

**CALIFORNIA STATE  
LANDS COMMISSION**

ELENI KOUNALAKIS, *Lieutenant Governor*  
BETTY T. YEE, *Controller*  
KEELY BOSLER, *Director of Finance*



*Established in 1938*

**EXECUTIVE OFFICE**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*  
**(916) 574-1800** Fax **(916) 574-1810**  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

SENT VIA EMAIL AND U.S. MAIL  
[Jordan.deborah@Epa.gov](mailto:Jordan.deborah@Epa.gov)

February 7, 2020

Deborah Jordan  
Deputy Region Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Dear Deputy Administrator Jordan,

The State Lands Commission (Commission) is deeply concerned about the latest cross-border flows of untreated wastewater into the main channel of the Tijuana River and the impacts to California's Public Trust lands and resources. The Commission urges the U.S. EPA to take immediate action to address this emergency and collaborate with the International Border and Water Commission (IBWC), as well as the Mexican government, to end this crisis and prevent ongoing cross-border pollution.

The Commission learned that up to 50 million gallons per day are entering the Tijuana River main channel from Mexico, and this will continue for the next 6-8 months while the pump stations at PB1A, PB1B, and PB-CILA are repaired. These pump stations have not been operational since late November, 2019. There will be increasingly high risks to public health and safety, water quality, and economic activity throughout the San Diego County coastal region the longer these discharges occur. The discharges have already closed the beaches of Imperial Beach and Coronado, and more beaches up the coast will close as the discharges continue. This level of pollution, and the impairment of the public's right to access the ocean, is unacceptable and cannot be permitted for such a long period of time.

The Commission manages state sovereign land in and near the Pacific Ocean and Tijuana River Valley on behalf of the statewide public, and leases that land for uses consistent with the Public Trust Doctrine. Under the Public Trust Doctrine, the Commission and its lessees have a duty to preserve and protect these lands and resources for uses including maritime commerce, fishing, recreation, environmental stewardship, and public access. The constant flow of pollution crossing the border from Mexico critically impairs the effective management and use of these lands by the people of California.

The U.S. EPA must provide leadership at this critical moment. The U.S. section of the Tijuana River Valley must be restored so that the health and safety of California's residents, visitors, wildlife, and natural resources are no longer threatened. The following actions are needed now: 1) provide all possible assistance to the Mexican government to repair the pump stations and resume pumping operations; 2) provide the public with accurate and timely information regarding impacted water quality, in accordance with the 2018 CILA Pump Station Notification and Operations Protocol; and 3) enforce all mandates of the Clean Water Act as they apply to the U.S. section of the Tijuana River.

The current crisis is also a dramatic reminder of the need for additional infrastructure on the U.S. side of the border. Along with a coalition of cities, counties, state agencies, and stakeholder groups, the Commission adopted a resolution identifying these infrastructure projects and urging the federal government to act. The U.S. EPA must prioritize these infrastructure projects to protect the American public from future emergencies.

As the administrator of the Clean Water Act, the Border 2020 Program, and the U.S.-Mexico Border Water Infrastructure Grant Program, the U.S. EPA has the necessary authority, expertise, and resources to successfully take on this tremendous challenge, in partnership with the IBWC and the Mexican government. The Commission requests that the U.S. EPA protect the Tijuana River Valley and the public by responding to this crisis as quickly as possible.

Sincerely,



JENNIFER LUCCHESI  
Executive Officer

cc: Honorable Lt. Governor Eleni Kounalakis, Member, State Lands Commission  
Honorable State Controller Betty T. Yee, Chair, State Lands Commission  
Director Keely Bosler, Department of Finance, Member, State Lands Commission  
Jared Blumenfeld, Secretary for Environmental Protection, CalEPA