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COMMISSION**

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December 20, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Ave, N.W.  
Washington, DC 20500

**Subject: Request for Funding to Maintain Momentum on Solving Transboundary Flows in the Tijuana River Valley and Immediate Action to Mitigate Public Health Impacts**

Dear President Biden,

Communities and the environment continue to be impacted by transboundary flows across the U.S.-Mexico border through the Tijuana River Valley. These flows carry untreated sewage, industrial waste, garbage, and other pollution into Southern California's coastal communities and habitats. These flows are degrading vital federal and state ecological resources, creating a public health crisis, and threatening national security. ***The California State Lands Commission is writing to respectfully request that the Biden Administration act on the current momentum of efforts in progress by prioritizing this crisis as one of national importance and identify and consider all possible options to fund solutions that will streamline planning and implementation efforts.***

Solving the crisis of these transboundary flows and alleviating the disastrous impacts experienced by communities and the environment is critical. For decades, the United States government failed to do so, and Californians—particularly those in the Cities of Imperial Beach and Coronado, along with

other neighboring communities—are bearing the brunt of that failure. The pollution crisis is complex, but the basic problem is that infrastructure on both sides of the border is inadequate. On the United States side of the border, the infrastructure is operated by the United States section of the International Boundary and Water Commission pursuant to treaties with Mexico. In other words, this is federal infrastructure operating under federal law. But the United States government did not design the infrastructure for the current wastewater volume and the United States government has not adequately maintained the infrastructure, resulting in the transboundary pollution crisis. New weather patterns caused by climate change are also exacerbating the crisis.

The United States government must uphold its duty to protect United States residents in California's border communities from the impacts of this inadequate infrastructure. The United States government must commit to not only adequately maintaining and expanding the South Bay International Water Treatment Plant (Project A) but must also move forward with funding and implementing all core and supplemental projects identified in the United States-Mexico-Canada Agreement (USMCA) Mitigation of Contaminated Transboundary Flows Project Record of Decision. This comprehensive approach of infrastructure improvements is critical to protect Californians both now and in the future.

The California State Lands Commission, comprised of California's Lieutenant Governor, California's State Controller, and the Governor's Director of Finance, has jurisdiction over tide and submerged land in and near the Tijuana River Watershed. The Commission manages these lands in accordance with the Public Trust for the benefit of the people of California. Within the Tijuana River Estuary, the Commission leases land to the California Department of Parks and Recreation for the Border Field State Park, which traditionally supports an array of public access benefits, including hiking, biking, and equestrian activities, but has been intermittently closed to the public by California State Parks due to unsafe conditions caused by transboundary flows. The Commission also leases property to the U.S. Fish and Wildlife Service for the Tijuana River National Estuarine Research Reserve. The Commission approved the lease to effectuate the long-term preservation of the coastal wetlands in the Tijuana River estuary, yet the pollution crisis undermines the Reserve's ability to do so. The Commission's

lease with the U.S. Fish and Wildlife Service also requires the beaches next to the Reserve to be open to the public, but those beaches have frequently been closed due to the pollution.

For years, the Commission has vigorously advocated for solutions to end the transboundary pollution crisis. The Commission has commented on the environmental review of infrastructure projects, advocated and supported legislation to direct funding and resources toward addressing the crisis, and was part of a coalition of government agencies and clean-water advocates that secured a settlement with the U.S. Section of the International Boundary and Water Commission on cross-border water pollution in the Tijuana River Valley.

Transboundary flows in the Tijuana River Valley affect the region across multiple sectors, impeding public access, impairing public health and safety, degrading critical habitats, and threatening national security.

**Impaired Public Health:** Growing concerns over air quality impacts due to the transboundary flows led to formal requests for the Center for Disease Control and the California Department of Public Health to investigate. In October and November, the Centers for Disease Control and Prevention with the Agency for Toxic Substances and Disease Registry launched a household Community Assessment for Public Health Emergency Response and an Assessment of Chemical Exposure survey. San Diego County, with support from the State, recently approved funds to purchase air purifiers for residents who live in the region due to the noxious odors. Increasing gastrointestinal issues are also reported from communities most closely affected by the transboundary flows.

**Threat to National Security:** The Tijuana River Valley hosts important military training operations for the U.S. Navy and is monitored by hundreds of Border Patrol agents who patrol and secure the border. When water contamination reaches unsafe levels, the U.S. Navy often must delay, move, or cancel operations. Meanwhile, Border Patrol agents have reported impacts to health, including headaches, rashes, infections, and difficulty breathing. Improving water quality in the region and reducing debris flow is critical to ensure military operations are unimpeded and the border is secure.

**Environmental Degradation:** The Tijuana Estuary is a vital ecosystem. One of the largest and last remaining salt marsh and estuarine habitats in Southern California, the estuary is designated as a Globally Important Bird Area and supports a mosaic of sensitive and important plant and animal species. The continuous impaired water quality due to polluted flows is raising concerns about the short- and long-term ecological impacts. Surveys and observations by the Tijuana River National Estuarine Research Reserve researchers and their partners have begun to confirm severe ecological impacts, including reduced fish species and overall presence of fish. The U.S. EPA is currently reviewing a petition to declare the Tijuana River Valley a Superfund site due to growing concern for the extent of contamination such frequent polluted flows may have on the environment.

**Impeded Public Access:** The Tijuana River Estuary and beaches of San Diego are treasured for the public benefits they provide. However, beaches and coastal waters in the region are frequently closed to the public due to high bacterial counts and other water quality impairments from the flows. The City of Imperial Beach's coast has been especially impacted with consecutive beach closure days exceeding 1,000 days. Impacted areas include lands leased by the Commission to the Border Field State Park (California State Parks) and the Tijuana River National Estuarine Research Reserve (U.S. Fish and Wildlife Service). Closures reduce public access opportunities, interfere with research at the Tijuana River Estuary, and can cause delays in City and County dredging and berm repair efforts.

Solving the crisis of transboundary flows and improving conditions for affected communities and environments requires increased allocated funds to support planning review, design, and implementation of the USMCA Tijuana Mitigation projects, prioritization of the crisis as one of national concern, and enhanced engagement with federal and regional partners on short-and-long-term needs to improve public access and safety. The Commission requests that the Biden Administration continue to demonstrate that this crisis is a key priority and act on the current momentum and:

- 1. Allocate and Advocate for Additional Funding:** The USMCA Mitigation of Contaminated Transboundary Flows Project Record of Decision (ROD)

identifies a comprehensive set of projects to holistically address and solve the transboundary crisis. With approximately \$400 million in funds appropriated, efforts are underway to repair and expand the South Bay International Water Treatment Plant (SBIWTP). Total costs for this effort are estimated at \$600 million and it is likely that this figure could grow. In October 2023, President Biden requested \$310 million in emergency funding to support the ongoing design and construction at the South Bay International Wastewater Treatment Plant be included in a supplemental funding request. This funding is still sorely needed to ensure the project is fully funded and to reduce the risk that progress could be halted due to lack of funds.

The Commission applauds the Biden Administration for reiterating the request for \$310 million to help upgrade the South Bay Plant as part of the November 2024 disaster relief proposal to Congress. The Commission appreciates the Biden Administration's commitment to advocate for these funds and requests continued advocacy to identify additional opportunities where funding could be appropriated. Fully and adequately funding this project will ensure that the infrastructure is of high-quality design and will better safeguard taxpayer's investment in this critical effort.

The other projects in the 2023 ROD remain unfunded but are also critically necessary. In addition to requesting the Biden Administration to advocate for complete funding of the SBIWTP, the Commission also urges the Administration to advocate for additional funds to support the review, design, and implementation of the other projects identified in the 2023 ROD. Of particular interest to the Commission, is the implementation of Project D (Advanced Primary Treatment Plant), which would reduce impacts to the U.S. coast by treating diverted river water that would otherwise be discharged into the Pacific without treatment.

The expansion of the SBIWTP is expected to take up to five years and alone, will not solve the crisis. The region's communities deserve relief from the daily public health and access impacts. It is critical that every effort

be made to implement the 2023 ROD projects simultaneously to maximize public benefit and investment.

**2. Declare the Crisis a National Priority:** Transboundary pollution has been a problem for decades, and the problem is becoming more and more severe as urban growth and climate change place more pressure on Tijuana's infrastructure. But even though the problem is a longstanding one, this must not numb the federal government to the crisis caused by each pollutant discharge. Every discharge is its own emergency, and the impacted communities have been confronting successive emergencies for decades. The Biden Administration must treat these events with the urgency they demand and use every tool at its disposal to finally address the problem. If a presidential emergency declaration would result in any benefit, the Commission urges the Biden Administration to make that declaration and take any other action to address the pollution crisis and its environmental, health, and safety impacts.

**3. Support Engagement with Federal and Regional Partners:** The decades long issue of frequent polluted and debris-ridden transboundary flows has likely caused long-term impacts on environmental quality within the Tijuana River Valley. The Commission requests that the Biden Administration continue to support and direct federal agencies in the region, such as the U.S. EPA and U.S. Fish and Wildlife Service, to coordinate and collaborate with regional and state partners to identify and assess potential long-term impacts affecting the soil and waters of the Tijuana River National Estuarine Research Reserve, and to determine necessary measures to mitigate and reduce impacts to improve ecosystem health. Addressing ongoing and legacy impacts to this critical ecosystem is vital to advancing shared state and national priorities, such as 30x30, climate resilience, and public access.

Community residents, regional leaders, and state partners have long advocated for solutions and funding to address the transboundary flows that adversely impact communities and the environment. Under the Biden Administration and the leadership of U.S. Commissioner of the IBWC, Maria-Elena Giner, there is hope that there is growing momentum to propel progress forward. Work to

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expand the South Bay Plant has begun and several state-led efforts are in progress to mitigate debris and assess water quality. Residents of Imperial Beach, Coronado and other affected communities in the region have a right to clean air and water, and a right to safely access state and federal public lands.

The Commission requests that the Biden Administration continue to prioritize this crisis as one of national significance and assess any eligible or relevant opportunities that could support efforts by allocating additional funding for the South Bay Plant Expansion Project, Tijuana River Diversion Project, and other 2023 ROD projects and increasing staff support and capacity to coordinate and collaborate with state and regional partners. The Tijuana River Transboundary Pollution Crisis is complex and multifaceted, but the 2023 ROD paired with state and regional efforts provide a solutions-oriented pathway forward. With increased funding and coordination, we can advance comprehensive solution to improve environmental and public health outcomes for the Tijuana River Valley.

Sincerely,



JENNIFER LUCCHESI  
Executive Officer