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AJR-12 Tijuana River: cross-border pollution. (2023-2024)

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Assembly Joint Resolution No. 12

CHAPTER 201

Relative to the Tijuana River.

[Filed with Secretary of State September 05, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 12, Alvarez. Tijuana River: cross-border pollution.

This measure would, among other things, urge the United States Congress and President Joseph R. Biden to fully fund the United States Environmental Protection Agency's Comprehensive Infrastructure Solution for the Tijuana River due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution and would urge President Joseph R. Biden to declare a national emergency due to those ongoing impacts.

Fiscal Committee: no

WHEREAS, The Tijuana River, which flows east to west from Mexico into California and drains into the Pacific Ocean through the Tijuana River Estuary, has for decades experienced an increased discharge of trash, sediment, and wastewater generated on the Mexico side, which as a result of sewage infrastructure inadequacies has created recurring and worsening pollution problems for the County of San Diego and the southern California coastline; and

WHEREAS, The extent of the cross-border water pollution has been studied for decades and research by the Scripps Institution of Oceanography attributed 34,000 annual illnesses to water quality pollution along the City of Imperial Beach coastline in the County of San Diego, and linked up to 76 percent of bacteria in the City of Imperial Beach air to cross-border water pollution, and data from medical clinics in the City of Imperial Beach shows a significant increase in cases of diarrhea and other intestinal problems during significant cross-border flow events; and

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

WHEREAS, The City of Imperial Beach has declared a continued state of emergency since 2017 as a result of the escalated discharge of raw sewage from the City of Tijuana, Mexico, that has caused numerous health problems and significant beach closure days at the City of Imperial Beach, which include 101 days in 2018, 243 days in 2019, 295 days in 2020, and 246 days in 2021, and the beach has yet to open since December 2021; and

WHEREAS, The beach closures have had a direct effect on the surrounding communities due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps, and lower property values; and

WHEREAS, The San Diego County Air Pollution Control District has deployed air monitors in the communities surrounding the Tijuana River Valley that have shown levels of sulfur dioxide and hydrogen sulfide above standards set by the United States Environmental Protection Agency; and

WHEREAS, The County of San Diego, on June 27, 2023, declared a local emergency due to the public health, environmental, and economic impacts of the cross-border pollution disaster; and

WHEREAS, On August 30, 2018, the Legislature approved Senate Joint Resolution 22 to urge the federal government to take immediate action to adequately address cross-border pollution in the Tijuana River Valley; and

WHEREAS, Former Attorney General Xavier Becerra initiated a lawsuit against the United States Section of the International Boundary and Water Commission (USIBWC) that led to the USIBWC committing to comply with the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) along with the appropriation of \$300,000,000 through the United States-Mexico-Canada Agreement (USMCA); and

WHEREAS, Since October 2018, the USIBWC has documented the entry of over 200 billion gallons of toxic effluent into the United States through the Tijuana River; and

WHEREAS, The USIBWC has failed to maintain and operate the South Bay International Wastewater Treatment Plant by allocating only \$4,000,000 of the estimated \$40,000,000 required for maintenance in the 2011–21, inclusive, time period; and

WHEREAS, The USIBWC's failure to respond is a clear violation of the Federal Water Pollution Control Act and the federal Resource Conservation and Recovery Act of 1976 that has endangered the lives of the people of California and threatened the environmental health and viability of the Tijuana River Valley and its diverse and unique potential as an ecological, recreational, cultural, and educational jewel of the State of California for decades; and

WHEREAS, Urgent funding and commitments are needed to completely implement the preferred Comprehensive Infrastructure Solution for the Tijuana River and address deferred maintenance needs for existing USIBWC infrastructure to bring the International Wastewater Treatment Plant into compliance with the Clean Water Act (33 U.S.C. Sec. 1251 et seq.); and

WHEREAS, The New River, the headwaters of which originate about 15 miles south of the City of Mexicali, Baja California, Mexico, and which crosses the international boundary at Calexico, California, traveling 60 miles through the County of Imperial and emptying into the Salton Sea, has been recognized as one of the most polluted rivers in the nation; and

WHEREAS, California Regional Water Quality Control Board, Colorado River Basin Region 7 has monitored the water quality of the New River since 1975 and has detected pollution by bacteria, silt, nutrients such as nitrate and phosphate, pesticides, and trash; and

WHEREAS, The Legislature has passed laws and appropriated funding to reduce cross-border pollution from the Tijuana River and the New River; and

WHEREAS, The New River's pollution problem, recognized since the 1940s, is exacerbated by continued growth of urban areas, industry, and agriculture on both sides of the border; and

WHEREAS, The community surrounding the New River in Calexico, California, is predominantly Latino and ranks in the 92nd percentile for pollution burden and 100th percentile for impaired water bodies according to CalEnviroScreen, California's environmental justice mapping tool; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the United States Congress and President Joseph R. Biden to fully fund the United States Environmental Protection Agency's Comprehensive Infrastructure Solution for the Tijuana River due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution; and be it further

Resolved, That the Legislature urges President Joseph R. Biden to allow all relevant agencies to provide financial and technical support to the United States Environmental Protection Agency and the USIBWC in the implementation of infrastructure solutions, including the projects agreed upon in the USIBWC Minute No. 328; and be it further

Resolved, That the Legislature urges President Joseph R. Biden to declare a national emergency due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution in the Tijuana River Valley; and be it further

Resolved, That the Legislature urges President Joseph R. Biden and Congress to include sufficient ongoing operation and maintenance funding for the South Bay International Wastewater Treatment Plant in future federal budgets; and be it further

Resolved, That the Legislature hereby reinforces its commitment to Section 4 of Article 10 of the California Constitution, and the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), which guarantee maximum public access to the coast and navigable waters, and that the Legislature strongly urges the federal government to take necessary action to end the 900 consecutive days of beach closures in the City of Imperial Beach; and be it further

Resolved, That the Legislature urges President Joseph R. Biden and Congress to provide funding to address ongoing cross-border pollution impacting the New River; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from California in the Congress of the United States, to the Commissioner of the USIBWC, to the Governor, to the California Attorney General, and to the author for appropriate distribution.