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SR-57 (2019-2020)

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ENROLLED SEPTEMBER 11, 2019

PASSED IN SENATE SEPTEMBER 06, 2019

AMENDED IN SENATE AUGUST 28, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE RESOLUTION

NO. 57

Introduced by Senator Hueso

August 14, 2019

Relative to the Tijuana River.

LEGISLATIVE COUNSEL'S DIGEST

SR 57, Hueso.

WHEREAS, The Tijuana River Watershed straddles the international border between the United States and Mexico; the Tijuana River flows through Mexico before entering the Tijuana River Estuary and the Pacific Ocean through the County of San Diego, flowing through the communities of San Ysidro and the City of Imperial Beach; and

WHEREAS, The Tijuana River Estuary is designated as one of the “Wetlands of International Importance” through the United Nations Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat; it provides a critical habitat for multiple endangered species and is one of the few estuaries and coastal lagoons in southern California, and the only one in the City of San Diego, not bisected by a railroad or freeway; and

WHEREAS, The Tijuana River and the Tijuana River Estuary are identified on the list of impaired waters developed pursuant to Section 303(d) of the federal Clean Water Act, and the California Regional Water Quality Control Board, San Diego region, is developing total maximum daily loads for the Tijuana River Valley for pathogens, bacterial indicators, and solid waste; and

WHEREAS, The Tijuana River has for more than 30 years experienced substantial discharges of trash, sediment, and wastewater generated as a result of sewage infrastructure inadequacies; and

WHEREAS, In February 2017, one of the largest sewage spills occurred, resulting in 143,000,000 gallons of raw sewage flowing into the Tijuana River Valley; and

WHEREAS, Transboundary flows containing raw sewage, waste tires, trash, and sediment cause severe economic and environmental degradation as a result of the continued need to excavate, haul, and dispose of the pollution in the Tijuana River Valley, and those flows also result in constant beach closures that compromise the economic potential of beaches in the southern parts of the County of San Diego; and

WHEREAS, The discharge of raw sewage and other waste through the Tijuana River Valley poses serious public health risks from untreated and partially treated human and industrial wastewater that contains toxins and bacterial and viral pathogens, such as hepatitis and enteroviruses, which have been detected in the surf zone of the Tijuana River during wet weather; and

WHEREAS, In addition to the environmental impact caused by the transport and deposit of trash and sediment, the watershed is in danger of losing valuable ecological, recreational, and economic resources; and

WHEREAS, Pursuant to a 1944 treaty entered into by the United States and Mexico entitled "Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande," the International Boundary and Water Commission (IBWC), an international body responsible for cross-border rivers and streams, agreed to "give preferential attention to the solution of all border sanitation problems"; and

WHEREAS, The United States section of the IBWC maintains and operates flood control and wastewater collection and treatment infrastructure in the Tijuana River Valley and, through its operation of this facility, has assumed the responsibility to protect local communities from pollution flowing through this infrastructure into the Tijuana River Valley and the state's coastal waters; and

WHEREAS, The IBWC and the federal government have repeatedly failed to stop transboundary flows and protect local communities from massive pollutant discharge and have stated that they are not responsible for managing transboundary trash, sewage, and sediment discharge from Mexico, even though the 1944 treaty dictates the agreement by the IBWC to "give preferential treatment to the solution of all border sanitation problems"; and

WHEREAS, The only way to effectively restore and protect environmental and human health issues in the Tijuana River Valley is to address transboundary flows of trash and sediment at the source, requiring binational cooperation; and

WHEREAS, As a result of this continued failure, the Cities of Imperial Beach and Chula Vista, along with the San Diego Unified Port District and the Surfrider Foundation, filed a lawsuit against the IBWC for failure to protect the people of California; and

WHEREAS, Soon thereafter, the City of San Diego announced its intention to join a lawsuit against the IBWC and the federal government, filed by the Attorney General on behalf of the State of California, for the continued discharge of pollutants into state waters; and

WHEREAS, The IBWC has contemplated participation from local, state, nongovernmental, and federal entities through its Minute 320 process and its three workgroups, which were specifically created to identify projects for federal, state, and local partnerships in which the IBWC must be the lead responsible agency; and

WHEREAS, The California Regional Water Quality Control Board, San Diego region, is an agency responsible for the protection and preservation of California waters by administering and implementing the federal Clean Water Act, among other things; and

WHEREAS, To support the IBWC efforts, the regional board formed and led the Tijuana River Valley Recovery Team, including 30 government entities, academic and research institutions, and nongovernmental organizations, including the IBWC, and established the need for interception and diversion structures and measures to protect communities and ecosystems in the Tijuana River Watershed and coastal waters; and

WHEREAS, The continued discharge of pollutants in the Tijuana River Valley poses an immediate threat to the health, safety, and welfare of the people of the State of California, and it is in the interest of the state and its people to take tangible steps to address transboundary flows from the Tijuana River; and

WHEREAS, In the month of June 2019 alone, the IBWC has reported at least six sewage flows from Mexico, discharging more than an additional 6,000,000 gallons into neighboring waters and communities; and

WHEREAS, The City of San Diego has already declared a continued state of emergency since 1993 as a result of the escalated discharge of raw sewage from Tijuana, Mexico, that has caused numerous health problems, such as headaches, rashes, infections, and respiratory problems; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate requests that Governor Newsom explore all available state resources, where feasible, to address the sewage crisis affecting the Tijuana River Valley, the Tijuana River Estuary, and surrounding residents; and be it further

Resolved, That the Senate requests that Governor Newsom look into the emergency that currently exists in the Tijuana River Valley due to the sewage crisis; and be it further

Resolved, That the Senate requests that Governor Newsom support the San Diego congressional delegation's request sent to the IBWC on July 3, 2019, to take action immediately; and be it further

Resolved, That the Senate recognizes the challenges that arise due to the need for cooperation from our federal agencies and binational partners; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor and the author for appropriate distribution.