MINUTE NO. 328

SANITATION INFRASTRUCTURE PROJECTS
IN SAN DIEGO, CALIFORNIA – TIJUANA, BAJA CALIFORNIA
FOR IMMEDIATE IMPLEMENTATION AND FOR FUTURE DEVELOPMENT

The Commissioners met at the United States Section Headquarters Office in El Paso, Texas on July 19, 2022 at 10:00 a.m. to consider infrastructure projects to improve sanitation conditions at the San Diego, California – Tijuana, Baja California international boundary.

The Commissioners referenced the United States-Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed February 3, 1944, specifically to Article 3 in which the Governments agree to give preferential attention to the solution of all border sanitation problems. In light of this treaty provision, the Commission agreed to a series of subsequent Minutes to address the border sanitation problem at San Diego-Tijuana. The Commissioners referred specifically to the following Minutes: Minute No. 270, “Recommendations for the First Stage Treatment and Disposal Facilities for the Solution of the Border Sanitation Problem at San Diego, California-Tijuana, Baja California,” dated April 30, 1985; Minute No. 283, “Conceptual Plan for the International Solution to the Border Sanitation Problem in San Diego, California/Tijuana, Baja California,” dated July 2, 1990; Minute No. 296, “Distribution of Construction, Operation and Maintenance Costs for the International Wastewater Treatment Plant Constructed under the Agreements in Commission Minute No. 283 for the Solution of the Border Sanitation Problem at San Diego, California/Tijuana, Baja California,” dated April 16, 1997; Minute No. 298, “Recommendations for Construction of Works Parallel to the City of Tijuana, B.C. Wastewater Pumping and Disposal System and Rehabilitation of the San Antonio de los Buenos Treatment Plant,” dated December 2, 1997; and Minute No. 320, “General Framework for Binational Cooperation on Transboundary Issues in the Tijuana River Basin,” dated October 5, 2015.

The Commissioners noted that the following projects were carried out in the United States in accordance with the aforementioned Minutes:

- Pursuant to Minute No. 283, construction of: An international wastewater treatment plant (South Bay International Wastewater Treatment Plant or SBIWTP) with a capacity of 25 million gallons per day (mgd) (1,100 liters per second [lpsl]); a pipeline to convey treated sewage from the SBIWTP to the coast; and an ocean outfall to discharge waters treated at the SBIWTP.
- Pursuant to Minute No. 298, construction of: A conveyance line in the United States from the SBIWTP to the international boundary.
Likewise, in Mexico the following projects were implemented pursuant to the aforementioned Minutes:

- Pursuant to Minute No. 270, construction of: First Stage pumping and conveyance facilities and Module I of the First Stage sewage treatment facilities for the City of Tijuana with a capacity of 25 mgd (1,100 lps).
- Pursuant to Minute No. 283, construction of: A gravity sewer trunkline from Tijuana Pumping Plant No. 1 to the boundary; sewage collection works necessary to convey a portion of sewage from the City of Tijuana to the international sewage plant in the United States; and other sewage collection works.
- Pursuant to Minute No. 298, construction of: A new pumping plant and associated facilities; boundary to SBIWTP connection; conveyance system (the parallel pipeline) from the international boundary to Pumping Plant No. 1 in Tijuana and 11 miles (18 kilometers) to the coast in Mexico to allow for return of treated effluent from the SBIWTP to Mexico; and rehabilitation of the San Antonio de los Buenos Wastewater Treatment Plant.

The Commissioners expressed concern that due to the age of the facilities described above and the impacts of population growth and urbanization, the existing sanitation infrastructure at the San Diego-Tijuana international border is no longer sufficient to prevent the transboundary wastewater flows, which have increased in volume and frequency since 2017. These transboundary flows affect the Tijuana River, the canyons along the international boundary, and the coastal waters and beaches in both countries, generating risks to human health and the environment.

In light of concerns over transboundary wastewater flows at San Diego-Tijuana, the Government of the United States in 2020 appropriated funds for border sanitation projects (USMCA projects) in legislation related to the Agreement between the United States of America, the United Mexican States, and Canada (USMCA), which entered into force on July 1, 2020.

The Commissioners highlighted the planning work already undertaken in Mexico to address sanitation infrastructure needs in Tijuana, including the MECAPLAN or Planning Mechanism, which is an instrument through which the agencies and entities of Mexico’s Federal Public Administration establish the investment needs (Programs and/or Projects) in the short, medium, and long term as well as their objectives, strategies, goals, and priorities.

The Commissioners also pointed out that Resolution 8 of Minute No. 296 states, “the IBWC will make recommendations to the governments as to the practicality of expanding the IWTP to handle flows in excess of 25 mgd (1,100 lps) assigned to Mexico in the IWTP and if so, develop recommendations for the terms of Mexico’s financial participation in such expansion.” In addition, Resolution 13 of Minute No. 296 states, “The IBWC will review and recommend to the two Governments the additional infrastructure needed to collect sewage that is currently discharged to the Tijuana River through storm and other...
drains such that there is no discharge of untreated sanitary or industrial wastewaters in the international boundary between San Diego and Tijuana."

Similarly, Recommendation 8 of Minute No. 298 states, "The IBWC will begin consultations regarding handling of future wastewater flows 60 days after the approval of this Minute with the goal of determining the feasibility and appropriateness of a second 25 mgd (1,100 LPS) at the international plant and, if so, the terms of Mexico's participation."

To develop a conceptual plan for the USMCA projects and other sanitation system improvements to address the transboundary sanitation problem at the San Diego-Tijuana border, a Binational Work Group was formed with members from the U.S. Environmental Protection Agency (EPA), Mexico's National Water Commission (CONAGUA), the Baja California Secretariat for Water Management, Sanitation, and Protection (SEPROA), the State Public Services Commission of Tijuana (CESPT), the Secretariat of Environment and Natural Resources (SEMARNAT), the North American Development Bank (NADB), and the two Sections of the International Boundary and Water Commission. Through the efforts of this Binational Work Group, short- and long-term wastewater infrastructure projects were identified to reduce transboundary wastewater in the Tijuana River watershed and the Pacific Ocean, most of which were identified in the framework of the USMCA, the EPA-CONAGUA joint investment program, and MECAPLAN.

The Commissioners affirmed that the International Boundary and Water Commission, United States and Mexico, has significant experience in working with the EPA on development of sanitation infrastructure in the United States-Mexico border region, especially under the framework of Minute No. 294, "Facilities Planning Program for the Solution of Border Sanitation Problems," dated November 24, 1995. Through Minute No. 294, funds from EPA were made available to the International Boundary and Water Commission to support wastewater infrastructure planning efforts in border communities.

The Commissioners further referenced Minute No. 304, "Joint Grant Contribution Program for Drinking Water and Wastewater Infrastructure Projects for Communities in the United States - Mexico Border Area," dated October 26, 2000. This Minute affirms the application of a coordinated program of the EPA and CONAGUA to provide funding for water and wastewater projects. Since 1995, EPA has administered the U.S.-Mexico Border Water Infrastructure Program (BWIP) for the region 62 miles (100 kilometers) north to 62 miles (100 kilometers) south of the United States-Mexico border. Water and wastewater infrastructure project development, design, and construction within that region is implemented via cooperative agreements (grants) between EPA and NADB. CONAGUA jointly invests in projects south of the border consistent with the EPA-CONAGUA "Memorandum of Understanding Concerning the Program of Joint Grant Contributions for Drinking Water Supply and Wastewater Infrastructure Projects for Communities in the United States-Mexico Border Area," signed September 25, 2000. Water and wastewater infrastructure projects in Mexico funded through the BWIP are expected to have a positive transboundary impact in the United States and are expected to receive at least an equal match from Mexico.
The Commissioners recognized the Statement of Intent between the EPA and CONAGUA, signed on July 1, 2022, which affirms the commitment of EPA and CONAGUA to work in coordination in the planning, design, construction, and rehabilitation of wastewater infrastructure to help resolve the sanitation problem in the San Diego, California – Tijuana, Baja California region, including the Pacific Ocean. This infrastructure will provide for the conveyance, treatment, disposal and, in one case, the reuse of wastewater to reduce pollution in the Tijuana River watershed.

The Commissioners acknowledged that the Framework for the U.S.-Mexico Border Environmental Program: Border 2025 between EPA and SEMARNAT, signed on May 24, 2021, is a model of cooperation and collaboration between the United States and Mexico to achieve tangible, on-the-ground, environmental and public health results for communities in the U.S.-Mexico border region. Through this program, the two agencies work to “Protect the environment and public health in the U.S.-Mexico border region for the long-term economic, cultural and social well-being of present and future generations, and acknowledge the importance of engaging with these groups in the long-term conservation of the environment.” The Commissioners further acknowledge that a guiding principle of this program is to prioritize environmental equity and address disproportionate environmental impacts in border communities by protecting, improving, and promoting environmental awareness and environmental and human health.

The Commissioners noted that the Binational Work Group created by EPA and CONAGUA has recognized the need to implement in phases the following proposed works agreed to by the two Sections, including those identified by the referenced group, for immediate implementation and others that would be considered for future implementation, once additional technical analysis is performed, negotiations are undertaken, and funding sources and cost shares are identified. The proposed works agreed to by the two Sections for immediate and future implementation are identified herein.

I. IMMEDIATE PROJECTS FOR IMPLEMENTATION IN THE YEARS 2022 THROUGH 2027

The immediate projects described in this Section I are summarized in Attachment 1, Summary Table of Immediate Projects Identified in Minute No. 328.

A. Proposed Works in the United States

1. Expansion of the SBIWTP to an average treatment: capacity of 50 mgd (2,191 lps) at secondary treatment standards applicable in the United States and installation of piping to permit potential future expansion by 10 mgd (438 lps) for a total of up to 60 mgd (2,629 lps) at an approximate cost of $300 million dollars with capital costs covered by the United States. Annual Operations and Maintenance (O&M) costs for the existing SBIWTP and the proposed expanded SBIWTP will be shared by the United States and Mexico in the following manner:
   a. Beginning in 2023, Mexico’s cost will be $1.62 pesos per cubic meter of wastewater treated at the SBIWTP and will increase annually in accordance
with the table in Attachment 2, until reaching a cost of $1.80 pesos per cubic meter in 2032.

b. The United States will cover the remaining costs of operation and maintenance for the period of 2023-2032, estimated to be 80% of the total.

c. Prior to December 31, 2032, the Governments of the United States and Mexico, through the Commission, will define in a subsequent Commission Minute, the form in which Mexico shall cover the annual operation and maintenance costs corresponding to Mexico for treatment of Tijuana wastewater in the international plant starting in 2033, as well as the mechanisms to update said costs annually.

d. Although the costs applicable to Mexico will be determined in pesos, Mexico shall transmit payment of its share of costs to the United States in U.S. dollars, following the process described in Resolution 3 of Commission Minute No. 296 in the sense that the Mexican Section of the IBWC will collect the amounts corresponding to the CESPT and, where appropriate, to the National Water Commission, in order to complete the payment to the United States Section.

e. For any flow treated at the SBIWTP in excess of the volume of 25 mgd (1,100 lps) for the current plant or in excess of 50 mgd (2,191 lps) for the expanded plant, Mexico will pay the full treatment cost.

f. Mexico will continue to dispose of sludge from the expanded SBIWTP in accordance with the terms of Recommendation 10 of Minute No. 283. Once the expanded SBIWTP enters into operation, the Government of the United States will cover any difference between the actual O&M costs and the amount that is the responsibility of Mexico.

B. Proposed Works in Mexico

1. Tijuana Diversion Infrastructure

a. Rehabilitation of Pump Station CILA (PB CILA) including four new pumps, pretreatment system with fine screening and trash removal, as well as a Vortex for sand and grit removal, and a new Tijuana River intake. Mexico agreed to cover the full cost of $4 million dollars and completed the rehabilitation in 2021. The rehabilitated PB CILA will be operated and maintained by the Mexican Section of the IBWC. The O&M expenses will be reimbursed by the United States up to an amount to be determined by the U.S. Section in consultation with the Mexican Section, provided that Mexico is paying its share of O&M costs as described in point I.A.1 above.

b. Rehabilitation of Pumping Plants 1A (PB-1A) and 1B (PB-1B) with four new pumping trains; a pretreatment system with fine screening, trash removal and Vortex for sand and grit removal; new Motor Control Center; maintenance of the electric station; improvements to the building housing the pump stations; and installation of a SCADA system and flow meters at a cost of approximately $12 million dollars, of which $8 million dollars will be covered by the United States through the BWIP and $4 million dollars will be covered by the Government of Mexico.
2. Replacement of a deteriorated section of the Oriente Collector covering a length of 4,416 feet (1,346 meters) of 42-inch diameter concrete pipe in the Buena Vista sector of Tijuana at a cost of approximately $1.8 million dollars split evenly between the two Governments. The project was completed in late 2021.

3. Rehabilitation of the International Collector, starting with Phase I, which includes the installation of a new 60-inch PVC pipeline along an alternate alignment through the streets of Tijuana. Phase II includes rehabilitating 8,200 feet (2,500 meters) of existing 72-inch concrete pipeline using PVC pipe lining method. The costs of the two phases are estimated at $16.0 million dollars to be covered through the BWIP, with the costs distributed evenly between the two Governments.

4. Rehabilitation of a portion of the parallel line in the segment that conveys flows by gravity from Pumping Plant 1A (PB-1A) to the San Antonio de los Buenos Wastewater Treatment Plant by replacing 13,225 feet (4,031 meters) of 60-inch concrete pipe with PVC pipe at a cost of approximately $10.3 million dollars, to be paid by Mexico.

5. Rehabilitation of the Antiguo Force Main from PB-1A to the San Antonio de los Buenos Wastewater Treatment Plant, consisting of the replacement of 14,383 feet (4,384 meters) of 42-inch steel core concrete pipe at a cost of approximately $9.5 million dollars, to be paid by Mexico.

6. Encasement for a length of approximately 19,685 feet (6,000 meters) with a 60-inch pipeline, to close the open gravity channel from PB-1A to the San Antonio de los Buenos Wastewater Treatment Plant at a cost of approximately $12.8 million dollars, to be paid by Mexico.

7. Rehabilitation of the Insurgentes Collector through the replacement of a 36-inch concrete pipe with 36-inch PVC pipe for a distance of 18,860 feet (5,736 meters) at an approximate cost of $17.9 million dollars, to be paid by Mexico.

8. Rehabilitation of the Poniente Interceptor, consisting of the replacement of 42-inch concrete pipe with PVC pipe for a length of 2,303 feet (702 meters) at a cost of approximately $1.4 million dollars, to be paid by Mexico.

9. Rehabilitation of the Carranza Collector in Colonia Carranza consisting of the replacement of 36-inch concrete pipe with 36-inch PVC pipe for a length of 9,186 feet (2,800 meters) at a cost of approximately $2.9 million dollars, to be paid by Mexico.

10. Rehabilitation of the Oriente Interceptor consisting of the replacement of 22,789 feet (6,946 meters) of 42- and 48-inch concrete pipe at an approximate cost of $15.5 million dollars, to be paid by Mexico.

11. Phase I effluent reuse project for the Arturo Herrera and La Morita Wastewater Treatment Plants consisting of installation of 23,400 feet (7,132 meters) of HDPE piping and 2 new pump stations to convey effluent from the treatment plants to Rodriguez Dam for subsequent indirect reuse at a cost of approximately $20 million dollars, to be distributed in equal parts between the United States and Mexico. This is a priority due to the benefits of removing this effluent from the Tijuana River, where it is currently discharged. Consideration will be given to identifying a Colorado River water supply benefit associated with this reuse project.
12. Lift station and force main to convey wastewater from Sainz Canyon to the Arturo Herrera Wastewater Treatment Plant, consisting of the construction of a pump station and 5,577 feet (1,700 meters) of 16-inch diameter pipe with a capacity of 3.4 mgd (150 lps) at a cost of approximately $2.2 million dollars, to be paid by Mexico.

13. Rehabilitation of the pump stations known as Matadero and Laureles 1 and 2, at a cost of approximately $7.6 million dollars, to be paid by Mexico. The work consists of the following:
   a. Laureles: replacement of one 300 HP backup pump and two 125 HP pumps and installation of a new Motor Control Center and pretreatment system in the lift station.
   b. Matadero: replacement of backup pumps, installation of a new Motor Control Center, and pretreatment system in the lift station.

14. Construction of a new wastewater treatment plant at San Antonio de los Buenos with a capacity of 18 mgd (800 lps), using an oxidation ditch process comprised of three independent modules, and construction of a 656-foot (200 meter) ocean outfall. The cost of the plant and outfall is approximately $33.3 million dollars, to be paid by Mexico.

15. Rehabilitation of the Tijuana River Gates, which includes replacement of 23,211 feet (7,075 meters) of concrete wastewater pipe along the Tijuana and Alamar Rivers to reduce untreated wastewater flows to the Tijuana River, at a cost of $3.8 million dollars, to be covered through the BWIP, split evenly between the Governments of the United States and Mexico.

16. Construction of a backup power supply system for the PB-1 electrical substation at a cost of approximately $3.0 million dollars, to be covered through the BWIP, split evenly between the Governments of the United States and Mexico.

C. Operation and Maintenance of Projects

1. The Government of the United States will be responsible for the Operation and Maintenance of the projects listed in Section I.A. above, utilizing funds appropriated by the Government of the United States for this purpose and those contributed by the Government of Mexico in accordance with point I.A.1 above. The details for operation and maintenance of the expanded SBIWTP described in point I.A.1 above will be included in a separate Minute.

2. The Government of Mexico will ensure adequate operation and maintenance by responsible authorities in Mexico of the infrastructure described in Section I.B above. Once the infrastructure related to Pumping Plants 1A and 1B as identified in B.1.b above is constructed and enters into operation, PB CILA will not be used to divert flow to the SBIWTP without prior approval of the U.S. Section.

3. Once any works constructed in accordance with Sections I.A and I.B enter into operation, the International Boundary and Water Commission, United States and Mexico, will provide oversight for the works, in a manner that will be detailed in a separate Minute.
4. The International Boundary and Water Commission, United States and Mexico, in consultation with responsible agencies in both countries, will develop Terms of Reference to ensure adequate funding for operation and maintenance of infrastructure projects identified by the two Sections from among the projects described in Section I of this Minute.

The Commissioners noted that the projects and cost-shares described in Sections I.A and I.B result in a distribution of approximately $330 million dollars to be covered by the United States and approximately $144 million dollars to be covered by Mexico.

II. FUTURE PROJECTS

The Commissioners noted the Governments of the United States and Mexico will undertake to negotiate in good faith regarding development and implementation of future projects, highlighting that the list of future projects contained in this Minute is preliminary, that the proposed future projects could be modified or deleted, while other future projects could be developed in their place.

A. Proposed Works in the United States
   1. Diversion of the Tijuana River
   2. Advanced Primary Treatment Plant adjacent to the SBIWTP to treat flows from the Tijuana River
   3. Further SBIWTP expansion
   4. Installation of a trash boom in the Tijuana River to capture trash before reaching the ocean.

B. Proposed Works in Mexico
   1. Phase II effluent reuse project for the La Morita and Arturo Herrera Wastewater Treatment Plants consisting of construction of conveyance facilities and associated infrastructure to permit use of treated effluent in Valle de las Palmas.

C. Proposed Works with Elements in the United States and Mexico
   1. Return line for treated flows from the SBIWTP in the United States to PB-1 in Mexico.
   2. Convey flows from Goat Canyon (Cañón de los Laureles) and Smuggler’s Gulch (Cañón El Matadero) by gravity to the SBIWTP. With the installation of the gravity system, the pumps in Goat Canyon (Cañón de los Laureles) and Smuggler’s Gulch (Cañón El Matadero) in Mexico would remain as a backup.

   The Commissioners pointed out the importance of providing Commission oversight of the works implemented in accordance with this Minute, once they enter into operation, consistent with longstanding Commission practice and relevant agreements.

   The Commissioners noted the potential future use of treated effluent from the SBIWTP and highlighted Recommendation 11 of Minute No. 283, which indicates that "The
Governments of the United States and Mexico reserve the right to dispose of their own territory part or all of the untreated sewage, in a manner consistent with the desire of both Governments expressed in Minute No. 261 of the Commission to prevent border sanitation problems. Also, both Governments reserve the right to return for reuse in their respective territories part or all of the international treatment plant effluent corresponding to each country's sewage inflows. The cost of construction of works to allow reuse of the effluent from the international treatment plant will be covered by the Government benefitting from such reuse. They also pointed to Section IX.B.5 of Minute No. 323, "Extension of Cooperative Measures and Adoption of a Binational Water Scarcity Contingency Plan in the Colorado River Basin," dated September 21, 2017, which considers a potential new water sources project for "Re-use in the United States of South Bay International Wastewater Treatment Plant effluent."

The Commissioners noted significant stakeholder interest in transboundary sanitation matters in the San Diego-Tijuana region and they reiterated their Governments' commitment to involve stakeholders from both countries, as stated in Resolution 1 of Minute No. 320, "Establish an inclusive process under the framework of the Commission to obtain advice and recommendations from stakeholder groups on transboundary issues in the Tijuana River Basin and coordinate the identification and implementation of cooperative measures that are jointly determined to be of common interest and benefit to residents on both sides of the border." To that end, the Commission previously established a Binational Core Group and associated Work Groups to address transboundary issues in the Tijuana River Basin.

Based on the above, the Commissioners adopted the following Resolutions, subject to the approval of both Governments:

1. That the Government of the United States undertake the projects as described in Section I.A of this Minute.

2. That the Government of Mexico undertake the projects as described in Section I.B of this Minute.

3. That the operation and maintenance of projects described in Sections I.A and I.B of this Minute be carried out under the framework of Section I.C of this Minute.

4. That the costs for the projects identified in Section I of this Minute be distributed between the United States and Mexico as indicated in Sections I.A and I.B of this Minute, in the approximate amounts of $330 million dollars for the United States and $144 million dollars for Mexico.

5. Consistent with Articles 2, 20, and 23 of the 1944 Water Treaty, the projects described in Sections I.A and I.B of this Minute shall be under the supervision of the International Boundary and Water Commission, United States and Mexico, to assure compliance with this Minute. The construction
of jointly-financed works in the territory of each country shall in no way confer jurisdiction to one country over the territory of the other.

6. That a portion of any funds made available to the U.S. Section to implement the works identified in Section I of this Minute may be used to cover the expenses of the Mexican Section, up to an amount determined by the Commission to be necessary to ensure supervision of the program in Mexico, including the administration of United States funds transferred to Mexico.

7. That the Governments of the United States and Mexico undertake to negotiate in good faith regarding the development and potential implementation of future projects identified in Section II of this Minute, recognizing that the proposed future projects could be modified or deleted, while other future projects could be developed in their place.

8. That the Commission continue to receive advice and recommendations from stakeholder groups on transboundary issues in the Tijuana River Basin, in accordance with Minute No. 320.

9. That all activities undertaken pursuant to this Minute will be subject to the availability of funds, resources, and corresponding personnel, as well as to applicable laws and regulations in each country. For BWIP-funded projects, cost-share is dependent on certification by the NADB Board of Directors.

10. That this Minute will enter into force upon notification of approval by the Government of the United States and the Government of Mexico through the respective Section of the Commission.

The meeting was adjourned.

Maria-Elena Giner
U.S. Commissioner

Adriana Reséndez Maldonado
Mexican Commissioner

Jennifer Peña
Acting U.S. Section Secretary

José de Jesús Luévano Grano
Mexican Section Secretary
### INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

**ATTACHMENT 1**
SUMMARY TABLE OF IMMEDIATE PROJECTS IDENTIFIED IN MINUTE NO. 328

<table>
<thead>
<tr>
<th>Project name</th>
<th>Capital Cost (million dollars)</th>
<th>US Government share</th>
<th>Mexican Government share</th>
<th>Total</th>
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<td><strong>Proposed Works in the United States</strong></td>
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<td>1 Expansion of SBIWTP to 50 mgd (2,191 lps)</td>
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<td>$ -</td>
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<td><strong>Proposed Works in Mexico</strong></td>
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<td>69,084,098</td>
<td>$1.75</td>
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<td>$1.78</td>
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<tr>
<td>2032</td>
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<td>$1.80</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The cost per cubic meter (m$^3$) in this table is applicable regardless of when the expanded SBIWTP enters into operation.