

authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in “Report on the Flood Control Project Rio Grande, Presidio Valley, Texas”, prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

(Pub. L. 92-549, title II, §202, Oct. 25, 1972, 86 Stat. 1163.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92-549, Oct. 25, 1972, 86 Stat. 1161, known as the “American-Mexican Boundary Treaty Act of 1972”. Title II of this Act enacted sections 277d-41 and 277d-42 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 277d-34 of this title and Tables.

§ 277d-43. Definitions

In sections 277d-43 to 277d-46 of this title, the following definitions apply:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Commission

The term “Commission” means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP

The term “IWTP” means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80-82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) Secondary treatment

The term “secondary treatment” has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) Secretary

The term “Secretary” means the Secretary of State.

(6) Mexican facility

The term “Mexican facility” means a proposed public-private wastewater treatment fa-

cility to be constructed and operated under sections 277d-43 to 277d-46 of this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) Mgd

The term “mgd” means million gallons per day.

(Pub. L. 106-457, title VIII, §803, Nov. 7, 2000, 114 Stat. 1977.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in pars. (3) and (4), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

Section 510 of the Water Quality Act of 1987, referred to in par. (3), is section 510 of Pub. L. 100-4, title V, Feb. 4, 1987, 101 Stat. 80, which is not classified to the Code.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 106-457, title VIII, §801, Nov. 7, 2000, 114 Stat. 1977, provided that: “This title [enacting this section and sections 277d-44 to 277d-46 of this title] may be cited as the ‘Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000’.”

PURPOSE

Pub. L. 106-457, title VIII, §802, Nov. 7, 2000, 114 Stat. 1977, provided that: “The purpose of this title [see Short Title note above] is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.”

§ 277d-44. Actions to be taken by the Commission and the Administrator

(a) Secondary treatment

(1) In general

Pursuant to Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) Additional authority

Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide