

Staff Report 63

PROPOSED ACTION:

Consider supporting the [Border Water Quality Restoration and Protection Act of 2024](#) by Representatives Scott Peters and Juan Vargas and Senator Alex Padilla to combat the Tijuana River transboundary sewage pollution crisis.

BACKGROUND AND PROPOSED LEGISLATION:

The Tijuana River transboundary pollution crisis is dire and longstanding, and solutions are urgently needed. Staff [updated the Commission](#) on this crisis at its October meeting, and the Commission heard from people who have experienced the adverse public health and environmental impacts of the pollution firsthand. In February 2024, the Commission adopted a [support position](#) on AJR 12 (Alvarez), a since-adopted resolution that urges Congress to support President Biden's \$310 million supplemental funding request for the United States Section of the International Boundary and Water Commission and urges the President to declare a national emergency. Last year, the Commission [directed staff](#) to send President Biden a letter urging the President to include the \$310 million in supplemental budget funding.

Most of the Tijuana River is in Mexico, but the river flows across the border into southern California and drains into the Pacific Ocean. In recent decades, the city of Tijuana has experienced tremendous population and industrial growth, as well as rapid urbanization. This rapid growth has strained the aging Mexican sewage infrastructure, causing serious pollution problems on both sides of the border. Many homes in the City of Tijuana lack a connection to a wastewater or solid waste collection system. These infrastructure problems result in massive flows of untreated sewage that heavily impact coastal communities in the region, particularly the cities of Imperial Beach, Coronado, and San Ysidro. In 2023, transboundary flows, which are a combination of untreated wastewater, trash, and sediment, exceeded 44 billion gallons ([San Diego Union-Tribune, 2024](#)). These polluted flows harm water and air quality, stress the estuarine and coastal habitat and organisms, and result in beach closures along the San Diego coast ([San Diego County Beach Closure](#)

[Information](#)). Beaches in the City of Imperial Beach have been closed for most of the last three years because of the influx of the polluted flows, including, at one point, being closed for over [1,000 consecutive days](#).

The South Bay International Wastewater Treatment Plant in the City of San Diego treats sewage originating in the City of Tijuana and discharges it into the Pacific Ocean through an outfall pipe constructed in 1999. The Plant, owned by the U.S. component of the International Boundary and Water Commission and funded by the United States and Mexico, can treat up to 25 million gallons per day of sewage and wastewater. The Plant was built in 1996 and is in [dire need of repair and expansion](#).

In 2019, Congress passed the [United States-Mexico-Canada Agreement Implementation Act](#), which appropriated \$300 million to the U.S. EPA for infrastructure repairs to address transboundary flows. In 2023, the U.S. EPA and the International Boundary and Water Commission signed a Record of Decision for the United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows Project that is intended to reduce transboundary flows that cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas. The Decision identified four core projects to mitigate transboundary flows, including expanding the South Bay International Wastewater Treatment Plant, managing Tijuana canyon flows to the International Wastewater Treatment Plant, implementing Tijuana sewer repairs, and building an advanced primary treatment plant.

Expansion of the South Bay International Wastewater Treatment Plant is underway. Design and construction are expected to take up to five years and cost roughly \$600 million. Congress has appropriated over \$400 million toward the project. Additional funding and review are needed for the other projects in the Record of Decision that are critical to addressing the transboundary flows, especially the Tijuana River Diversion Project (Project D in the 2023 Record of Decision). State and regional partners are also implementing and planning restoration and debris management efforts. Solving this crisis and remedying the public health and ecological effects caused by decades of transboundary flows requires collaboration and coordination between federal, state, tribal, and regional partners.

The Border Water Quality Restoration and Protection Act of 2024 would designate the U.S. EPA as the lead agency to coordinate federal, state, tribal, and local agencies to build and maintain infrastructure projects in the Tijuana and New River

watersheds, essentially consolidating all infrastructure project efforts in these watersheds under the U.S. EPA. The bill would also create a geographic program in the U.S. EPA to manage the watershed through a comprehensive water quality management plan. Placing these responsibilities on the U.S. EPA tracks with the 2019 legislation providing the U.S. EPA with \$300 million for infrastructure repairs to address transboundary flows. And with the premise that the U.S. EPA has the expertise and experience to lead and coordinate efforts to ameliorate wastewater and other flows associated with the Tijuana River watershed. The authors state that the bill provisions flow from recommendations in the 2020 Government Accountability Office report: [International Boundary and Water Commission: Opportunities Exist to Address Water Quality Problems.](#)

BORDER WATER QUALITY AND RESTORATION AND PROTECTION ACT OF 2024 PROVISIONS:

1. Directs the U.S. EPA to implement a comprehensive water quality management program for the Tijuana and New River watersheds in coordination with federal, state, tribal, and local governments.
2. Requires the U.S. EPA and its partners to identify a consensus list of priority projects, including incorporating a comprehensive suite of projects identified by the U.S. EPA and the International Boundary and Water Commission in the 2022 United States-Mexico-Canada Agreement implementation plan, as well as the construction and operations and maintenance costs associated with them.
3. Requires the U.S. EPA to issue an action plan and update it every five years. The action plan must be developed in accordance with the Statement of Intent between the United States and Mexico regarding the implementation of priority sanitation projects in the San Diego, Tijuana BC region to improve and protect the water quality of the Tijuana River watershed.
4. Provides transfer authority to the U.S. EPA to accept and distribute funds to federal, state, tribal, and local partners to construct, operate, and maintain the identified priority projects.
5. Provides technical assistance to federal, state, tribal, and local stakeholders for restoration and protection activities.
6. Codifies the U.S. Mexico Border Water Infrastructure Program to fund water infrastructure projects that benefit U.S. communities.

7. Requires the International Boundary and Water Commission to participate in the construction of projects identified in the Tijuana and New River comprehensive plans.
8. Authorizes the International Boundary and Water Commission to address stormwater quality and accept funding made available by the bill.
9. Authorizes an annual \$50 million appropriation to implement the bill through 2035. Congress would have to allocate that funding each year.

The Commission has fought for a resolution throughout this crisis, and together with others, facilitated a settlement in 2022 that requires the United States section of the International Boundary and Water Commission to improve its canyon collector network, support a main channel berm, improve stakeholder communication, and take other steps to address the pollution that flows across the border.

As the Commission's October staff report stated, "While the problem is longstanding, its cause is not a mystery: the current wastewater infrastructure, on both sides of the border, is inadequate. It is inadequate because it is not designed to deal with the current volume of wastewater, and because it has not been appropriately maintained."

The Border Quality Restoration and Protection Act of 2024 is bicameral legislation intended to help combat the transboundary pollution crisis. In a press release announcing the legislation, Representative Peters stated that it institutes a "whole-of-government approach" to resolving this crisis and that this is the same type of program seen in the San Francisco Bay, Chesapeake Bay, and Great Lakes. The International Boundary and Water Commission joined the authors in September to announce the legislation.

OTHER PERTINENT INFORMATION:

1. The Border Water Quality Restoration and Protection Act of 2024 was [introduced](#) in September 2024.
2. Senator Laphonza Butler and Representative Raul Ruiz are co-sponsors of The Border Water Quality Restoration and Protection Act of 2024.

RECOMMENDED ACTION:

It is recommended that the Commission:

Support the Border Water Quality Restoration and Protection Act of 2024 by Representatives Scott Peters and Juan Vargas and U.S. Senator Alex Padilla to combat the Tijuana River transboundary sewage pollution crisis.