

June 19, 2023

Secretary Antony J. Blinken
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Harry S Truman Federal Building
2201 C Street NW
Washington, D.C. 20520

Administrator Michael Regan
US Environmental Protection Agency
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RE: Additional Resources for the Rehabilitation of the IBWC South Bay International Treatment Plant

As the Secretary Environmental Protection of California, and the Chair of the California-Mexico Border Relations Council, I request your support in fulfilling the federal commitments to the San Diego – Tijuana region under the U.S.-Mexico-Canada Agreement (USMCA) as it relates to the South Bay International Treatment Plant (ITP) in San Diego, managed by the International Boundary and Water Commission (IBWC).

The ITP is in very poor condition and in non-compliance with its Clean Water Act discharge permit¹, impacting the United States Environmental Protection Agency (U.S. EPA) and IBWC's ability to fulfill their commitments under the USMCA Implementation Act.

It is CalEPA's understanding that IBWC has requested additional resources from the Department of State to repair the essential ITP components necessary to comply with its Clean Water Act obligations and to begin the expansion work. We fully support this IBWC request and want to emphasize that without the repair of these essential ITP components, U.S. EPA and IBWC cannot proceed with the ITP expansion.

The communities along San Diego-Tijuana region have long awaited major infrastructure investments to improve the impaired flows impacting human health and their coastal wetlands. This problem has escalated, as we have seen 500 consecutive days of beach closures and the plume of wastewater pollution spread. I feel compelled to write in support of this request because we cannot afford to delay vital infrastructure and must deliver on our cross-boundary promises, particularly as it aligns with the Biden-Harris Administration's approach to advancing environmental justice as affirmed by [Executive Order 14008](#) on Tackling the Climate Crisis at Home and Abroad.

¹ https://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/tijuanarivervalley.html

Background

In 2020, Congress appropriated \$300 million through the USMCA directing U.S. EPA to plan, design, and construct infrastructure to address the decades-old problem of transboundary pollution in the San Diego/Tijuana border; including: flows contaminated with sewage, trash, and sediment.

Subsequently, in 2021, U.S. EPA developed a comprehensive infrastructure solution in coordination with IBWC and the USMCA Eligible Public Entities. This solution combines several projects that together will reduce sewage and wastewater in the Tijuana River. In July 2022, the U.S. and Mexico signed Minute 328 and a bilateral Statement of Intent to launch a series of short- and long-term projects; the highest priority U.S. project being the expansion of the ITP from its current capacity of 25mgd to 50mgd.

Deferred Maintenance

In 2022, the IBWC conducted an evaluation of the ITP to identify rehabilitation needs in preparation for its expansion under the USMCA. The evaluation identified total rehabilitation needs ranging from \$116-\$245 million with the cost to rehabilitate essential components required before proceeding with expansion range between \$70-\$140 million.

During the recent May 4, 2023, meeting of the USMCA Eligible Public Entities stakeholder group, the IBWC explained that the significant rehabilitation needs are due to deferred maintenance given its limited operations and maintenance budget.

Status of South Bay International Treatment Plant (ITP)

The ITP is currently operating but is in very poor condition – its primary sedimentation tanks are off-line and the sluice gate that controls influent flows into the plant from Tijuana is inoperable. Consequently, over the last year, IBWC has consistently violated its discharge permit under the Clean Water Act and has experienced over 100 permit limit exceedances resulting in impaired water quality discharges into the marine environment.²

Without proper repair of existing facilities, the plant cannot be expanded, which will result in continued beach closures; the beach immediately north of the border has been closed due to bacteria exceedances since December 8, 2021, to present. Currently, all southern San Diego beaches up to, and including, Coronado, are closed, resulting in the cancellation of numerous community festivals and events, with significant negative impacts to the local economies.

² In 2018, in response to continued wastewater flows into the Tijuana River Valley within San Diego County, and alleged NPDES permit violations at the Plant, several lawsuits were filed in U.S. District Court against USIBWC, including one by the State (*People of the State of California ex rel. the San Diego Regional Water Quality Control Board, et al., v. International Boundary and Water Commission, United States Section*, No. 3:18-cv-02050-JM-JLB, which was resolved through a settlement agreement in April 2022. Plaintiffs settled that litigation in part because the USMCA comprehensive suite of projects would address transboundary flows.

Socioeconomic Indicators

According to census data within the Tijuana Estuary, there is an average of over 60% Latino population. CalEnviroScreen 4.0³ also shows high levels of poverty and linguistic isolation in the area. Below is a graph from EJ Screen⁴ that displays the socioeconomic indicators of Imperial Beach compared to the rest of the U.S. population.



Cross Border Relationships

Lastly, as the interconnected border region of California and Mexico continues to face unprecedented challenges, our collaboration has never been more important. Border affairs initiatives and relationships are a top priority for me as California's Secretary for Environmental Protection and Chair of the California California-Mexico Border Relations Council,⁵ and I look forward to continuing to build on our vital collaborative efforts. You play a pivotal role into our collective successes.

We thank the Biden-Harris Administration's commitment to advancing environmental justice and to your consideration of the IBWC's request. Please let me know if you have any questions.

Yana Garcia
Secretary for Environmental Protection
Chair, California-Mexico Border Relations Council

CC: Martha Guzman Aceves, U.S. EPA, Regional Administrator, Region 9

³ The CalEnviroScreen 4.0 tool shows cumulative impacts in California communities by census tract.

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁴ <https://ejscreen.epa.gov/mapper/>

⁵ The California-Mexico Border Relations Council is the central organizational body that coordinates interagency projects, programs, initiatives, and partnerships along the California-Mexico border. It also serves as a representative body of the State of California whose goal is to continue to develop and enhance cross-border relations between California and Mexico.