.
6. The San Diego Water Board's first border-related priority was to address significant cross-border flows of raw sewage and associated public health risks. After decades of effort and negotiation by the Water Board, USEPA and others, the South Bay International Wastewater Treatment Plant (IWTP) was constructed. The IWTP was originally planned as a secondary treatment facility; however, due to financial constraints, the plant was initially constructed as an advanced primary treatment facility in 1996. Secondary treatment was subsequently added and the IWTP started to consistently achieve substantial compliance with its National Pollutant Discharge Elimination System (NPDES) secondary treatment effluent limitations in mid-2012.
7. With the sewage treatment plant on-line to mitigate the single greatest threat, the San Diego Water Board turned its attention to its next and current highest border priority, the restoration of Tijuana River Valley impairments due to excessive sedimentation and trash. In addition to their direct impacts, sediment and trash also convey numerous other pollutants to the river and estuary due to the strong tendency of many pollutants to bind to sediment particles and trash. For this reason, reduction of sediment and trash flows will also reduce the introduction of numerous other pollutants to the Valley. Accordingly in 2007, the San Diego Water Board initiated the development of a sedimentation and trash TMDL for the Tijuana River Valley, and the USEPA funded a preliminary investigation of the problem.

² Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (June 2005)

8. The San Diego Water Board convened its first sediment and trash workshop with stakeholders in June 2008 which led to the creation of the Tijuana River Valley Recovery Team (Recovery Team or TRVRT), a consensus-based collaboration of over thirty federal, state, and local government agencies, environmental and science communities, and other interested organizations and stakeholders from both sides of the border. Common amongst all members was the desire to address sediment and trash flows which degrade valuable estuarine and riparian habitats, threaten life and property from flooding, and impact recreational opportunities for residents and visitors in the Tijuana River Valley.
9. The Recovery Team, currently chaired by David Gibson, San Diego Water Board Executive Officer, has developed the following consensus-based Vision and Mission statements, both of which are fully consistent with the goals of the San Diego Water Board:

Vision: A Tijuana River Valley free of historical trash and sediment, protected from future deposits of trash and sediment, restored to a sustained physical, chemical and biological integrity, and performing its hydrologic functions, while respecting the interests of current and future landowners and users.

Mission: To bring together the governmental administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Tijuana River Valley from future accumulations of trash and sediment, identify, remove, recycle or dispose of existing trash and sediment, and restore the Tijuana River floodplain to a balanced wetland ecosystem.

10. Because more than two-thirds of the contributing watershed is located in Mexico, outside U.S. jurisdiction, the Recovery Team recognized clearly that the most effective solutions would necessarily involve binational cooperation and concurrent efforts on both sides of the border. To date both countries have already invested significant resources in remedial planning and implementation efforts, including source control in Mexico, and sediment management, land preservation and habitat restoration in the United States.
11. In early 2010, the San Diego Water Board requested and was granted \$700,000 from the State's Cleanup and Abatement Account (CAA) to support the Recovery Team's efforts. The City of San Diego signed a CAA grant agreement with the State in 2010 and contracted with the URS Corporation to investigate River Valley hydrology and hydraulics and to characterize trash and sediment.

12. URS Corporation has also played a lead role in the development and writing of the Recovery Team's Recovery Strategy, which identifies problems and challenges and outlines collaborative processes and management priorities by which Recovery Team members might develop and implement projects to cost-effectively address sediment and trash problems in the Valley.
13. The Recovery Strategy identifies 27 projects in seven Priority Action Areas:
 - Partner with Mexico to implement optimum, watershed-based solutions;
 - Understand how water, sediment and trash flow;
 - Reduce sources of sediment and trash;
 - Implement sediment and trash capture in the watershed;
 - Fund and perform ongoing operations and maintenance (O&M);
 - Involve and inform the community in Mexico and United States; and
 - Protect and enhance natural resources.
14. In June 2011, San Diego Water Board Executive Officer David Gibson informed the Recovery Team of his decision to temporarily suspend all efforts on the sedimentation and trash TMDL for a period of approximately two years. The purpose of this suspension was to provide an opportunity for the Recovery Team's collaborative approach to work and specifically to allow the Recovery Team to implement its Recovery Strategy. This suspension was based on the anticipation that implementation of the Recovery Strategy will result in measurable improvements in Tijuana River Valley water quality and may even eventually result in attainment of water quality objectives and restoration of the beneficial uses currently impaired by sediment and trash. Such success in achieving water quality standards would obviate the need for a traditional Tijuana River and Estuary Sedimentation and Trash TMDL. Sediment and trash reductions would likely reduce other associated pollutant loadings and could serve as a basis for addressing remaining impairments with a similar "alternative to TMDL" approach.
15. In 2012, after incorporating public comments from stakeholders and the general public, the Recovery Strategy was endorsed by the San Diego Water Board by adoption of Resolution R9-2012-0030.
16. San Diego Water Board Resolution R9-2012-0030, adopted February 8, 2012, acknowledged the benefits of a collaborative, stakeholder-led approach for the productive, long-term recovery and protection of the Tijuana River Valley resources.
17. The Recovery Team meets approximately every quarter, inviting more than 30 federal, state and local agencies and other interested parties from both sides of the border focused on addressing sediment, trash, and associated environmental issues.

18. The Recovery Team Steering Committee meets approximately once a month and is comprised of Tijuana River Valley land managers, government agencies, and representative property owners and non-governmental organizations. The charge of the Recovery Team's Steering Committee is to advance implementation of the Recovery Strategy.
19. In 2015, the Recovery Team finalized a Five-Year Action Plan. The objective of the Five-Year Action Plan is to maintain collaborative momentum and implement priority projects that advance TRVRT goals as described in the Recovery Strategy.
20. The Five-Year Action Plan is intended to outline what the Recovery Team aspires to accomplish over the next five years to continue advancing the Recovery Strategy goals. The steps described to reach these accomplishments are not binding commitments but a potential path to implement projects that address priority water quality improvements in lieu of formal regulatory measures. The project descriptions may include tasks, deliverables, resources needed, a schedule for achieving project milestones, and processes for monitoring progress. Since these are all variables that can change over the course of a project, the Five-Year Action Plan should be updated regularly.
21. The Five-Year Action Plan projects are organized into two tiers. Tier 1 projects include all the following criteria, while Tier 2 projects include at least one:
 - Identified as a high priority in the Recovery Strategy;
 - Involve relatively straightforward paths of completion;
 - Can be controlled by agencies within the U.S.; and
 - Are expected to produce long-term benefits to managing trash and/or sediment.
22. The five Tier 1 projects in the Five-Year Action Plan are the highest priority projects. The San Diego Water Board submitted a \$1.55 million request to the State Water Resources Control Board on December 31, 2014 to provide Cleanup and Abatement Account funds for the first phase of each Tier 1 project, anticipated to cover up to two years' worth of work.
23. On February 11, 2015, the San Diego Water Board adopted Resolution No. R9-2015-0020, which supports prioritizing projects that address Environmental Justice, Disadvantaged Communities, and the recovery of stream, wetland, and riparian systems.

NOW, THEREFORE, BE IT RESOLVED THAT, the San Diego Water Board:

1. Recognizes that implementation of the Five-Year Action Plan will promote continued collaboration among the stakeholders on priority projects to continue making progress on correcting sediment and trash impairments in the Valley.

2. Recognizes the necessity for prioritizing Tier 1 projects identified in the Five-Year Action Plan to effectively address sediment and trash problems in the Valley while balancing the need for flood control, ecosystem management, recreational use, U.S. Navy and border security operations, agriculture, and other interests.
3. Recognizes the strong likelihood that implementation of the Five-Year Action Plan will, in time, result in measureable improvements in water quality and will contribute to attainment of water quality objectives and beneficial uses in the Tijuana River Valley currently impaired by sediment and trash.
4. Recognizes that since sustained implementation of the Five-Year Action Plan and Recovery Strategy by the Recovery Team may achieve load reductions of trash and sediment sufficient to achieve applicable water quality standards in the Tijuana River Valley, they may constitute a non-regulatory program alternative to a TMDL implementation plan.
5. Recognizes that implementation of the Five-Year Action Plan supports the priorities expressed in Resolution No. R9-2015-0020 as it benefits Disadvantaged Communities along the U.S.-Mexico border while promoting water quality and habitat restoration.
6. Strongly endorses, and encourages the immediate implementation of the Five-Year Action Plan, dated March 2015.
7. Directs the Executive Officer to:
 - a. Assist Five-Year Action Plan implementation efforts by streamlining permitting processes under this agency's authority;
 - b. Continue to participate in the Recovery Team's collaborative and stakeholder process;
 - c. Continue to play a leadership role as co-chair of the Recovery Team and its Steering Committee;
 - d. Revise and update the Five-Year Action Plan as necessary to report project progress and include or update tasks, deliverables, resources needed, schedules for achieving project milestones, and processes for monitoring progress.
 - e. Update the Board, at least annually, on Five-Year Action Plan progress and recommend potential Board actions to further implement it, if appropriate; and
 - f. Recommend to the Board an alternative course of action should the Recovery Team approach fail to attain applicable water quality standards in the Tijuana River Valley within a reasonable period of time.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on March 16, 2015.

DAVID W. GIBSON
Executive Officer