

Staff Report 46

PROPOSED ACTION:

Consider supporting S. 572, the [Border Water Quality Restoration and Protection Act](#), a bill introduced by Senators Dianne Feinstein and Alex Padilla to reduce pollution along the U.S. – Mexico border and improve the water quality of the Tijuana and New Rivers, and H.R. 1663 by Representative Juan Vargas, an identical bill that is also intended to restore water quality at the Tijuana River and New River.

Background:

The Commission has jurisdiction over sovereign land in and near the Tijuana River Watershed, a roughly 1,750-square-mile watershed on both sides of the United States. Nearly three-quarters of the Watershed is in Mexico, but the river drains to the Pacific Ocean north of the border through the Tijuana River Estuary. Ongoing sewage spills and stormwater runoff carrying trash, sediment, and other pollutants in the Tijuana River Valley watersheds damage Public Trust lands and resources in Southern California. The New River, which flows from Mexicali, Mexico into the Salton Sea in California, is not under the Commission's jurisdiction.

The Tijuana River Valley is a natural floodplain with tidally flushed wetland and riparian areas that support threatened and endangered species and includes several federally listed historical and archaeological sites. The Watershed includes a range of natural ecosystems, including a tidal saltwater estuary at the mouth of the Tijuana River and sandy beaches along the Pacific shoreline in the west. The Tijuana River Watershed is subject to a tapestry of regulation. There is the U.S. Section of the International Boundary and Water Commission, a binational agency that oversees water treaties between the United States and Mexico, and the San Diego Regional Water Quality Control Board that administers water quality laws, including the Clean Water Act. There is also the U.S. Environmental Protection Agency, which has a border office focused on issues related to the Tijuana River Valley; and the City of Imperial Beach, County of San Diego, and the City of San Diego because they operate a wastewater treatment plant and do most of the monitoring associated with it. And then there is the Clean Water Act that regulates pollutants discharged into federal waters and water quality standards for surface waters. There are also several international agreements that regulate environmental issues along the U.S. – Mexico border.

Nearly three million people reside in the City of Tijuana, Mexico, and the land in the surrounding canyons is developing rapidly to support a growing population and economy. Infrastructure, however, has not kept pace. The communities in the canyons often lack basic public services, such as paved roads, clean water, sewer pipes, and trash collection. The degraded water quality, health impacts, and decreased public access affect beach communities on both sides of the border.

Everyone agrees that the Tijuana River is experiencing a decades-long environmental crisis. For years, the Watershed has experienced water quality issues and pollution, including sediment, trash, contaminated wastewater, bacteria, and untreated sewage flowing into it from Tijuana. The two wastewater treatment plants along the U.S. – Mexico border that treat raw sewage are aging and have deteriorated infrastructure. The South Bay International Wastewater Treatment plant, a secondary treatment plant for wastewater generated in Tijuana, does not treat all the water flowing from Mexico during rainstorms or wet weather, or when pipelines or pumps break. Public beaches in Imperial Beach have been closed since December owing to sewage-contaminated runoff, and for several years have been closed for at least one-third of each year, and up to half the year in some years.

There is binational momentum to resolve the environmental crisis. The U.S. EPA leads a working group to advance feasibility analyses and implementation plans for projects and alternatives that could be funded through the United States-Mexico-Canada Agreements. Projects under consideration on the U.S. side include additional diversion infrastructure, trash booms, a sediment basin, and expanding the South Bay International Water Treatment Plant. The Mexican government is embarking on upgrades and repairs of conveyance infrastructure and the City of Tijuana's wastewater treatment facility. Still, winter storms bring heavy flows of untreated sewage and wastewater down the river and up the coast, closing beaches as far north as Coronado. This past February, the San Diego County Board of Supervisors declared the pollution in the Tijuana Valley a public health crisis.

Last year, the Government Accountability Office issued a report called *International Boundary and Water Commission: Opportunities Exist to Address Water Quality Problems*. The report found that the U.S. Section of the International Boundary and Water Commission has not taken comprehensive action to resolve the Tijuana River pollution crisis and recommends that Congress consider directing the Commission to identify alternatives to help resolve continuing water quality problems.

BILL INFORMATION:

S. 572 and H.R. 1663 are intended to: (1) establish a program to plan and implement water quality restoration and protection activities; (2) ensure the coordination of restoration and protection activities among Mexican, federal, state, local, and regional entities and conservation partners relating to water quality and stormwater management in the Mexican Tijuana River watershed and the American Tijuana River watershed; and (3) provide funding for water quality restoration and protection activities in the Mexican Tijuana River watershed and the American Tijuana River watershed.

Below is a summary of what the bills would do:

- Designate the U.S. EPA as the lead agency to address border pollution along the U.S. – Mexico Border and require the U.S. EPA, in consultation with other entities, to develop and implement projects, plans, and initiatives to improve and protect water quality in the Tijuana River watershed.
- Require the U.S. EPA to support implementation of a shared set of science-based water quality restoration and protection activities, assess and identify funding options to finance infrastructure projects, and authorize the U.S. EPA to accept and distribute federal, state, and local funds to build, operate and maintain projects.
- Require the U.S. EPA to use border water infrastructure program funding and other payments to enter into cooperative agreements and provide technical assistance to federal, state, and local agencies and others to carry out studies, plans, and projects to improve water quality in the Tijuana River watershed.
- Codify the existing Border Water Infrastructure Program to manage stormwater runoff and water reuse projects.
- Require the International Boundary and Water Commission to participate in the construction of projects identified in the Tijuana and New Rivers' comprehensive plans and authorize the Commission to address stormwater.
- Require the U.S. EPA to submit to Congress a report on the Act's implementation, including a description and status update for each project that was funded, and an assessment of the effectiveness of the operation and maintenance of each project.

These two bills are supported by the California Environmental Protection Agency; the California Natural Resources Agency; San Diego and Imperial Counties; the Cities of San Diego, Imperial Beach, and Coronado; Chula Vista Mayor Mary Casillas Salas; the Port of San Diego; the San Diego Regional Chamber of Commerce; and WILDCOAST. The Senate bill has been referred to the Committee on Environment and Public Works. The House bill has been referred to the Subcommittee on Water Resources and Environment.

RECOMMENDED ACTION:

It is recommended that the Commission:

Support S. 572, the [*Border Water Quality Restoration and Protection Act*](#), a bill introduced by Senators Dianne Feinstein and Alex Padilla to reduce pollution along the U.S. – Mexico border and improve the water quality of the Tijuana and New Rivers, and H.R. 1663 by Representative Juan Vargas that that is intended to restore water quality at the Tijuana River and New River.