

October 27, 2003

The Honorable Randy "Duke" Cunningham
Member of Congress
2463 Rayburn House Office Building
Washington, DC 20515-0550

Dear Congressman Cunningham:

I am writing as a follow up to my letter of September 22, 2003, on the status of negotiations with Mexico on Public Law 106-457 (Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000, 42 U.S.C. Sec. 277-47) relating to the treatment of Tijuana sewage. The United States and Mexico have developed a draft minute now being reviewed by concerned agencies in the U.S. and Mexican governments in order for the two Sections of the International Boundary and Water Commission (IBWC) to receive the necessary authorization from their respective governments required to conclude the Minute. Barring any unforeseen difficulties, we hope to obtain this authority shortly.

Like the Public Law, the minute will include provisions to assure actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flow untreated or partially treated into the United States. Specifically, treatment to secondary levels of these flows is to occur in Tijuana, Baja California, Mexico. The flows to be treated in Mexico will include the 25 million gallons per day arriving at the South Bay International Waste Water Treatment Plant, in San Ysidro, California. The facility is to comport with the Master Plan projected planning and capacity requirements and will comply with water quality laws of Mexico, the United States and the State of California. Additionally, the Minute will provide a general framework that will allow the process to move forward under a public/private partnership arrangement as envisioned by the Public Law. It contemplates a binational agreement on engineering and construction parameters, contract implementation and oversight. A subsequent funding protocol would be developed to cover payment under the fee-for-services contract called for in the Public Law. Any effluent not reused in Mexico or the United States would be discharged to the Pacific Ocean through the South Bay Ocean Outfall in compliance with the water quality standards of the United States and the State of California.

I intend to provide you with a copy of the Minute following its signature. As discussed during my meeting with you in Washington, the U.S. Section of the IBWC remains committed to moving this project forward in cooperation with the Mexican Section of the IBWC as quickly as possible.

Sincerely,



Debra J. Little
Acting Commissioner

DJL:ic

bcc: Little, Marin, Ortega, Brandt, Lewis, Peña, Waggoner