

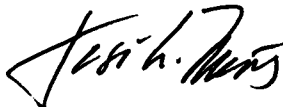


country (Mexico) and are not subject to U.S. federal, state, or local court jurisdiction. Therefore, inclusion of a pretreatment program requirement in the USIBWC's permit where the dischargers are not subject to U.S. jurisdiction is contrary to Clean Water Act regulations.

3. USIBWC will withdraw this protest to the above identified Tentative Order if the Board amends the Permit as follows:
  - a. strike "comply" from the first sentence of V.A.c.5.a.i.;
  - b. add the following verbiage to V.A.c.5.c.i.: after "the Discharger shall work with CILA to take all appropriate actions, subject to the discretion and authority of the Discharger, to prevent the discharge of untreated industrial wastewater in the Tijuana sewage collection system...";
  - c. add the following language as V.A.c.5.c.vii: "Influent exceedances of the MAHA, failure by Mexico to take remedial steps to prevent MAHA exceedances, failure by Mexico to implement a pretreatment program in Tijuana, or actions that occur outside of the United States that cause non-compliance with MAHA limitations shall not be construed as violations of this permit."

Thank you for your interest and support in these efforts and if you have any questions, please contact me at (915) 832-4749, or have your designee contact Mr. Wayne Belzer, Environmental Engineer, at (915) 832-4703 or by email at [wayne.belzer@ibwc.gov](mailto:wayne.belzer@ibwc.gov).

Sincerely,



Jose A. Nuñez, P.E.  
Principal Engineer