

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

TENTATIVE RESOLUTION NO. R9-2012-0030

**A RESOLUTION ENDORSING THE TIJUANA RIVER VALLEY RECOVERY TEAM'S
RECOVERY STRATEGY "LIVING WITH THE WATER" DATED NOVEMBER, 2011**

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 from sources in both the United States and Mexico.
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.).
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 (but not limited to) 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) for all impaired waters. A TMDL is a quantitative and comprehensive restoration strategy designed to attain water quality objectives and restore beneficial uses in impaired waters.

¹ International Ramsar Convention on Wetlands, 2005

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 United States initiated construction of the South Bay International Wastewater Treatment Plant in early 2009. The U.S. International Boundary and Water Commission (IBWC) commenced operation of the South Bay plant in 2011. Today the plant provides secondary treatment for 25 million gallons of sewage per day and which, over time, has resulted in substantial improvements in the water quality of the Tijuana River Valley and coastal beaches.
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.
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 was co-founded and co-chaired by the San Diego Water Board and OpenOceans Global. Early leadership was provided by Mr. John Robertus, former San Diego Executive Officer of the Water Board, Mr. Grant Destache, Chair of the San Diego Water Board, and Mr. Carl Nettleton of OpenOceans Global. Today the Recovery Team is led by Mr. David Gibson, current San Diego Water Board Executive Officer, Mr. Destache, and a soon to be named new co-chair. Each of these individuals has made substantial contributions to the Recovery Team's formation and progress to date.
10. The Recovery Team 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.

11. Because more than 2/3 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.
12. In order to better focus on specific issues and contribute to the development of an overall strategic plan, the Recovery Team organized itself into four action teams, the Border Action Team, Cleanup Action Team, Restoration Action Team, and the Binational Team. A Steering Committee provides guidance, coordination and administrative support for the four action teams.
13. 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. URS has also played a lead role in the development and writing of the Recovery Team's overall strategic plan, known as the Recovery Strategy. In addition, OpenOceans Global received funding from Sempra Energy Foundation for the development of an interactive intelligent mapping tool for the Tijuana River Valley. The work performed by both URS and OpenOceans Global has been invaluable to the Recovery Team.
14. During 2011, the Recovery Team developed a Recovery Strategy that 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. One important goal of the Strategy is to balance the need for flood control, ecosystem management, recreational use, US Navy and border security operations, agriculture, and other interests. Another important goal is to ensure that the overarching Recovery Strategy integrates and is consistent with the many existing policies and planning documents for the Valley developed by local, regional, State and federal government agencies.
15. The purpose of the Recovery Strategy is twofold. First, it describes the first phase of actions needed to clean up the Valley, restore its beneficial uses, and maintain environmental and human values in the Valley. Second, it outlines the steps needed to move forward so policy

makers and potential funding source representatives will have a clear understanding of both the problems and the solutions that will allow the Recovery Team to achieve its vision and mission.

16. The Recovery Strategy outlines four management area goals:

- a. Sediment and Trash - Utilize partnerships of public land owners, public operating agencies, non-governmental organizations, residents and volunteers in the United States and Mexico to reduce sources and cost-effectively manage sediment and trash pollutants;
- b. Storm Water (Flood) Control - Foster natural hydrological connectivity between estuarine and riparian habitats while minimizing flooding of public and private infrastructure;
- c. Ecosystems - Create a sustainable, interconnected complex of natural habitats that supports native species, provides valuable ecosystem services, and offers opportunities for education and research; and
- d. Recreation Systems and Education - Coordinate recreation and education activities in the Valley with trash and sediment management in order to provide social, economic and environmental benefits for residents, visitors and land managers.

17. The Recovery Strategy identifies seven Priority Action Areas as the first phase actions of recovery. These Priority Action Areas are:

- a. Partner with Mexico to implement optimum, watershed-based solutions;
- b. Understand how water, sediment and trash flow;
- c. Reduce sources of sediment and trash;
- d. Implement sediment and trash capture in watershed;
- e. Fund and perform ongoing operations and maintenance (O&M);
- f. Involve and inform community in Mexico and United States and
- g. Protect and enhance natural resources.

18. The Recovery Strategy also identifies 27 projects and proposed schedules in the seven Priority Action Areas. Within each Priority Action Area, projects may be executed by each Recovery Team stakeholder through individual processes. The Recovery Team will coordinate activities among stakeholders including overall recovery effort, data collection, feasibility assessment, alternative analysis, project design and permitting, implementation, operation and maintenance, long-term effectiveness, and funding sources.

19. On December 7, 2011, the Recovery Team held a public workshop to present the draft Recovery Strategy for review and discussion by stakeholders and the public, and it has subsequently incorporated public comments into the final document entitled, The Recovery Strategy "Living With The Water". The Recovery Strategy is a "living document" that provides guidance to the Recovery Team's efforts and activities based on stakeholder's individual jurisdiction and authority. It will be revised and updated as necessary to reflect

any changes, new requirements, and project progress on both sides of the border. In particular it will be updated to account for the City of Tijuana's efforts. Although the Recovery Strategy is a document, it should be viewed more accurately as a dynamic "process" to be implemented and a long-term endeavor to restore the Tijuana River Valley.

20. 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 is to provide an opportunity for the Recovery Team's collaborative approach to work and specifically to allow the Recovery Team to implement its new Recovery Strategy. At this time, it is anticipated 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. For these reasons, it is possible that implementation of the Recovery Strategy by the Recovery Team will, in time, achieve water quality standards and thus obviate the need for a Tijuana River and Estuary Sedimentation and Trash TMDL.
21. On January 24, 2012, members of the Recovery Team including Executive Officer Gibson met in Mexico with the Mayor of Tijuana and other Mexican officials to initiate collaborative binational efforts to address the challenge of sedimentation and trash in the Tijuana River Valley and to discuss potential watershed-based solutions. During the meeting the Mayor of Tijuana announced that the City of Tijuana has committed an additional \$1,000,000 to fund future sediment and trash management measures within the City.

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

1. Recognizes the imperative for restoration of sedimentation and trash impairments in the Tijuana River Valley.
2. Recognizes the benefits of a collaborative, stakeholder-led approach for a productive, long-term recovery and protection of the Tijuana River Valley resources.
3. Recognizes the Recovery Team's Vision and Mission as being consistent with the mission and goal of the San Diego Water Board.
4. Recognizes the excellent effort by the Recovery Team and the importance of the Recovery Strategy in restoring the Valley's value and resources.
5. Recognizes that implementation of the Recovery Strategy will promote collaboration among the stakeholders, make progress toward correcting sediment and trash impairments in the Valley, result in multiple benefits to stakeholders, and attain sustainable environmental and resource protection.

6. Recognizes the necessity for priority projects identified in the Recovery Strategy to cost-effectively address sediment and trash problems in the Valley while balancing the need for flood control, ecosystem management, recreational use, US Navy and border security operations, agriculture, and other interests.
7. Recognizes the strong likelihood that implementation of the Recovery Strategy will, in time, result in measureable improvements in water quality and may even eventually result in the attainment of water quality standards in the Tijuana River Valley currently impaired by sedimentation and trash.
8. Recognizes that, if in the future, based on demonstrated progress and solid measurable results, the San Diego Water Board formally finds that implementation of the Recovery Strategy by the Recovery Team will likely result in the eventual attainment of water quality standards in the Tijuana River Valley, such a finding may obviate the need for a TMDL or other regulatory measures.
9. Wishes to sincerely thank the Mayor of Tijuana, other Mexican government officials, and Oscar Ramos, Watershed Coordinator, Tijuana River Natural Estuarine Research Reserve for their contributions to date on projects in Tijuana designed to mitigate cross border flows of sediment and trash and for their generous commitment of future funds and other resources towards resolving this common challenge.
10. Strongly endorses, and encourages the immediate implementation of the Tijuana River Valley Recovery Team's Recovery Strategy "Living With The Water" dated November, 2011.
11. Directs the Executive Officer to:
 - a. Develop a non-binding commitment letter among signatory members to move forward with agreement and collaboration;
 - b. Seek loan and grant funding from the State Water Pollution Cleanup and Abatement Account in support of local agencies and stakeholders for priority projects identified in the Recovery Strategy;
 - c. Assist the Recovery Team's effort by streamlining permitting processes for priority projects under this agency's authority;
 - d. Continue to participate in the Recovery Team's collaborative and stakeholder process;
 - e. Continue to play a leadership role as co-chair of the Recovery Team and its Steering Committee;
 - f. Revise and update the Recovery Strategy as necessary to report project progress on both sides of the border and in particular to acknowledge the efforts of the City of Tijuana in addressing sedimentation and trash;
 - g. Periodically update the Board on all such progress (as noted in item f above) and recommend potential Board actions to further implementation of the Recovery Strategy, if appropriate; and
 - h. Recommend to the Board an alternative course of actions should this approach fail to attain applicable water quality standards within a reasonable period of time.

Item No. 13

Resolution No. R9-2012-0030

February 8, 2012

Supporting Document No. 1

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 February 8, 2012.

TENTATIVE

David W. Gibson

Executive Officer