

**California Regional Water Quality Control Board  
San Diego Region**

**David Gibson, Executive Officer**



**Executive Officer's Report  
August 9, 2023**

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**The August report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions, Agenda Items Requested by Board Members, and the attachments noted above are included at the end of this report.**

## **Part A – San Diego Region Staff Activities**

### **1. Personnel Report**

*Staff Contact: Dulce Romero*

An updated San Diego Water Board staff list is available online at: [San Diego Regional Water Quality Control Board Staff List \(ca.gov\)](https://www.waterboards.ca.gov/sandiego/about_us/employment/).

#### Recruitment

We are recruiting for seven positions: one Student Assistant in the Site Restoration and Groundwater Protection Branch; two Water Resource Control Engineers, one Senior Water Resources Control Engineer, and one Student Assistant in the Surface Water Protection Branch; and one Student Assistant and one Environmental Scientist in the Healthy Waters Branch.

#### Filled Vacancies

The Restoration & Protection Plan Unit welcomes our new environmental scientist, Melissa Liotta. Melissa worked as a scientific aid for the California Department of Fish and Wildlife to investigate biomass and genetic diversity of commercially important fish species. Melissa also completed her Ph.D. in Ecology and Evolutionary Biology at Ohio University, where her dissertation focused on fish mating behavior. Melissa also specializes in statistical analysis and geospatial analysis. Melissa will be the project manager for the Santa Margarita River Water Quality Restoration Project.

The Wetland and Riparian Protection Unit (WRPU) is pleased to announce that Environmental Scientist Chris Means joined the unit on July 3<sup>rd</sup>. Chris transferred from the San Diego Water Board's Compliance Assurance Unit, bringing with him a wealth of enforcement and technical experience. In addition, Chris' previous work experience in the dredge and fill permitting and Clean Water Act Section 401 program will be an immediate help to the WRPU. With his knowledge and experience, Chris is well suited to work on the unit's more challenging projects like the City of San Diego's Los Peñasquitos Lagoon and De Anza Park Restoration efforts. Please join the WRPU in welcoming Chris.

Information regarding our vacancies is located on the CalCareers and San Diego Water Board websites:

<https://calcareers.ca.gov/CalHRPublic/Search/AdvancedJobSearch.aspx>

[https://www.waterboards.ca.gov/sandiego/about\\_us/employment/](https://www.waterboards.ca.gov/sandiego/about_us/employment/)

### **2. Stormwater Staff Outreach – High Tech High Media Arts Point Loma Campus**

*Staff Contact: Mireille Garcia*

On June 7, 2023, High Tech High Media Arts, located in Point Loma, hosted an Exhibition event for 11th grade students to present their student work on a variety of environmental research projects. Student led presentations highlighted environmental issues and proposals for solutions on different environmental topics such as habitat protection, trash pollution and plastic waste, air pollution, stormwater runoff, and climate change. Mireille Garcia, Water Resource Control Engineer in the Stormwater Management Unit, attended the event in

response to an invitation from one of the student groups leading the San Diego Bay stormwater runoff research topic. The student's research presentation and poster, titled "Harmful Storm Water Runoff in Central Region San Diego Bay and its effect on humans" included the following research question: How does E.Coli caused by fecal waste in stormwater runoff in San Diego Bay affect the health of children ages 0-14 in the Central Region of San Diego? The poster included findings on the health effects that result after becoming sick from E.Coli and the sources of E.Coli in stormwater, including sewage and animal waste. Students concluded that further efforts are needed to "stop E.Coli from contaminating water" and "stop children from being exposed to and affected by the severe and harmful E.Coli bacteria." The students also proposed the need for more Bay cleanups and shared a potential opportunity where they would plan to put together a Bay cleanup event. Board staff welcomed the idea and offered to attend a future bay cleanup event with the students.

### **3. Border Water Quality Update (Attachment A-3)**

*Staff Contact: David Gibson*

#### State of Water Quality Impaired by Transboundary Pollution

Transboundary flows of sewage and other wastes have grossly impaired the Tijuana River, estuary, coastal waters, and beaches due to repeated, increasing flows of sewage from failing and over-capacity sewage infrastructure in Tijuana. The Tijuana River and estuary are among the most polluted in the United States. Since the 1970s, deteriorating water quality has been documented in the 2020 Clean Water Act section 303(d) List of Impaired Waters. There are 55 impairments listed for Tijuana River, estuary and coastal waters that will require 10 Total Maximum Daily Loads to address. The San Diego Water Board remains inadequately supported with position authority and contract resources to address these impairments:

- Indicator Bacteria
- Trash
- Solids
- Sedimentation
- Siltation
- Eutrophic Conditions
- Pesticides
- Chlorpyrifos
- Diazinon
- Malathion
- Toxicity
- Ammonia
- Total Nitrogen
- Phosphorous
- Low Dissolved Oxygen
- Surfactants (MBAS)
- Benthic Community Effects
- Trace Elements
- Synthetic Chemical Compounds
- Cadmium
- Selenium

Since 2015, beach closures at Border Field State Park/Imperial Beach have ranged between 101 days and 365 days annually and have significantly impacted public health and economic outcomes in the disadvantaged communities of San Ysidro and Imperial Beach, as well as the city of Coronado:

- 2015      211 days
- 2016      162 days
- 2017      168 days
- 2018      101 days

- 2019 215 days
- 2020 295 days
- 2021 195 days
- 2022 365 days
- 2023 195 days to date (**600** days consecutively as of July 31, 2023)

### Requests for Intervention

On June 27, 2023, the County of San Diego adopted a [Proclamation of a County-Wide Local Emergency and request to Governor Newsom at the State of California](#) to declare a state of emergency and take other actions. [Local](#), [state](#), and [federal](#) lawmakers have all [communicated](#) the urgency of the border water quality impacts and need to prompt and [effective action](#) on federal funding for long term solutions to the border sewage and water quality impacts. Forty local non-governmental organizations also requested the President and federal government declare an emergency and take action to address long standing transboundary pollution that has impaired community programs (Attachment 1). In addition, CalEPA and the Water Board have also raised concerns regarding the status of the U.S. International Boundary and Water Commission (IBWC) South Bay International Wastewater Treatment Plant (ITP) and Environmental Justice impacts of border water quality pollution (Attachments 2, 3, and 4). Finally, on behalf of the San Diego Water Board, I also joined several local and state agencies in communicating concern to Department of Homeland Security/Customs and Border Protection regarding potential flooding, pollution mitigation, and other impacts associated with a proposed cross river fence at the U.S. – Mexico border (Attachment 5).

### USMCA Implementation

As I previously reported, U.S. EPA and IBWC jointly signed the [Record of Decision](#) on June 9, 2023 for the [Programmatic Environmental Impact Statement](#) identifying the comprehensive preferred alternative suite of projects to address the transboundary pollution impairing waters in the Tijuana River Valley, Estuary, and Pacific Ocean. The Record of Decision identifies an ambitious, but severely underfunded plan to address transboundary pollution. Components of the Preferred Alternative identified by EPA include:

- Expansion of the ITP to 50 million gallons per day (mgd, partially funded);
- ITP anaerobic digestion and maximum 100 mgd peaking volume (unfunded);
- Recycled water production at ITP (unfunded);
- 35 mgd Primary Tijuana River Diversion and Advanced Primary Treatment System (unfunded);
- Existing pipeline and pump station upgrades and replacement in Tijuana (NADB/BWIP funded);
- Construction of new pipelines to direct wastewater to the ITP that is currently discharged untreated into the ocean in Mexico at Punta Bandera (Funds committed by Mexico);
- Effective reuse in Mexico of 15 mgd of treated wastewater currently discharged to the Tijuana River;

- Tijuana River trash control booms (unfunded); and
- Mexico has committed to several additional components of the Preferred Alternative approved in the ROD including upgrading San Antonio de los Buenos Treatment Plant to achieve secondary treatment standards using oxidation ditches (Funds committed by Mexico).

Previously, the U.S. and Mexico (CILA) sections of IBWC approved [Minute 328](#) in August 2022 to implement several projects to address sewerage in Mexico and replacement of the San Antonio de los Buenos treatment plant. Unfortunately, of the nine Record of Decision USMCA projects, only the South Bay International Wastewater Treatment Plant (ITP) expansion in the U.S. is funded, and only partially.

ITP Compliance Status

The ITP is presently receiving and partially treating a monthly average of 33.3 mgd, but it does not have full primary wastewater treatment due to primary treatment equipment failures (Figure 1). There are at present at least 218 reported violations of the secondary treatment effluent limitations as well as several reporting and influent exceedance violations. Staff and I will meet with IBWC staff and Commissioner regarding the violations and follow up actions.

Since my last report, U.S. EPA and IBWC have reported significantly greater costs (as much as \$150 million) for the rehabilitation of the ITP to restore it to compliance with the NPDES Permit effluent limitations and prepare it for expansion per the Record of Decision. In fiscal year 2022-2023, USIBWC has awarded \$10.5M for improvements from its budget, but it lacks additional funding to achieve the goals under Minute 328 and USMCA. It is not certain how the remaining costs of rehabilitation will be covered or how those costs and work will impact the timing or scope of the expansion of the ITP to 50 mgd.

## SBIWTP- Existing Facility Assessment

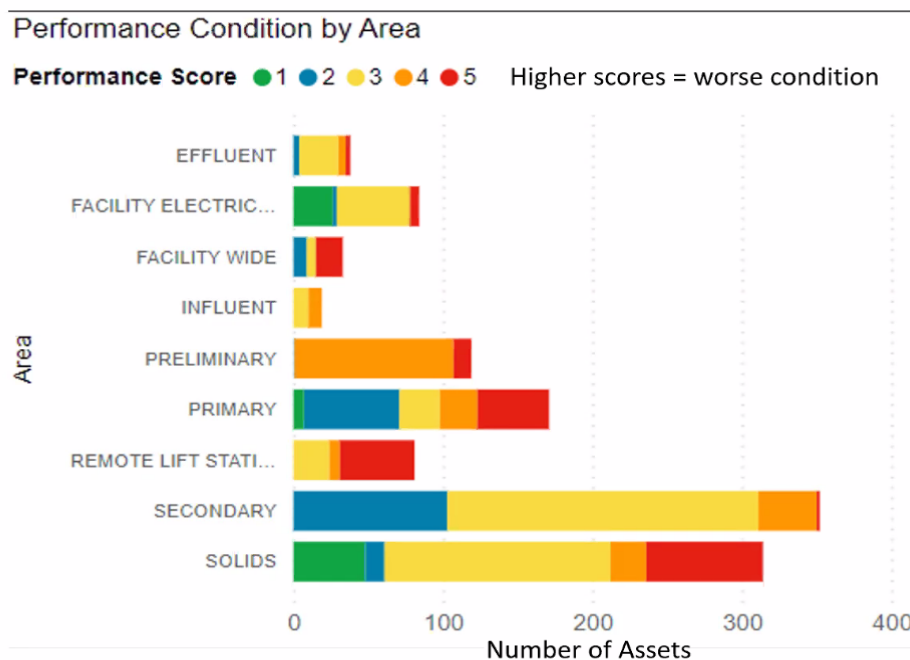


Figure 1: IBWC Facility Assessment (*source IBWC*)

ITP Expansion (Record of Decision Project A)

Although procurement for the first phase of expansion including design and construction of the ITP expansion will begin in Fall 2023, the planned expansion cannot proceed before the rehabilitation is complete. The schedule for Project A is:

- **Phase I- Facility Assessment/Pre-Design/Procurement** started in October 2022 and will be completed in December 2023.
- **Phase II- Design/Construction** will start on completion of procurement and requires 5 years to complete.

Status of Tijuana River Flows and Beach Closures

Flows in the Tijuana River have continued intermittently. Flows downstream of the PBCILA river diversion pump station, which diverts up to 30mgd to San Antonio de los Buenos/Punta Bandera, have ranged from 2-5 mgd in June and July. The river diversion at PBCILA was restarted in June but has increased flows into the ITP (see above) to 33.3 mgd during the last month. PBCILA pumping will be reduced in August to reduce the impact on the ITP, so August Tijuana River flows will increase. In addition, in July two berms were constructed in the River in Mexico, and two berms are being constructed in the US, to further retain the transboundary flows in the river. Site visits on July 24 and 25<sup>th</sup> found both the main Canyon Collectors in Smuggler's Gulch and Goat Canyon were operational, but only Goat Canyon had significant flows. Border Field State Park and south Imperial Beach have been closed since December 8, 2021 (597 consecutive days as of July 28, 2023). Coronado beaches were closed during the July 4<sup>th</sup> weekend but remained open since the posting was lifted on or about July 6, 2023.



Figure 2: Tijuana River flows and berms in Mexico (*source IBWC*)



### Status of Repairs to Damaged Infrastructure in Mexico

IBWC received notice from Mexico that materials were delivered to restore the 42" pipeline PB1A at Matadero Canyon damaged in July 2022. Repairs are expected to start in August and be complete in November 2023.



Figure 3: Materials stockpiled in Matadero Cañon for repair of PB1A (Source: IBWC).

Restoration of this section of wastewater piping will bring added capacity to the San Diego-Tijuana wastewater system and relieve excess flows to the ITP and reduce transboundary flows down the Tijuana River. The flows, are nonetheless, discharged untreated onto the shoreline at San Antonio de los Buenos/Punta Bandera and contribute to the aforementioned beach closures and impairment.

### Status of California Funded Border Water Quality Protection Projects

The three projects funded by the State Water Resources Control Board Division of Financial Assistance include:

- Tijuana River Flood Control Trash Control Structure  
\$4.7 million – Rural Community Assistance Center/Alter Terra
- Smuggler's Gulch Improvement Project (sediment basin and trash control)  
\$2.3 million – County of San Diego
- Tijuana River Valley Hydrology and Habitat Restoration  
\$2 million – County of San Diego

A fourth project to fund Smart Cover Systems Unit in Tijuana was set aside due to a lack of a project partner in Mexico. Each of the three funded projects are deeply rooted in the 13 years of coordinated federal, state, and local agency and organization efforts to restore and protect water quality in the Tijuana River Valley. They were originally proposed in the Tijuana River Valley Recovery Strategy (2012) and studied further in the County of San Diego SB 507 Tijuana River Needs and Opportunities Assessment Report (2020). The trash control projects will be important components in the plan to address transboundary trash pollution to sensitive habitats and disadvantaged communities. All three projects are being encumbered and will be completed on schedule by June 2026. I have participated in meetings with the County and RCAC/Alter Terra and the State Water Board Division of Financial Assistance on the grant agreement process and early steps of the projects. Long-term operations and maintenance are presently unfunded beyond the term of the grants.

### Meetings

On August 21, 2023, I will represent the Water Board at the U.S. International Boundary and Water Commission (IBWC) Minute 320 Binational Core Group Meeting. On September 21, 2023, a sub quorum of the Board and I will convene a listening session with local and state and federal elected officials on environmental justice and border water issues.

## **Part B – Significant Regional Water Quality Issues**

### **1. Commercial Agricultural Order Renewal and Public Workshops**

*Staff Contacts: Cailynn Smith and Abigail Pashina*

The San Diego Water Board regulates commercial agricultural operations under General Agricultural Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region* and General Agricultural Order No. R9-2016-0005, *General Waste Discharge Requirements for Dischargers from Commercial Agricultural Operations for Dischargers Not Participating in a Third-Party Group in the San Diego Region* (collectively, Ag Orders). Staff are considering revisions to the Ag Orders, and have met with the following stakeholder groups to discuss ideas to improve the Ag Orders:

- Upper Santa Margarita Irrigated Lands Group
- San Diego Region Irrigated Lands Group
- Southern California Coastal Water Research Project
- San Diego County Water Authority
- Fallbrook Public Utility District
- San Diego County Department of Agriculture/Weights & Measures
- Mission Resource Conservation District
- Resource Conservation District of Greater San Diego
- Gerry Spinelli from University of California Cooperative Extension
- San Diego Coastkeeper
- Orange County Coastkeeper
- National Center for Appropriate Technology
- Mikhail Ogawa Engineering



Additionally, Staff will hold three public workshops with all interested stakeholders to further discuss ideas to improve the Ag Orders. These workshops will be held at the following locations and dates:

- Rancho California Water District office - (In-Person Only)  
August 15, 2023, starting at 9:00 AM
- Virtually on Zoom – (Online Only)  
August 18, 2023, starting at 6:00 PM
- San Diego Farm Bureau office - (In-Person Only)  
August 22, 2023, starting at 2:00 PM

The public notice with information on how to attend the workshops is available on the San Diego Water Board's Public Notice webpage at:

[https://www.waterboards.ca.gov/sandiego/public\\_notices/docs/ag\\_workshop\\_public\\_notice.pdf](https://www.waterboards.ca.gov/sandiego/public_notices/docs/ag_workshop_public_notice.pdf)

Staff will review and consider all verbal and written informal stakeholder comments collected from the workshops and stakeholder meetings but will not prepare a response to comments document. Staff will use the informal comments to prepare revisions to the Ag Orders. Staff will release the revised Ag Orders for formal public comments prior to holding a Board Workshop. Staff anticipate scheduling the Board Workshop for the December 14, 2023, Board meeting. The Board Workshop will allow Board members to hear feedback from the public on the tentative Ag Orders. Staff also anticipate bringing the tentative Ag Orders to the Board for adoption consideration in the summer of 2024.

Staff attended a farm tour organized by the San Diego Region Irrigated Lands Group on July 18, 2023, as part of the Ag Orders renewal. The San Diego Region Irrigated Lands Group arranged the farm tour to provide regulatory agencies with an overview of the variety of agricultural practices in the San Diego Region. The farm tour included visiting a cut-flower farm, a vineyard with a winery, and a tropical plant greenhouse nursery, and included presentations from growers of a strawberry farm and guava orchard. The farm tour attendees included representatives from the County of San Diego, City of San Marcos, City of Escondido, City of Oceanside, Mikhail Ogawa Engineering, the University of California Department of Agriculture and Natural Resources, and local growers.

Staff will continue to provide updates on the renewal of the Ag Orders as new information becomes available. Staff anticipate including a detailed account of the farm tour in the September Executive Officer's Report.

## **2. Fish Consumption Advisory for Lake Cuyamaca**

*Staff Contact: Chad Loflen*

Human consumption of fish is a key beneficial use for lakes and reservoirs throughout the region. On July 27, 2023, the State of California Office of Environmental Health Hazard Assessment (OEHHA) released a [health advisory and guidelines for eating fish from Lake Cuyamaca](#) ("Advisory"). The Advisory provides safe eating advice for 5 species from Lake Cuyamaca: largemouth bass, crappie, carp, sunfish, and rainbow trout.

OEHHA, like the State Water Resources Control Board, is a department within the California Environmental Protection Agency. OEHHA is responsible for conducting evaluations of potential human health risks to the public from chemical contamination of sport fish. OEHHA publishes general and waterbody-specific guidelines and advisories for various species of sport fish.

OEHHA's evaluation of health risk found mercury and selenium to be the pollutants of concern for human health. The Advisory's most restrictive guidelines are for largemouth bass, recommending no more than 2 servings per week for children or women (aged 18-49 years). OEHHA advice is based on the consumption of skinless fillets. Additional species-specific evaluations can be found in the Advisory.

The Lake Cuyamaca Advisory used data collected and analyzed by the State of California's Surface Water Ambient Monitoring Program (SWAMP) in 2015 and 2016, including fish collected by San Diego Water Board staff.

While OEHHA releases health advisories and guidelines to the public, OEHHA is not responsible for waterbody specific on-site notification to anglers regarding consumptive risks and recommendations. Local governmental agencies are responsible for angler education and notification, including the production and placement of any educational signage.

OEHHA's website does include signage that can be used by local agencies and may request feedback from local agencies on the type and number of languages when producing signs. Legislation passed in 2019 ([AB 762](#)) requires the local health agency to conspicuously post health warnings upon the issuance of a site-specific fish or shellfish health advisory. This includes Lake Cuyamaca's published Advisory. Health advisories and guidelines are also printed in the California Department of Fish and Wildlife's Sport Fishing Regulations in the "Public Health Advisories" section.

Lake Cuyamaca Advisory Direct Link:

<https://oehha.ca.gov/advisories/lake-cuyamaca>

The California Department of Fish and Wildlife Sportfishing Regulations can be found at:

<https://www.wildlife.ca.gov/Regulations>

Map of Fish Advisories in California: <https://oehha.ca.gov/fish/ca-fishmap>

### **3. Enforcement Actions for April, May, and June 2023 (*Attachment B-3*)**

*Staff Contact: Chiara Clemente*

During the months of April, May, and June 2023, the San Diego Water Board issued one Administrative Civil Liability Order, one Cease and Desist Order, two Investigative Orders, 12 Notices of Violation, and five Staff Enforcement Letters. A summary of each written enforcement action taken is provided in the attached table. The State Water Board's [Enforcement Policy](#) contains a brief description of the types of enforcement actions the Water Boards can take.

Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/)

California Integrated Water Quality System (CIWQS):

[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml)

State Water Board GeoTracker database: <https://geotracker.waterboards.ca.gov/>

#### **4. Sanitary Sewer Overflows in the San Diego Region – April and May 2023 (Attachment B-4)**

*Staff Contact: Fisayo Osibodu*

Sanitary sewer systems experience periodic failures resulting in sanitary sewer overflow (SSO) discharges that may affect waters of the United States and/or the State of California (State). There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), that can influence the likelihood of an SSO and the volume of the discharge. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station failures, power outages, excessive stormwater inflow or groundwater infiltration, debris blockages, failures due to aging sanitary sewer systems, lack of proper operation and maintenance, insufficient capacity, and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures, and proper operation and maintenance of the sanitary sewer system.

SSO discharges from public sewage collection systems and private laterals in the San Diego Region can contain high levels of suspended solids, pathogens, toxic pollutants, nutrients, and oil and grease. SSO discharges can pollute surface and ground waters, thereby threatening public health, adversely affecting aquatic life, and impairing the recreational use and aesthetic enjoyment of surface waters. Typical impacts of SSO discharges include closure of beaches and other recreational areas, inundation of property, and pollution of rivers, estuaries, and beaches.

State agencies, municipalities, counties, districts, and other entities (collectively referred to as public entities) that own or operate sewage collection systems report SSO spills through an on-line database system, the *California Integrated Water Quality System* (CIWQS). These SSOs are required to be reported under the [Statewide General SSO Order](#),<sup>1</sup> the [San Diego Regional General SSO Order](#),<sup>2</sup> and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities<sup>3</sup> report this information voluntarily. Most

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<sup>1</sup> State Water Board Order WQ 2022-0103-DWQ , *Statewide General Waste Discharge Requirements General Order for Sanitary Sewer Systems*. State Water Board Order WQ 2022-0103-DWQ was adopted on December 9, 2022, and became effective on June 5, 2023. State Water Board Order WQ 2022-0103-DWQ supersedes Order 2006-0003-DWQ, the previous statewide waste discharge requirements for sanitary sewer systems.

<sup>2</sup> San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

<sup>3</sup> Marine Corp Base Camp Pendleton reports sewage spills to CIWQS as required by its individual NPDES permit, Order No R9-2019-0167, NPDES Permit No. CA0109347, *Waste*

SSO reports are available to the public on a real-time basis at the [State Water Board Public SSO Report Database](#).

Details on the reported SSOs and private lateral sewage discharges (PLSDs) for April and May 2023 are provided in the following attached tables:

- Table 1: April 2023- Summary of Public and Federal Sanitary Sewer Overflow Events
- Table 2: May 2023- Summary of Public and Federal Sanitary Sewer Overflow Events
- Table 3: April 2023 - Summary of Private Lateral Sewage Discharge Events
- Table 4: May 2023 - Summary of Private Lateral Sewage Discharge Events
- Table 5: April and May 2023 - Summary of Sewage Discharges by Source

A summary view of information on sewage spill trends from April 2022 to May 2023 are provided in the following attached figures:

- Figure 1: Number of Spills per Month
- Figure 2: Volume of Public SSOs per Month
- Figure 3: Volume of Federal SSOs per Month
- Figure 4: Volume of PLSDs per Month

From April 2022 to May 2023, 38 of the 64 collection systems in the San Diego Region reported one or more sewage spills. Twenty-six collection systems did not report any sewage spills. A total of 254 sewage spills were reported with about 10,292,166 gallons of sewage reaching surface waters.

Additional information about the San Diego Water Board sewage overflow regulatory program is available on the [San Diego Water Board's SSO Website](#).

## **5. Transboundary Flows from Mexico into the San Diego Region – April and May 2023 (Attachment B-5)**

*Staff Contact: Vicente Rodriguez*

Water and wastewater in the Tijuana River and from canyons located along the international border ultimately drain from the City of Tijuana, Baja California, Mexico (Tijuana) into the United States. The water and wastewater flows are collectively referred to as transboundary flows. The United States Section of the International Boundary and Water Commission (USIBWC) has built canyon collectors that capture dry weather transboundary flows for treatment at the South Bay International Wastewater Treatment Plant (SBIWTP) located at the United States/Mexico border. Dry weather transboundary flows that are not captured by the canyon collectors for treatment at the SBIWTP, such as flows within the main channel of the

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*Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon, Discharge to the Pacific Ocean through the Oceanside Ocean Outfall.* The United States Marine Corps Recruit Depot and the United States Navy voluntarily report sewage spills through CIWQS.

Tijuana River,<sup>4</sup> are reported by the USIBWC pursuant to [Order No. R9-2021-0001](#), the National Pollutant Discharge Elimination System (NPDES) permit for the SBIWTP discharge. These uncaptured flows can enter waters of the United States and/or the State of California (State), potentially polluting the Tijuana River Valley and Estuary, and south San Diego beach coastal waters.

According to the 1944 *Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* and stipulations established in [IBWC Minute No. 283](#), the USIBWC and the Comisión Internacional de Límites y Aguas (CILA)<sup>5</sup> share responsibility for addressing border sanitation problems, including transboundary flows. Efforts on both sides of the border have led to the construction and ongoing operation of several pump stations and treatment plants to reduce the frequency, volume, and pollutant levels of transboundary flows. This infrastructure includes but is not limited to the following:

- The SBIWTP, located just north of the United States/Mexico border, which provides secondary treatment for a portion of the sewage from Tijuana and transboundary flows conveyed from canyon collectors located in Smuggler's Gulch, Goat Canyon, Canyon del Sol, Stewart's Drain, and Silva Drain. The secondary-treated wastewater is discharged to the Pacific Ocean through the South Bay Ocean Outfall, in accordance with USIBWC's NPDES permit, Order No. R9-2021-0001.
- Several pump stations and wastewater treatment plants (WWTPs) in Tijuana, including the San Antonio de los Buenos WWTP, the La Morita WWTP and the Arturo Herrera WWTP.
- The River Diversion Structure and Pump Station CILA in Tijuana which diverts dry weather transboundary flows from the Tijuana River. The flows are diverted to a discharge point at the Pacific Ocean shoreline, approximately 5.6 miles south of the United States/Mexico border; or the flows can be diverted to SBIWTP or another wastewater treatment plant in Tijuana, depending on how Tijuana's public utility department (CESPT) directs the flow into the collection system. The River Diversion Structure is not designed to collect wet weather river flows and any river flows over 1,000 liters per second (35.3 cubic feet per second, 22.8 million gallons per day).

In April and May 2023, there were a total of 0 reported transboundary flows.

Details on the transboundary flows reported in April and May are provided in the attached tables:

- Table 1: April and May 2023 - Summary of Transboundary Flows from Mexico by Event
- Table 2: April and May 2023 - Summary of Transboundary Flows from Mexico

A summary view of information on transboundary flow trends are provided in the following attached figures:

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<sup>4</sup> Tijuana River transboundary flows typically consist of a mixture of groundwater, urban runoff, storm water, treated sewage wastewater, and untreated sewage wastewater from infrastructure deficiencies and other sources in Mexico.

<sup>5</sup> The Mexican section of the IBWC.



- Figure 1: Number of Transboundary Flows per Month
- Figure 2: Tijuana River Transboundary Flow Volume per Month
- Figure 3: Canyon Collector Transboundary Flow Volume per Month

These figures show the number and volume of transboundary flows per month from April 2022 through May 2023. During this period, there were a total of 14 reported transboundary flows resulting in more than 39.33 billion gallons of contaminated water flowing from Mexico into the United States.

On July 30, 2022, CESPT of Tijuana in Mexico lost pumping capacity at the main pumping station PB1 due to damaged wastewater pipelines PB1A and PB1B. Pipeline PB1B has since been repaired, but pipeline PB1A remains offline. In the meantime, PB1 pumping capacity remains reduced and excess flows have been diverted to the SBIWTP. This excess flow included additional sand, trash, and debris that has overwhelmed all five primary sedimentation tanks (PSTs) and rendered all out of service pending cleaning and rehabilitation. The lack of solids removal in the primary treatment has resulted in the biological overloading of the secondary treatment system and solids washout within the effluent. Excess flows are expected to continue until pipeline PB1A repairs are completed in 2024.

## **Part C – Statewide Issues of Importance to the San Diego Region**

### ***No Reports***

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Significant NPDES Permits,  
WDRs, and Actions of the  
San Diego Water Board

August 9, 2023

APPENDED TO EXECUTIVE OFFICER'S REPORT

**TENTATIVE SCHEDULE  
SIGNIFICANT NPDES PERMITS, WDRs, AND ACTIONS  
OF THE SAN DIEGO WATER BOARD**

**September 13, 2023  
San Diego Water Board Meeting Room**

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
Rescission of Order No. 94-119, Waste Discharge Requirements for Ivan and Adele Potts, Ivy Del Trailer Park, Near Escondido, San Diego County (Tentative Order No. R9-2023-0044). ( <i>Mahsa Izadmehr</i> )	Waste Discharge Requirement Rescission	17-Jul-23
Rescission of Order No. 95-34, Waste Discharge Requirements for Outdoor Resorts Rancho California, Inc., Outdoor Resorts Rancho California RV Park, Aguanga, Riverside County (Tentative Order No. R9-2023-0028). ( <i>Brandon Bushnell</i> )	Waste Discharge Requirement Rescission	7-Jun-23
NPDES Permit Amendment: An Order Amending Order No. R9-2019-0003, NPDES No. CA0109223, Waste Discharge Requirements for the Poseidon Resources (Channelside) LP Claude "Bud" Lewis Carlsbad Desalination Plant Discharge to the Pacific Ocean (Tentative Order No. R9-2023-TBD). ( <i>Fisayo Osibodu</i> )	NPDES Permit Amendment	9-August-23
A Resolution Endorsing the Fiscal Year 2023-2024 Operational Plan (Tentative Resolution No. R9-2023-0138). ( <i>David Gibson</i> )	Tentative Resolution	N/A
Administrative Civil Liability Order in the Matter of Quality Investors 1 2016 LLC and David G. Epstein for Alleged Violations of Water Quality Requirements as set forth in Administrative Civil Liability (ACL) Complaint No. R9-2023-0013. ( <i>Christina Arias</i> )	ACL Hearing	18-Dec-2022

**October 11, 2023**  
**San Diego Water Board Meeting Room**

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
Rescission of Order Nos. 88-15, 88-75, and 95-86 Waste Discharge Requirements for Shamrock Sand and Rock Corporation Aguanga Plant, Escondido Ready-Mix Concrete, Inc. in the City of Escondido, and Superior Ready Mix Concrete, L.P. Fallbrook Plant (Tentative Order No. R9-2023-0130) <i>(Brandon Bushnell)</i>	Waste Discharge Requirement Rescission	TBD
Addendum No. 5 to Order No. 90-09 for Republic Services, Otay Annex Landfill <i>(Erin Schmitt)</i>	Waste Discharge Requirements Amendment	TBD
Waste Discharge Requirements for the Prima Deshecha Landfill, Zone 1, San Juan Capistrano, County of Orange, Orange County (Tentative Order No. R9-2023-0001) <i>(Josh Hufferd)</i>	Waste Discharge Requirements	TBD
Waste Discharge Requirements for the United States Department of the Navy for the Naval Bases in the San Diego Region, San Diego County (Tentative Order No. R9-2023-0010, NPDES No. CA9000001). <i>(Vicente Rodriguez)</i>	Regional NPDES Permit Issuance	23-Mar-23
Time Schedule Order Issuance: An Order Requiring Designated Responsible Permittees to Comply with Bacteria TMDL Requirements Prescribed in the Regional Municipal Separate Storm Sewer Systems Permit for the San Diego Region (Tentative Time Schedule Order No. R9-2023-0006) <i>(Mireille Garcia and Laurie Walsh)</i>	Time Schedule Order Issuance	17-Feb-23
A Sediment Investigation and Cleanup Strategy Update for San Diego Bay <i>(Sarah Mearon)</i>	Informational Item	N/A

**November 8, 2023**  
**Rancho California Water District, Temecula**

<b>Action Agenda Item</b>	<b>Action Type</b>	<b>Written Comments Due</b>
Waste Discharge Requirements for the Prima Deshecha Landfill, Zone 4, San Juan Capistrano, County of Orange, Orange County (Tentative Order No. R9-2023-0045) <i>(Josh Hufferd)</i>	Waste Discharge Requirements	TBD
Waste Discharge Requirements for the City of Escondido Membrane Filtration/Reverse Osmosis Facility, San Diego County (Tentative Order No. R9-2023-0131) <i>(Brandon Bushnell)</i>	Waste Discharge Requirements	TBD
Cleanup and Abatement Order for Lake San Marcos and San Marcos Creek (Tentative Order No. R9-2023-0102). <i>(Lara Quetin)</i>	Cleanup and Abatement Order	TBD
Time Schedule Order for Lake San Marcos (James Chhlor)	Time Schedule Order	TBD
Presentation from the City of San Diego on its Asset Management Program (TBD)	Informational Item	N/A



**Agenda Items Requested by Board Members****November 18, 2020**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Notification of dates when the San Diego City Council will consider taking an action on the De Anza Cover Amendment to the Mission Bay Park Master Plan and any related CEQA actions	Abaranel	June 2023
Updates on the City of San Diego's planning process for the De Anza/ReWild project when available	Warren	June 2023
Progress report for Lake San Marcos project	Olson	Ongoing

**March 10, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Annual update on the progress and accomplishments of the Project Clean Water program, including information related to the impacts of the program on water quality.	Abarbanel, Warren	Ongoing
Region-wide workshop regarding the water quality issues in the Tijuana River Valley, including a discussion of water quality objectives and steps needed to achieve them.	Abarbanel	Summer 2023

**April 14, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update from State Board on the lessons learned regarding the use of Zoom remote meeting platform for Board Meetings to inform how the Regional Boards move forward when we return to the office and hold Board meetings in person	Warren	Completed June 2023

**December 8, 2021**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on the Contact Water Recreation (REC-1) Water Quality Objectives project, with information regarding the use of HF-183 in particular. This will be included in future REC-1 Executive Officer Reports.	Olson	Complete

**May 11, 2022**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Lockheed Martin Tow Basin Cleanup Updates	Abarbanel, Olson	Ongoing
Environmental Justice outreach event	Warren	Winter 2023-24
Agricultural effects resulting from Colorado River water allocation reductions.	Olson	September 2023

**November 9, 2022**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on monitoring and debris removal associated with the NPDES permit for discharges from fireworks	Various	Fall 2023
Annual progress reports on implementation of the Strategic Water Quality Assessment Approach for San Diego Bay	Olson, Warren	September 2023

**February 8, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update regarding Colorado River water availability and plans to allocate the water	Cantú	April 2023
Update on how the State Water Resources Control Board provides drought messaging to the public	Warren	2023
Update regarding the use of drones and other surveillance methods and the associated restrictions for inspections	Olson	April 2023
Update regarding requirements of Assembly Bill 2108, which adds sections 189.7 and 13149.2 to the California Water Code	Cantú	May 2023

**March 8, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update regarding the Southern California ROMS-BEC coastal water-quality model	Abarbanel	Fall 2023

**May 10, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Information regarding agricultural water quality best practices that are working in other regions and other topics raised during the agricultural workshop	Olson, Warren	Summer 2023

**June 14, 2023**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update regarding determination process for transferring an onsite wastewater treatment system (OWTS) from WDRs to the General Order	Warren	Summer 2023
Update on the accuracy of various storm events, given the new weather patterns we are experiencing	Warren	October 2023

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Update on the volume of sewage from spills that reached a surface water	Olson	October 2023
Regular updates from the City of San Diego regarding progress assessing and repairing the sewage collection systems identified during the ACL hearing	Olson, Warren	October 2023
A tour of the Harbor Island Living Shoreline Project	Warren	October 2023
Identify options for the Board to address the San Diego City Council about concerns regarding the City's sanitary sewer overflow issues and other sewer-related concerns	Olson	September 2023

July 13, 2023

The Honorable Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Subject: Environmental Justice Request for State and Federal Emergency Declaration for the Tijuana River Transboundary Pollution Crisis Impact on Youth and Local Organizations

Dear Honorable Governor Newsom:

As nonprofit and community based organizations representing coastal residents, workers, activists, and recreators in San Diego County, and advocates for and with children, youth, and their families, we are writing to strongly urge the State of California to fulfill their commitments to support Environmental Justice communities and take decisive action to address the severe transboundary pollution crisis in the Tijuana River Valley and the Pacific Ocean shoreline from the U.S. Mexico border through Coronado.

We believe all residents, especially children and youth, should have repeated, meaningful, safe access to the outdoors to help improve physical and mental health outcomes, promote self-confidence in new experiences, and foster a love and understanding for the environment. Lack of access to safe outdoors spaces, especially for historically underserved communities, is a reason for the critical mission-driven work that we do.

Summer is a time of year when many of our organizations facilitate opportunities for safe recreation and critical skill development in the ocean for thousands of children and youth. Beach closures and advisories resulting from transboundary pollution in South County beaches now hinders many programs, putting new cumbersome considerations into operations including expense and risk of transportation. For many programs this is a burden that organizational resources can not overcome. The consequence is that many young people, especially those in South Bay communities, are missing out on critical experiences.

The Imperial Beach shoreline located in South San Diego County is tragically recognized as the most polluted stretch of sandy beach in the entire country. With over 550 consecutive days of beach closures due to the ongoing influx of sewage, industrial discharges, and trash from the Tijuana River, the community of Imperial Beach is bearing the brunt of this environmental disaster. Pollution in the Tijuana River remains the most urgent environmental justice issue in San Diego County.

We are formally requesting a State and Federal Emergency Declaration for the Tijuana River Valley and the shoreline of Imperial Beach. The continuous influx of transboundary pollution is wreaking havoc on the local community, economy, and environment along the coastline of South San Diego County. Since October 2018, the U.S. International Boundary and Water Commission has documented the entry of over 100 billion gallons of toxic effluent into the United States through the Tijuana River, with an additional 35 billion gallons crossing the international border since December 28, alone.<sup>1</sup>

The extent of this pollution has been studied for decades including recent research from the Scripps Institute of Oceanography with funding from the Environmental Protection Agency (EPA) that attributes

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<sup>1</sup> <https://waterdata.ibwc.gov/Data/Dashboard/8>



34,000 illnesses in calendar year 2017 to water quality pollution along the Imperial Beach coastline.<sup>2</sup> The high levels of coastal water pollution are even impacting local air quality.<sup>3</sup> Researchers are monitoring the airborne transmission pathways for coastal water pollution and documenting concerning levels of industrial chemicals and pathogens from aerosol sea spray generated from wind and ocean waves.<sup>4</sup> These potential public health concerns are why the Cities of Imperial Beach and San Diego maintain an ongoing State of Local Emergency related to the impacts of cross-border pollution in the Tijuana River. In addition, the County of San Diego has now declared a State of Local Emergency for the Tijuana River Valley.

The coastal communities of South San Diego County face an immense challenge from the ongoing pollution crisis in the Tijuana River that is beyond local control. It is a public health emergency that requires a State and Federal Emergency Declaration to coordinate and prioritize a multi-agency response to this ongoing disaster. The continuous flow of untreated sewage and other pollutants into our waters is unacceptable and must be addressed immediately.

Over the past decade, local community-based organizations, including the undersigned, have participated in and contributed to developing comprehensive solutions for the ongoing pollution crisis in the Tijuana River. Our collaborative efforts have resulted in an initial allocation of \$300 million through the United States, Mexico, and Canada Agreement (USMCA) to identify and implement a comprehensive approach to solve the longstanding pollution problem in the Tijuana River. The EPA has already prepared a Programmatic Environmental Impact Statement and identified the preferred list of projects that are necessary to ultimately control the discharge of wastewater, trash, and sedimentation into the Tijuana River Valley. Unfortunately, more funding and state and federal agency coordination is needed to move these projects forward.

An entire generation of children is growing up in South San Diego County, having only experienced polluted beaches. While we appreciate the EPA's identification of a comprehensive solution, the reality remains that these projects are still years away from implementation, with no sense of urgency from federal officials to address funding shortfalls. We implore a State and Federal Emergency Declaration to expedite funding and implementation of projects across multiple state and federal agencies. The pollution disaster in the Tijuana River warrants the same level of state and federal agency coordination and response as other national crises such as the Ohio toxic train derailment, Flint water crisis, the 2021 Orange County oil spill, devastating hurricanes, and destructive atmospheric river storms. These examples highlight the urgent need for immediate action and the importance of a coordinated response to protect the health and well-being of our communities.

Just as state and federal agencies and resources are mobilized to respond to natural disasters like hurricanes, a State and Federal Emergency Declaration for the Tijuana River would enable the coordination and allocation of critical resources to address this ongoing environmental catastrophe. The same level of urgency, funding, and comprehensive action that is applied to other national emergencies,

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<sup>2</sup> Falk Feddersen et al. "Modeling Untreated Wastewater Evolution and Swimmer Illness for Four Wastewater Infrastructure Scenarios in the San Diego-Tijuana (US/MX) Border Region" October 28, 2021. <https://doi.org/10.1029/2021GH000490>

<sup>3</sup> Matthew A. Pendergraft et al. "Airborne Transmission Pathway for Coastal Water Pollution" PeerJ; 2021. <https://peerj.com/articles/11358/4>

<sup>4</sup> Matthew A. Pendergraft et al. "Bacterial and Chemical Evidence of Coastal Water Pollution from the Tijuana River in Sea Spray Aerosol" Environmental Science & Technology; 2023. <https://pubs.acs.org/doi/10.1021/acs.est.2c02312?ref=pdf>

whether natural or man-made, must be extended to the pollution crisis in the Tijuana River. Our communities cannot afford to wait for years for these projects to be implemented while the health and well-being of our residents and the environment continue to suffer.

Community agencies are committed to stopping the border pollution and its extreme impacts on coastal water quality, coastal recreation, unique wetland habitat and the nearby communities that are forced to deal with the public health hazard this pollution creates. Extreme pollution in the Tijuana River Watershed is so toxic that many volunteers used to wear protective gear to conduct cleanups and now volunteerism in these areas has ceased because of frequent illness. Many local organizations have had to adapt or cancel programs in response to the health hazards caused by the pollution crisis in the Tijuana River. Additionally, local lifeguards as well as U.S. Border Patrol and Navy conduct patrols and training in contaminated environments that put staff, agents, and sailors at risk.

We urgently appeal to the State of California to fulfill their commitments to support Environmental Justice communities and take decisive action to address the ongoing pollution crisis in the Tijuana River.

Respectfully,

4 Walls International  
 A Reason To Survive (ARTS)  
 Blue Dot Education  
 CA Mountain Biking Coalition  
 Clean Earth 4 Kids  
 Climate Action Campaign  
 Coastal Roots Farm  
 Earth Discovery Institute  
 Emerald Keepers  
 Environmental Center of San Diego  
 Friends of Friendship Park  
 Groundwork San Diego-Chollas Creek  
 Hispanic Access Foundation  
 Latino Outdoors San Diego  
 Ocean Discovery Institute  
 Olivewood Gardens and Learning Center  
 Outdoor Outreach  
 Paddle for Peace  
 Project Kolika  
 Rescue Agency

San Diego Audubon Society  
 San Diego Coastkeeper  
 San Diego for Every Child  
 San Diego Green Infrastructure Consortium  
 San Diego Mountain Biking Association  
 San Diego Regional Chamber of Commerce  
 San Dieguito River Valley Conservancy  
 SanDiego350  
 Sierra Service Project  
 Sprockids San Diego  
 Stop the Sewage  
 Surfrider Foundation  
 The Escondido Creek Conservancy  
 The Trauma Foundation  
 Un Mar De Colores  
 Urban Surf 4 Kids  
 Wall Ace Inc  
 WILD Coast  
 YMCA of San Diego County  
 Youth Will

CC: San Diego Region State Legislators

Deputy Legislative Secretary, Office of the Governor  
 Deputy Cabinet Secretary, Office of the Governor  
 Secretary, California Environmental Protection Agency  
 Director, Department of Toxic Substances Control





**CalEPA**  
California Environmental  
Protection Agency

**Gavin Newsom**  
Governor

**Yana Garcia**  
Secretary for Environmental Protection

June 19, 2023

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

Administrator Michael Regan  
US Environmental Protection Agency  
1200 NW Pennsylvania Avenue  
Mail Code: 1101A  
Washington, D.C. 20460

**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 permit<sup>1</sup>, 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.

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<sup>1</sup> [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/tmdls/tijuanarivervalley.html](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.<sup>2</sup>

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.

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<sup>2</sup> 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 4.0<sup>3</sup> also shows high levels of poverty and linguistic isolation in the area. Below is a graph from EJ Screen<sup>4</sup> 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,<sup>5</sup> 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

<sup>3</sup> The CalEnviroScreen 4.0 tool shows cumulative impacts in California communities by census tract.

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

<sup>4</sup> <https://ejscreen.epa.gov/mapper/>

<sup>5</sup> 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.



June 30, 2023

Senator Alex Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington DC, 20510

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington DC, 20510

Congressman Scott Peters  
U.S. House of Representatives  
1201 Longworth, House Office Building  
Washington DC, 20515

Congresswoman Sara Jacobs  
U.S. House of Representatives  
1314 Longworth, House Office Building  
Washington DC, 20515

Congressman Juan Vargas  
U.S. House of Representatives  
2334 Rayburn, House Office Building  
Washington DC, 20515

### **RE: Request for Additional Resources to Address Tijuana River Sewage Flows**

As California's Secretaries for Environmental Protection and Natural Resources and as Chairs of the California California-México Border Relations Council and the California Ocean Protection Council, we request your support in fulfilling federal commitments to the San Diego-Tijuana region under the U.S.-México-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)<sup>1</sup>. On June 19, 2023, CalEPA made a similar request to Secretary of State Antony J. Blinken and U.S. Environmental Protection Agency (US EPA) Administrator Michael Regan.

The ITP is in non-compliance with its Clean Water Act (33 U.S.C. § 1251 et seq.) discharge permit<sup>2</sup>, resulting in impaired water quality discharges into the marine environment and impacting the US EPA and IBWC's ability to fulfill their commitments under the USMCA Implementation Act.<sup>3</sup>

Currently, all southern San Diego beaches, up to and including Coronado, are closed due to the human health and environmental risks posed by sewage flows from the

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<sup>1</sup> U.S. Env'tl. Protection Agency, U.S. Int'l Boundary & Water Comm'n, Joint Record of Decision for the Final Programmatic Environmental Impact Statement for United States-Mexico-Canada Agreement (June 6, 2023), <https://www.epa.gov/system/files/documents/2023-06/usmca-eis-record-decision.pdf>.

<sup>2</sup> State Water Resources Control Bd., Tijuana River Valley TMDLs for Indicator Bacteria and Trash (June 22, 2023) [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/tmdl/s/tijuanarivervalley.html](https://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdl/s/tijuanarivervalley.html).

<sup>3</sup> 19 USC § 4501 (2020)

Tijuana River. This escalation resulted in the County of San Diego Board of Supervisors declaring a state of emergency on June 27, 2023.<sup>4</sup>

To fulfill federal commitments made to address cross boundary pollution and because we cannot afford to delay vital infrastructure, we ask that you include funding for the rehabilitation of the ITP in Fiscal Year 2024 appropriations bills.

The IBWC has requested additional resources to address these challenges and to repair essential ITP components necessary to comply with its Clean Water Act obligations and to begin the expansion work under the USMCA Implementation Act. Without the repair of these essential ITP components, U.S. EPA and IBWC cannot proceed with the ITP expansion.

### **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 region; 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 México 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 is the expansion of the ITP from its current capacity of 25mgd to 50mgd.<sup>5</sup>

The communities in the San Diego-Tijuana region have long awaited major infrastructure investments to improve the impaired flows impacting human health and their coastal wetlands.

### **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 ranging from \$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.

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<sup>4</sup> Cnty. of San Diego, *Proclamation of a Location Emergency for U.S.-Mexico Transboundary pollution environmental crisis and Request for Federal State of Emergency* (June 27, 2023), <https://bosagenda.sandiegocounty.gov/cobservice/cosd/cob/content?id=0901127e80fe305d>

<sup>5</sup>Minute No. 328, Sanitation Infrastructure Projects in San Diego, California – Tijuana, Baja California for Immediate Implementation and for Future Development, Mexico-U.S. International Boundary and Water Commission, § I(A), July 19, 2022.



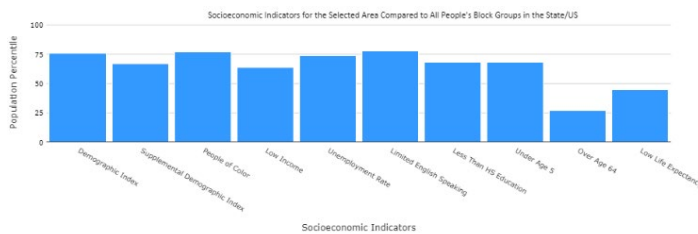
### Status of South Bay International Treatment Plant (ITP)

The ITP is currently operating but is in very poor condition<sup>6</sup> – its primary sedimentation tanks are off-line and the sluice gate that controls influent flows into the plant from Tijuana is inoperable.<sup>7</sup> 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.<sup>8</sup>

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.

### Socioeconomic Indicators

According to census data the population within the Tijuana Estuary is over 60% Latino. CalEnviroScreen 4.0<sup>9</sup> also shows high levels of poverty and linguistic isolation in the area. Below is a graph from EJ Screen<sup>10</sup> that displays the socioeconomic indicators of Imperial Beach compared to the rest of the U.S. population. It is important to note the below data is for the City of Imperial Beach. Southeast City of San Diego communities are also within the Tijuana Estuary and have a higher number of people of color, higher rates of limited English speakers, and higher rates of people without a high school education compared to the City of Imperial Beach.<sup>11</sup>



<sup>6</sup>U.S. Env'tl. Protection Agency, *USMCA Mitigation of Contaminated Tijuana Transboundary Flows Project* (Nov. 19, 2021), <https://www.epa.gov/system/files/documents/2021-12/usmca-baseline-conditions-summary-technical-document.pdf>

<sup>7</sup> U.S. Env'tl. Protection Agency, *Feasibility Analysis for Project 3: Treat Wastewater from the International Collector at the South Bay International Wastewater Treatment Plant* (Sept. 17, 2021) [https://www.epa.gov/system/files/documents/2021-12/usmca-feasibility-analysis\\_project-3\\_expand-itp-for-ic-flow.pdf](https://www.epa.gov/system/files/documents/2021-12/usmca-feasibility-analysis_project-3_expand-itp-for-ic-flow.pdf)

<sup>8</sup> 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.

<sup>9</sup> The CalEnviroScreen 4.0 tool shows cumulative impacts in California communities by census tract. Off. Env'tl. Health Hazard Asses, *CalEnviroScreen 4.0*, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

<sup>10</sup> U.S. Env'tl. Protection Agency, *EJScreen Version 2.0*, <https://ejscreen.epa.gov/mapper/>.

<sup>11</sup> *Id.*

We 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<sup>12</sup> and Executive Order 14096 on Revitalizing Our Nation's Commitment to Environmental Justice for All<sup>13</sup>. Climate change will only exacerbate current conditions for the overburdened communities in the San Diego-Tijuana region if we do not act now.

As the interconnected border region of California and México continues to face unprecedented challenges, our collaboration has never been more important. Border affairs initiatives and relationships are a top priority for Governor Gavin Newsom, his administration, and the State of California, as we know they are also for the Biden-Harris administration. We look forward to continuing to build on our vital collaborative efforts. The IBWC and successful investment in capacity to treat transboundary wastewater is key to our success.

We thank you for your consideration of this request to use your congressional authority to request appropriations for the rehabilitation of the ITP and to fulfill Biden-Harris Administration's commitment to advancing environmental justice. Please let us know if you have any questions.



Yana Garcia  
Secretary for Environmental Protection

Chair, California-México  
Border Relations Council<sup>14</sup>



Wade Crowfoot  
Secretary for Natural Resources

Chair, California Ocean  
Protection Council<sup>15</sup>

CC: Tom Perez, Director, White House Office of Intergovernmental Affairs

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<sup>12</sup> Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Jan 27, 2021).

<sup>13</sup> Exec. Order No. 14,096, 88 Fed. Reg. 25251 (Apr. 21, 2023).

<sup>14</sup> 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.

<sup>15</sup> The Ocean Protection Council is a Cabinet-level state body that works jointly with state and federal agencies, NGOs, tribes, and the public to ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems.



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## San Diego Regional Water Quality Control Board

June 30, 2023

United State Environmental Protection Agency  
Environmental and Climate Justice Program

On behalf of the California Regional Water Quality Control Board, Region 9 San Diego Basin (San Diego Water Board) and the Tijuana River Valley Recovery Team (Recovery Team) and with the support of Chair Vargas of the County of San Diego Board of Supervisors, we would like to thank you for the opportunity to submit questions and recommendations regarding the Environmental and Climate Justice Program (ECJ Program) funded through section 138 (42 USC 7438). For the many reasons given below, it is our strongest recommendation that U.S. EPA take the broadest view of its discretion in allocating the ECJ Program funding to projects that realize the vision of the Holistic Alternative of the Programmatic Environmental Impact Statement (PEIS) to improve sewage and waste management in the Tijuana River watershed and address long standing water quality impacts that disproportionately affect Environmental Justice communities of the border region.

Environmental Justice and Climate Change are top priorities for the San Diego Water Board in our strategic plan, the Practical Vision and are also top priorities for the Newsom Administration<sup>1</sup>. Addressing border water quality impacts is our most important Environmental Justice issue identified in Environmental Justice Townhalls held in Barrio Logan in 2017 and Chula Vista in 2019. The impacts of transboundary flows of pollution have disproportionately impacted underserved communities mainly consisting of Hispanic households with a median income of \$44,000 per year in San Ysidro and \$48,000 per year in Imperial Beach. According to census data within the Tijuana Estuary, there is an average of over 60% Latino population and CalEnviroScreen 4.03 also shows high levels of poverty and linguistic isolation in the area.

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<sup>1</sup> Governor Newsom Executive Order N-82-20 and N-16-22.

<https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-.pdf>

<https://www.gov.ca.gov/wp-content/uploads/2022/09/9.13.22-EO-N-16-22-Equity.pdf?emrc=c11513>

As noted by the County of San Diego Board of Supervisors in its **Proclamation of a Local Emergency for U.S.-Mexico Transboundary Pollution Environmental Crisis and Request for Federal State of Emergency**

*“The burden of this crisis has also fallen disproportionately on the County’s communities of color, furthering a long history of environmental and economic injustice. The region truly cannot afford to wait for these projects to be implemented any longer while the binational community suffers.”*

### Background

Water Quality impacts from transboundary pollution is well documented in the PEIS and dates back to the 1930s. It is worth noting that there are 55 pollutant-water bodies listed in the Clean Water Act section 303(d) List of Impaired Waters List due to transboundary pollution flows. In addition, recent research by UC Scripps Institution of Oceanography has confirmed long held community concerns that aerosols and droplets from sewage contaminated coastal waters can cause adverse health effects to community residents or visitors even without direct exposure to the ocean waters. Moreover, sewage and contaminants in sewage and storm water pollution remain in sediments and can become an irritant or source of respiratory infection through inhalation or exposure to dust long after the flows of sewage or industrial wastes have ceased. To address some of these impairments, the San Diego Water Board has drafted two Total Maximum Daily Loads (TMDLs) for bacterial indicators and trash that are presently in peer review. These are the first of ten TMDLs (or TMDL Alternatives) that will be needed due to the broad range of water quality impacts from transboundary pollution in Waters of the United States.

In 2008, residents, business owners, equestrian groups, non-governmental agencies, and state and local agencies raised concerns at San Diego Water Board Meetings about the lack of regulatory action on the extensive sewage, trash, sedimentation, and flooding issues in the Tijuana River. In response, the San Diego Water Board brought together over 30 organizations and agencies in the Tijuana River Valley Recovery Team (Recovery Team) in 2009. Between 2010 and 2012, the Recovery Team, with participation from agencies and organizations in Tijuana, and extensive stakeholder participation drafted the *Tijuana River Valley Recovery Strategy: Living with the Water* (Recovery Strategy). The Recovery Strategy was adopted by the San Diego Water Board in 2012 and updated and affirmed in 2015 with a Five-Year Action Plan following a three-month, five City Binational Summit in 2014.

The 27 publicly vetted projects in the Recovery Strategy included a range of studies, plans, monitoring and assessment and development and analysis of specific infrastructure projects to capture transboundary pollution and protect downstream properties, communities, and habitats in state, regional and federal parks, and wildlife refuges. The development of the projects and Recovery Strategy itself were furthered in 2020 with the County of San Diego Tijuana River Valley Needs and Opportunities

Assessment Report (County NOA Report). The San Diego Water Board and 9 local and state agencies and organizations jointly adopted R9-2019-0246 identifying the suite of Recovery Team/County NOA Report projects which were subsequently studied in the U.S. EPA 2022 Programmatic Environmental Impact Statement (PEIS) and now identified in the 2023 Record of Decision.<sup>2</sup>

The aforementioned efforts of the San Diego Water Board and the Recovery Team member agencies have led to the development of projects, several of which are now components of the comprehensive, or “Holistic” approach identified in the June 9, 2023, Record of Decision by U.S. EPA and U.S. International Boundary and Water Commission (IBWC) on the PEIS. While it is disheartening to see most of the component projects of the “Holistic” alternative of the ROD are unfunded, the ECJ Program represents an important opportunity to fund well studied, publicly vetted projects to directly address environmental and climate justice efforts that benefit vulnerable communities and realize the vision of the Holistic Alternative of the PEIS to restore and protect water quality, sensitive underserved communities and ecosystems impacted by transboundary pollution.

### Questions and Recommendations

1. Are water quality projects eligible for funding as defined in section 138 a.2? It isn't clear from the statute language that water quality projects are eligible for funding through the ECJ grant program.

Recommendation: We encourage U.S. EPA to adopt the broadest possible interpretation that explicitly allows both air quality and water quality projects to be eligible for funding in the border regions.

2. Can Local or State agencies apply for funding to augment the Tijuana River Watershed USMCA Record of Decision for capital costs associated with presently unfunded supplemental projects?

Support: Environmental Justice communities in South Bay San Diego have sought relief from decades of transboundary flows of sewage, industrial wastes, and trash. The ECJ program can facilitate and support key components of the Tijuana River Valley Recovery Strategy and County of San Diego Tijuana River Needs and Opportunities Report. The San Diego Water Board and 9 local and state agencies and organizations jointly adopted R9-2019-0246 identifying the suite of projects studied in the U.S. EPA

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<sup>2</sup> Agenda Item 9: Joint Resolution Between the County of San Diego, City of San Diego, City of Imperial Beach, City of Chula Vista, City of Coronado, City of National City, Port of San Diego, San Diego Regional Water Quality Control Board, California State Lands Commission, and Surfrider Foundation Recommending Project Alternatives and Federal and State Actions to Eliminate Detrimental Transboundary Flows of Wastes in the Tijuana River Valley [https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/2019/dec/item9/Item9\\_SD1\\_TentRes\\_R9-2019-0246.pdf](https://www.waterboards.ca.gov/sandiego/board_info/agendas/2019/dec/item9/Item9_SD1_TentRes_R9-2019-0246.pdf)

2022 Programmatic Environmental Impact Statement (PEIS) and now identified in the 2023 Record of Decision.

Recommendation 1: U.S. EPA should consider allowing local and state agencies to be identified as leads and eligible to apply for the ECJ funding for capital costs for infrastructure related projects and other projects in circumstances where having such agencies in the lead would be most beneficial and streamlined. U.S.EPA should also identify project types that should also have partnerships with non-governmental organizations.

Recommendation 2: The ECJ funding should include a priority for local, state border water quality pollution control projects to augment the USMCA funding and protect and restore water and air quality. Specifically, a priority should be established for the following PEIS/ROD projects currently unfunded:

- Project D: Advanced Primary Treatment Plant (APTP) Phase 1
- Project E: APTP Phase 2
- Project F: U.S.-side Tijuana River Diversion to APTP
- Project J: Trash Boom(s)

3. Please confirm that coastal ocean monitoring for water quality impacts related to sewage pollution is eligible for funding.

Support: The San Diego Water Board has supported the UC Scripps Institution of Oceanography proposal for Real-Time Coastal Ocean Pollution Pathogen Predictions for the US/Mexico Border Region. This project would significantly improve coastal water quality and public health assessment and offset decades of unmitigated public health risks and economic impacts from transboundary sewage from discharges at Punta Bandera as well as flows in the Tijuana River and Canyons.

Recommendation: Explicitly state coastal water quality to protect public health at beaches important to residents and businesses of underserved Environmental Justice communities is eligible for ECJ Program funding.

4. Please confirm that projects implementing pollution reduction plans (e.g., TMDLs or TMDL alternatives) are eligible for funding.

Support: The PEIS identified two sets of Projects D, E and F (Tijuana River Diversions and ATPS and Project J (Tijuana River Trash Boom) that would significantly contribute to load reductions of bacterial indicators (i.e., sewage) and trash. These projects are integral to the Holistic approach and stranded without assurance of funding in future years. They are no less important than the need to expand the IBWC International Treatment Plant and upgrade the San Antonio de los Buenos treatment plant. The opportunity for public agencies and non-governmental organizations to support and augment the ROD is of critical importance.

Recommendation: Explicitly identify projects that could achieve or contribute to load reductions of pollutants in TMDLs or TMDL Alternatives for funding through the ECJ Program for border regions.

5. How will U.S. EPA consider actual or potential operations and maintenance costs in project selection criteria?

Support: Facilities constructed without operations and maintenance provisions cannot be successful. Accordingly, to protect environmental justices communities and state and federal lands in the Tijuana River National Estuarine Research Reserve (TRNERR) , state and local agencies have constructed and maintained border pollution control or conducted waste remediation projects in the Tijuana River Valley for over 20 years with little or no federal compensation for capital, operations, or maintenance costs.

Recommendation: U.S. EPA should not disqualify local agency or non-governmental organization proposals on the basis of operations and maintenance commitments. Nor should it make long term funding of operations and maintenance by local agencies or non-governmental organizations a condition of ECJ Program funding. U.S. EPA should work with Congress, IBWC, and Mexico to provide for transfer of certain projects that address transboundary pollution funded by state, federal or local agencies to IBWC or provide for a "fair-share" contribution to long term operations and maintenance costs.

6. Please consider removing funding barriers<sup>3</sup> that hinder the communities most vulnerable to the impacts of climate change<sup>4</sup>, public health emergencies, and other disasters, as they are often the least equipped to respond or prepare.<sup>5</sup>
7. Recommendation: U.S. EPA should consider lifting the \$20 million cap for projects especially for border air and water quality protection and restoration.
8. Recommendation: U.S. EPA should not include matching requirements as a condition for ECJ project funding since the environmental justice impacts have already extracted a considerable cost to the communities and organizations, especially those impacted by decades of transboundary pollution.
9. Recommendation: Please consider making pre-ward payments especially for non-governmental organizations that typically lack the ability to carry project development

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<sup>3</sup> *California Strategic Growth Council's Model Hub: Tested Policy Models for Equitable Outcomes in Under-resourced Communities*

<https://sgc.ca.gov/programs/catalyst-models/>

<sup>4</sup> *Defining Vulnerable Communities in the Context of Climate Adaptation*. California Governor's Office of Planning and Research (July 2018).

[https://opr.ca.gov/docs/20180723-Vulnerable\\_Communities.pdf](https://opr.ca.gov/docs/20180723-Vulnerable_Communities.pdf)

<sup>5</sup> *California Strategic Growth Council's Resolution on Advancing Capacity Building*

[https://sgc.ca.gov/meetings/council/2022/docs/20220126-Item7\\_Priority2\\_Resolution.pdf](https://sgc.ca.gov/meetings/council/2022/docs/20220126-Item7_Priority2_Resolution.pdf)

and implementation costs while reimbursements are being processed<sup>6</sup>.

10. Recommendation: Please also consider specifically making projects that implement the Minute 320 Binational Framework to Address Sediment, Trash, and Water Quality a priority for funding.
11. Recommendation: U.S. EPA should consider a range of climate change resiliency projects for ECJ funding including production of recycled water for re-use in potable and non-potable needs in the border communities. Specifically, PEIS Supplemental Project I (IBWC International Treatment Plant Treated Effluent Reuse) should be a key component of an effective strategy to address changes in reliability of local water supplies due to the effects of a hotter, drier climate. Projects to address or mitigate sea level rise, flooding, and infrastructure resiliency needs of underserved communities like Imperial Beach should also be eligible for funding.
12. Recommendation: We encourage U.S. EPA to provide options for funding for binational, collaborative partnerships to ensure effectiveness and community support in both countries through efforts like the IBWC Minute 320 Framework.

Tourism in the TRNERR and Tijuana River Valley State and Regional Parks are critical to the economic well-being of our underserved communities and help to create jobs, attract tourism, and provide economic opportunity to local business and communities. The Environmental Justice and underserved communities in the border region of South San Diego County continue to be severely impacted by the health, economic, and environmental repercussions of the transboundary sewage flows. Some of beaches there have been closed for over 550 consecutive days due to the coastal water polluted with sewage. The solution to these impairments and protection of public health in these communities is the Holistic Alternative adopted by U.S. EPA and IBWC and rooted in community vetted projects of the Recovery Strategy, County NOA, and local initiatives. The U.S. EPA ECJ Grant Program represents an important opportunity to help provide critically needed funding and help ensure that the efforts of state, federal and local agencies and non-governmental organizations can realize a clean, safe, and healthy border region and achieve this vision.

Sincerely,

David W. Gibson  
Executive Officer  
Chair, Tijuana River Valley Recovery Team

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<sup>6</sup> Governor Signs Advanced Pay Pilot Legislation to Support Equitable Access to State Funding (October 11, 2022) <https://sgc.ca.gov/news/2022/10-11.html>



U.S. EPA ECJ Grant Program

- 7 -

June 30, 2023

cc: Martha Guzman Aceves, U.S. EPA, Regional Administrator, Region 9  
Chair Nora Vargas, District 1 Supervisor, San Diego County Board of Supervisors  
Moisés Moreno-Rivera, CalEPA Deputy Secretary for Environmental Justice, Tribal  
Affairs, and Border Relations  
Rafael Castellanos, Chairman, Board of Port Commissioners, Port of San Diego  
Mayor Paloma Aguirre, City of Imperial Beach  
Mayor Todd Gloria, City of San Diego  
Mayor John McCann, City of Chula Vista



June 14, 2023

Secretary Alejandro Mayorkas  
Department of Homeland Security  
3801 Nebraska, Ave. NW  
Washington, D.C., 20016

Subject: Tijuana River Border Barrier Project - San Diego, Yuma, El Paso Make Safe Activities

Dear Secretary Mayorkas:

As local officials who are impacted by the ongoing immigration and pollution crisis in the Tijuana River, we remain deeply concerned about the unintended consequences related to the construction of the Tijuana River Border Barrier project if Customs and Border Protection (CBP) does not fully consider the impacts, mitigation needs, and long-term operation and maintenance associated with the proposed project. In addition to our previously submitted comments during the last public comment period in September 2020, we wish to emphasize the recently identified flooding concerns and the urgent need for deferred flood control channel maintenance. We also humbly request assistance from the Department of Homeland Security in supporting multiagency federal solutions to solve the pollution crisis in the Tijuana River.

Over the past decade, local agencies have forged a strong partnership with the San Diego Sector of CBP to develop comprehensive solutions for the ongoing pollution crisis in the Tijuana River. Our collaborative efforts have resulted in an initial allocation of \$300 million through the United States, Mexico, and Canada Agreement (USMCA) to identify and implement a comprehensive approach to solve the longstanding pollution problem in the Tijuana River. The Environmental Protection Agency has already prepared a Programmatic Environmental Impact Statement and identified the preferred list of projects that are necessary to ultimately control the discharge of wastewater, trash, and sedimentation into the Tijuana River Valley.<sup>1</sup> It is extremely disappointing to the local agencies that the Tijuana River Border Barrier project did not include any pollution control measure to help mitigate transboundary pollution or support meaningful engagement in the federal process to implement large scale solutions that ultimately reduce the impacts of transboundary pollution.

Equally distressing is the fact that the project was covered under a waiver of environmental laws, which required the Environmental Protection Agency to step in at the last minute to assess previously ignored flooding concerns associated with constructing a border wall across a major flood control channel. The subsequent hydrology study, based on 2014 LiDAR data, revealed severe deficiencies in the existing Tijuana River flood control channel due to sedimentation and lack of channel maintenance. The proposed Tijuana River Border Barrier, combined with these existing deficiencies, would lead to widespread flooding in both U.S. and Mexican border communities during the 100-year design storm.<sup>2</sup> The issue of potential flooding in these communities was even raised by Senator Alex Padilla at the Senate Homeland Security and Governmental Affairs Committee on April 18, 2023.<sup>3</sup> It is evident that mitigating measures must be implemented to reduce flood risks to an acceptable level for the border communities of San Ysidro and Tijuana.

While flooding is a major concern, the continued inundation of sewage, industrial discharges, and trash in the Tijuana River remains the most pressing issue affecting local communities and CBP agents. The Tijuana River Border Barrier project, as

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<sup>1</sup> <https://www.epa.gov/sustainable-water-infrastructure/usmca-tijuana-river-watershed>

<sup>2</sup> <https://www.nadb.org/knowledge-resources/studies-publications/technical-report-tijuana-river-border-barrier-flood-hazard-analysis>

<sup>3</sup> <https://www.c-span.org/video/?527375-1/homeland-secretary-fiscal-year-2024-budget-request> (Minute Mark 2:22)

stated in a press release on May 27, 2022, aims to address operational impacts and immediate life and safety risks resulting from polluted conditions in the river channel.<sup>4</sup> The adverse public health impacts on CBP field staff and the ecological consequences of pollution in the Tijuana River Valley, including the recreational impacts on the community enduring more than 500 consecutive days of polluted beach closures, are well-documented.<sup>5</sup> The undeniable fact is that the proposed Tijuana River Barrier project does nothing to help solve the underlying transboundary pollution issue. Moreover, the project has only added an additional layer of complexity for the already underfunded International Boundary and Water Commission, Environmental Protection Agency, and Army Corps of Engineers, making coordination of pollution control projects among agency partners in the U.S. and Mexico even more challenging. We firmly believe that the ongoing pollution crisis in the Tijuana River is a Homeland Security issue that demands a greater level of urgency, commensurate with the justifications for constructing border barrier projects to support operational and life safety concerns.

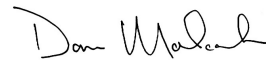
We strongly urge CBP officials to seize this opportunity to reevaluate the Tijuana River Border Barrier project and its accompanying mitigation measures. Our concerns regarding the heightened risk of flooding in border communities and the neglected operation and maintenance of the current flood control channel must be adequately addressed. Furthermore, we implore CBP to explore ways in which the Department of Homeland Security can provide support with their federal agency partners and prioritize comprehensive pollution control initiatives in the Tijuana River. By reassessing the project and considering these vital aspects, we can work towards finding effective solutions that prioritize the safety and well-being of both local communities and CBP agents in the area.

Sincerely



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Paloma Aguirre  
Mayor  
City of Imperial Beach



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Dan Malcomm  
Commissioner  
Port of San Diego



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Jennifer Lucchesi  
Executive Officer  
State Lands Commission



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David Gibson  
Executive Officer  
San Diego Water Board

CC: [CommentsEnv@cbp.dhs.gov](mailto:CommentsEnv@cbp.dhs.gov)  
Senator Alex Padilla  
Congressman Juan Vargas

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<sup>4</sup> <https://www.dhs.gov/news/2022/05/27/dhs-address-life-safety-environmental-and-operational-considerations-border-barrier>

<sup>5</sup> <http://www.sdbeachinfo.com/>

## Enforcement Actions for April, May, and June 2023 (Attachment B-2)

### WASTE DISCHARGE REQUIREMENTS: SANITARY SEWER OVERFLOWS

Enforcement Date	Enforcement Action	Entity/ Facility/Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
6/14/2023	<a href="#">Administrative Civil Liability Order No. R9-2023-0017</a>	City of San Diego Metropolitan Wastewater Department (Public Utilities), Collection System, San Diego	A stipulated order settling liability in the amount of \$4,609,724 for the unauthorized discharge of 11.23 million gallons of raw sewage into the Sweetwater River in April of 2020.	<a href="#">General Waste Discharge Requirements (WDR) Order No. 2022-0103-DWQ and WDR Order No. R9-2007-0005</a>
6/14/2023	<a href="#">Cease and Desist Order No. R9-2023-0016</a>	City of San Diego Public Utilities Collection System, San Diego	An order requiring the City of San Diego to complete corrective actions focused on Pump Station 1 by December 31, 2028	<a href="#">General WDR Order No. 2022-0103-DWQ and WDR Order No. R9-2007-0005</a>
5/2/2023	Notice of Violation No. R9-2023-0106 and Investigative Order No. R9-2023-0107	City of San Diego Public Utilities Collection System, San Diego	Investigative Order and Notice of Violation issued for unauthorized discharges of raw sewage that occurred on 3/24/2023	<a href="#">General WDR Order No. 2022-0103-DWQ and WDR Order No. R9-2007-0005</a>
6/22/2023	Notice of Violation No. R9-2023-0097 and Investigative Order R9-2023-0099	County of San Diego Collection System, Department of Public Works, San Diego County	Investigative Order and Notice of Violation issued for unauthorized discharges of raw sewage that occurred on 1/16/2023	<a href="#">General WDR Order No. 2022-0103-DWQ and WDR Order No. R9-2007-0005</a>

**CONSTRUCTION STORMWATER**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>4/03/2023</b>	Staff Enforcement Letter	Osie Partnership LLC. OceanKamp, Oceanside	Deficient stormwater pollution prevention plan (SWPPP)	<a href="#">National Pollutant Discharge Elimination System (NPDES) Construction General Permit Order No. 2009-0009-DWQ</a>
<b>4/3/2023</b>	Staff Enforcement Letter	California West Construction LLC, Westpark Promenade POD 1, Wildomar	Missing SWPPP	<a href="#">NPDES Construction General Permit Order No. 2009-0009-DWQ</a>
<b>4/3/2023</b>	Staff Enforcement Letter	Rancon Medical and Education Center, Wildomar	Deficient SWPPP	<a href="#">NPDES Construction General Permit Order No. 2009-0009-DWQ</a>
<b>4/13/2023</b>	Staff Enforcement Letter	Carlsbad Coastal Views LLC, Highland View Homes, Carlsbad	Missing annual reports	<a href="#">NPDES Construction General Permit Order No. 2009-0009-DWQ</a>
<b>4/13/2023</b>	Staff Enforcement Letter	MFG Highland Partners LLC, Highland View Homes, Carlsbad	Missing SWPPP	<a href="#">NPDES Construction General Permit Order No. 2009-0009-DWQ</a>

**WASTE DISCHARGE REQUIREMENTS: INDUSTRIAL**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>5/22/2023</b>	Notice of Violation No. R9-2023-0087	Demler Egg Ranch, LLC, Pine Hill Pullet Farm, Ramona	Unauthorized discharges and failure to obtain regulatory coverage for multiple waste discharges	<a href="#">NPDES Industrial General Permit Order No. 2014-0057-DWQ</a> and <a href="#">San Diego Basin Plan</a>

Enforcement Date	Enforcement Action	Entity/ Facility/Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
5/22/2023	Notice of Violation No. R9-2023-0054	Demler Egg Ranch, LLC, Pine Hill Egg Ranch, Ramona	Unauthorized discharges, conditions of nuisance, incomplete SWPPP and Nutrient Management Plan, Basin Plan discharge prohibitions, and failure to enroll in Industrial General Permit or Waste Discharge Requirements.	<a href="#">NPDES Industrial General Permit Order No. 2014-0057-DWQ</a> and <a href="#">San Diego Basin Plan</a>

**WASTE DISCHARGE REQUIREMENTS: LANDFILLS**

Enforcement Date	Enforcement Action	Entity/ Facility/Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
4/20/2023	Notice of Violation No. R9-2023-0100	AC/S Environmental Security, MCB Camp Pendleton, Las Pulgas Sanitary Landfill, Camp Pendleton	Improper operation resulting in exposure of waste and unauthorized discharges of leachate to receiving waters	<a href="#">WDR Order No. R9-2010-0004</a>
6/05/2023	Notice of Violation No. R9-2023-0101	AC/S Environmental Security, MCB Camp Pendleton, Las Pulgas Sanitary Landfill, Camp Pendleton	Failure to obtain regulatory coverage for construction activities, exposure of waste, and unauthorized discharges of leachate	<a href="#">WDR Order No. R9-2010-0004</a>
6/23/2023	Notice of Violation No. R9-2023-0023	San Diego Unified School District, Bell Jr. High Landfill, San Diego	Failure to submit required monitoring reports and a joint technical document for development of waste discharge requirements	<a href="#">WDR General Order Nos. R9-2012-0001 and R9-2012-0002</a>

**WASTE DISCHARGE REQUIREMENTS: WETLAND AND RIPARIAN AREAS**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>4/28/2023</b>	Notice of Violation No. R9-2023-0092	Jaqueline Fletcher, Edward & Jean Ward Trust Parcel 583-120-003, Aguanga	Unauthorized grading and discharges of waste to waters of the United States and/or State.	<a href="#">California Water Code (CWC) section 13376</a> and <a href="#">San Diego Basin Plan</a>

**WASTE DISCHARGE REQUIREMENTS: CANNABIS**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>4/11/2023</b>	Notice of Violation	Canyon Cooper Property, Hemet	Unauthorized discharges related to cannabis cultivation	<a href="#">CWC sections 13260 and 13264</a>
<b>4/12/2023</b>	Notice of Violation	Pat Desantis Property, Hemet	Unauthorized discharges related to cannabis cultivation	<a href="#">CWC sections 13260 and 13264</a>
<b>4/12/2023</b>	Notice of Violation	James and Georgette Haley, James Haley Property, Aguanga	Unauthorized discharges related to cannabis cultivation	<a href="#">CWC sections 13260 and 13264</a>
<b>4/24/2023</b>	Notice of Violation	Cedar Ranch Investments, LLC, Property, Alpine	Unauthorized discharges related to cannabis cultivation	<a href="#">CWC sections 13260 and 13264</a>

**Table 1: April 2023 – Summary of Public and Federal Sanitary Sewer Overflow Events**

Responsible Collection System Agency	Total Volume (Gallons) <sup>1</sup>	Total Recovered (Gallons) <sup>2</sup>	Total Reaching Surface Waters (Gallons) <sup>3</sup>	Total Reaching Separate Storm Drain and Recovered (Gallons) <sup>4</sup>	Total Discharged to Land (Gallons) <sup>5</sup>	Surface Water Body Affected <sup>6</sup>	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area <sup>7</sup>
City of Escondido	165	165	0	0	165	Not Applicable	8.3	376.2	148,000
City of San Diego	56	56	0	0	56	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	210	0	0	0	210	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	45	0	0	0	45	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	200	200	0	200	0	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	60	25	0	0	60	Not Applicable	112.2	2,944.9	2,380,000

<sup>1</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup> Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

<sup>5</sup> Total Discharged to Land = total amount reaching land.

<sup>6</sup> Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach a surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."

<sup>7</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.



<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain and Recovered (Gallons)<sup>4</sup></b>	<b>Total Discharged to Land (Gallons)<sup>5</sup></b>	<b>Surface Water Body Affected<sup>6</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>7</sup></b>
City of San Diego	4,300	3,800	0	0	4,300	Not Applicable	112.2	2,944.9	2,380,000
City of Vista	250	200	0	0	250	Not Applicable	0.3	214.5	90,000

**Table 2: May 2023 – Summary of Public and Federal Sanitary Sewer Overflow Events**

<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain and Recovered (Gallons)<sup>4</sup></b>	<b>Total Discharged to Land (Gallons)<sup>5</sup></b>	<b>Surface Water Body Affected<sup>6</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>7</sup></b>
City of Coronado	10	10	0	0	10	Not Applicable	8.5	42.8	20,627
City of Laguna Beach	25	25	0	0	25	Not Applicable	9.0	92.0	18,000
City of Lemon Grove	572	0	0	0	572	Not Applicable	0.04	68.0	25,800
City of San Diego	100	100	0	0	100	Not Applicable	112.2	2,944.9	2,380,000

<sup>1</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup> Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

<sup>5</sup> Total Discharged to Land = total amount reaching land.

<sup>6</sup> Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach a surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."

<sup>7</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain and Recovered (Gallons)<sup>4</sup></b>	<b>Total Discharged to Land (Gallons)<sup>5</sup></b>	<b>Surface Water Body Affected<sup>6</sup></b>	<b>Miles of Pressure Sewer</b>	<b>Miles of Gravity Sewer</b>	<b>Population in Service Area<sup>7</sup></b>
City of San Diego	1,645	1,117	1,640	0	5	Gonzales Canyon Tributary to San Dieguito River	112.2	2,944.9	2,380,000
City of San Diego	194	0	0	0	194	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	550	0	0	0	550	Not Applicable	112.2	2,944.9	2,380,000
City of San Diego	99	75	0	0	99	Not Applicable	112.2	2,944.9	2,380,000
City of Vista	1,200	1,200	0	800	400	Not Applicable	0.3	214.5	90,000
Santa Margarita Water District	500	0	500	0	0	Storm Drain	14.0	638.9	170,000

**Table 3: April 2023 – Summary of Private Lateral Sewage Discharge Events**

<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain &amp; Recovered and/or Discharged to Land (Gallons)<sup>4</sup></b>	<b>Surface Water Body Affected<sup>5</sup></b>	<b>Population in Service Area<sup>6</sup></b>	<b>Number of Lateral Connections</b>
Carlsbad Municipal Water District	23	23	0	23	Not Applicable	85,000	24,025
City of El Cajon	5	5	0	5	Not Applicable	101,709	17,100
City of El Cajon	10	10	0	10	Not Applicable	101,709	17,100
City of Encinitas	225	225	0	225	Not Applicable	36,200	10,183
City of Poway	564	56	0	564	Not Applicable	43,216	12,290
City of San Diego	285	0	285	0	Not Reported	2,380,000	267,188
City of San Diego	11	11	0	11	Not Applicable	2,380,000	267,188
City of Vista	100	100	0	100	Not Applicable	2,380,000	17,109
Rainbow Municipal Water District	85	0	0	85	Not Applicable	7,983	2,402

<sup>1</sup> Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup> Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

<sup>5</sup> Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."

<sup>6</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

**Table 4: May 2023 – Summary of Private Lateral Sewage Discharge Events**

<b>Responsible Collection System Agency</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain &amp; Recovered and/or Discharged to Land (Gallons)<sup>4</sup></b>	<b>Surface Water Body Affected<sup>5</sup></b>	<b>Population in Service Area<sup>6</sup></b>	<b>Number of Lateral Connections</b>
Carlsbad Municipal Water District	3	0	0	3	Not Applicable	85,000	24,025
City of El Cajon	10	10	0	10	Not Applicable	101,709	17,100
City of San Diego	1,940	1,380	560	1,380	Not Reported	2,380,000	267,188
City of Vista	175	140	35	140	Not Reported	2,380,000	17,109
City of Vista	172	140	32	140	Not Reported	2,380,000	17,109
Fallbrook Public Utility District	100	20	80	20	Not Reported	23,000	4,699
Fallbrook Public Utility District	10	5	5	5	Not Reported	23,000	4,699
Moulton Niguel Water District	480	480	0	480	Not Applicable	170,236	50,619

<sup>1</sup> Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup> Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

<sup>5</sup> Agencies are only required to note the surface water body affected if the discharge reaches or has the potential to reach a surface water. If the discharge did not reach a surface water and does not have a potential to reach surface water (i.e., a discharge to land or a discharge to a separate storm drain that is fully recovered) the surface water body affected is listed as "Not Applicable." If the discharge was to a surface water body or to a separate storm drain and was not fully recovered, and the surface water body was not reported, the surface water body affected is listed as "Not Reported."

<sup>6</sup> As reported in the Collection System Questionnaire required under Order No. 2006-0003-DWQ.

**Table 5: April and May 2023 – Summary of Sewage Discharges by Source**

<b>Spill Type</b>	<b>Month/Year</b>	<b>Number of Spills</b>	<b>Total Volume (Gallons)<sup>1</sup></b>	<b>Total Recovered (Gallons)<sup>2</sup></b>	<b>Total Reaching Surface Waters (Gallons)<sup>3</sup></b>	<b>Total Reaching Separate Storm Drain &amp; Recovered and/or Discharged to Land (Gallons)<sup>4</sup></b>
Public Spills	April 2023	8	5,286	4,446	0	5,286
Public Spills	May 2023	10	4,895	2,527	2,140	1,955
Federal Spills	April 2023	0	0	0	0	0
Federal Spills	May 2023	0	0	0	0	0
Private Spills	April 2023	9	1,308	430	285	1,023
Private Spills	May 2023	8	2,890	2,175	712	2,178
<b>All Spills</b>	<b>April 2023</b>	<b>17</b>	<b>6,594</b>	<b>4,876</b>	<b>285</b>	<b>6,309</b>
<b>All Spills</b>	<b>May 2023</b>	<b>18</b>	<b>7,785</b>	<b>4,702</b>	<b>2,852</b>	<b>4,133</b>

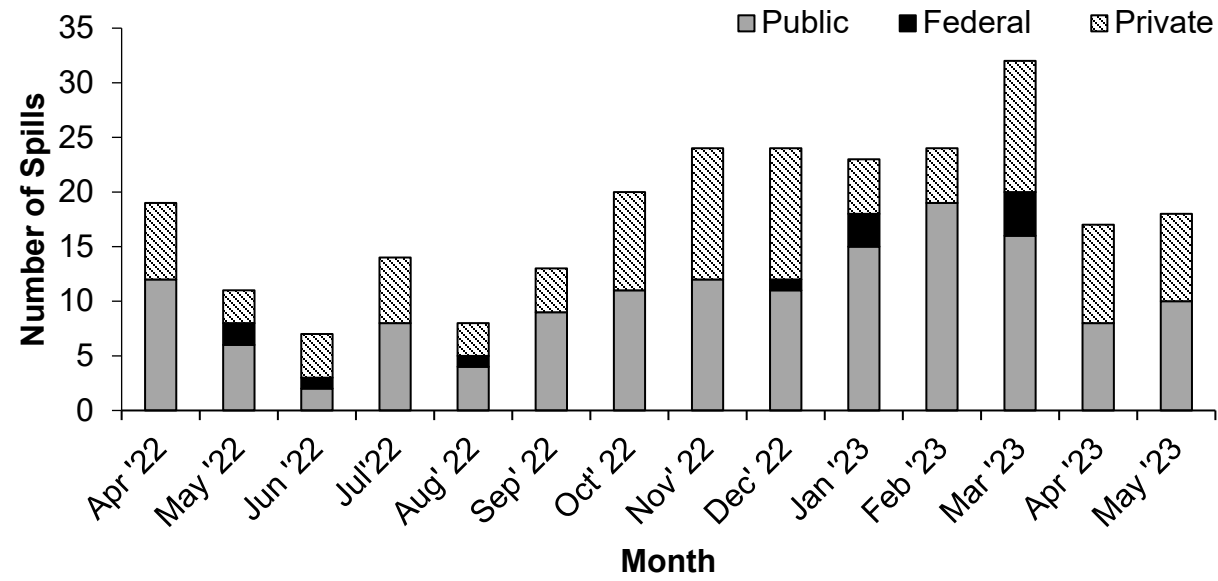
<sup>1</sup> Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup> Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup> Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

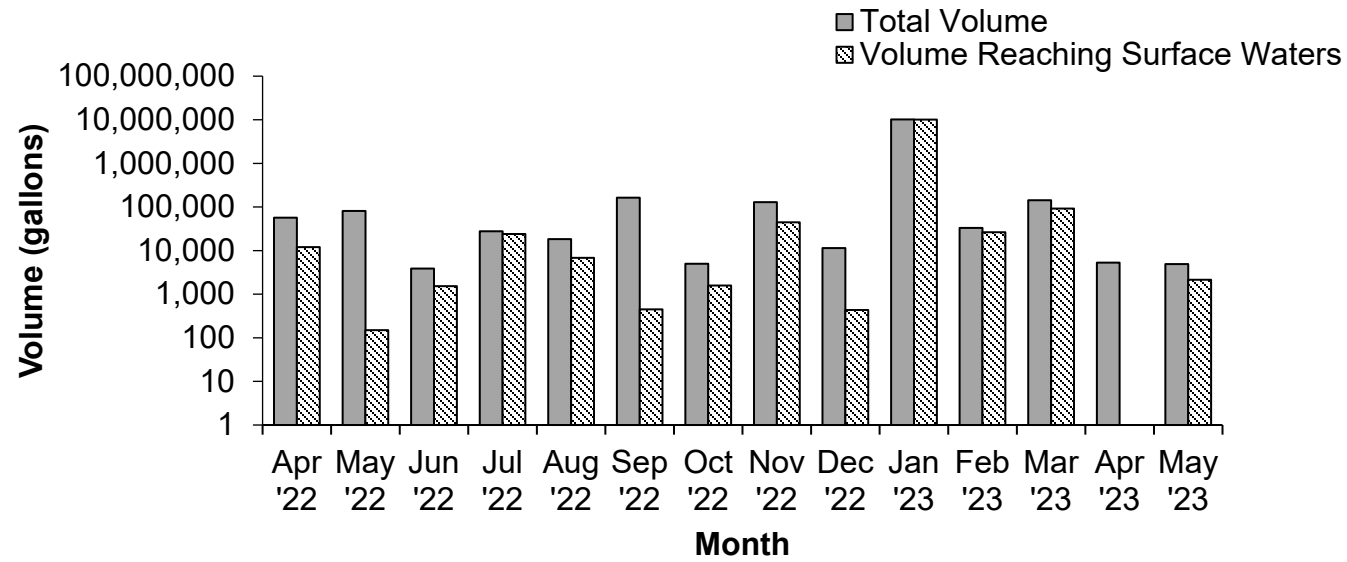
<sup>4</sup> Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

**Figure 1: Number of Spills per Month**



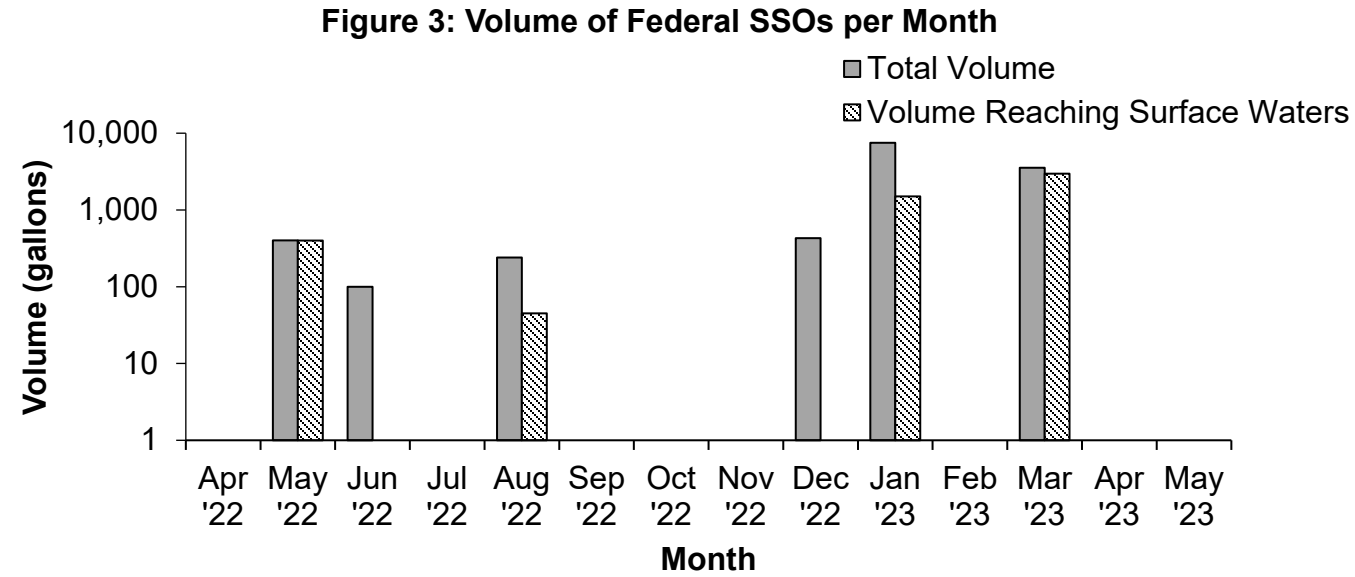
**Figure 1:** The number of public, federal, and private sewage spills per month from April 2022 through May 2023.

**Figure 2: Volume of Public SSOs per Month**

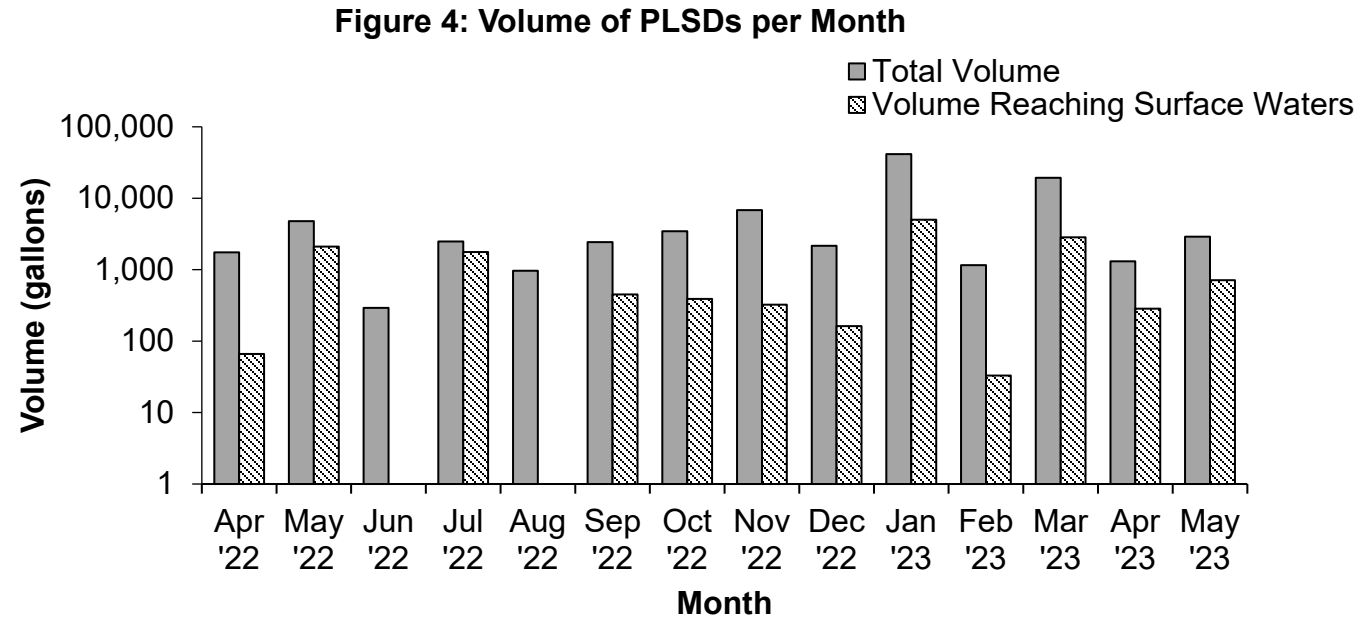


**Figure 2:** The volume of SSOs from public agencies per month from April 2022 through May 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.





**Figure 3:** The volume of SSOs from federal agencies per month from April 2022 through May 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.



**Figure 4:** The volume of PLSDs per month from April 2022 through May 2023. Note the logarithmic scale on the vertical axis showing the wide variation in spill volumes.

**Table 1: April and May 2023 – Summary of Transboundary Flows from Mexico by Event<sup>1</sup>**

<b>Location</b>	<b>Transboundary Flow Start Date</b>	<b>Transboundary Flow End Date</b>	<b>Weather Condition<sup>2</sup></b>	<b>Total Volume (Billion Gallons)<sup>3</sup></b>	<b>Total Volume Recovered (Million Gallons)<sup>3</sup></b>	<b>Total Volume Reaching Surface Waters (Billion Gallons)<sup>3</sup></b>	<b>Additional Details Reported By USIBWC</b>
Tijuana River Main Channel	12/28/2022	5/31/2023 (Ongoing)	Wet	34	0	34	Rain Event

<sup>1</sup> Transboundary flow volumes are obtained from self-monitoring reports submitted by USIBWC pursuant to Order No. R9-2021-0001.

<sup>2</sup> Order No. R9-2021-0001 defines wet weather as the period of time when a storm event produces 0.1 inches or greater within a 24-hour period plus 72 hours after, based on the Goat Canyon Pump Station rain gauge. USIBWC reported that there was precipitation of 0.04 inches as recorded at Marron Valley for the months of April and May 2023. The rain gauges at Goats Canyon and Smugglers Gulch were not operable and are scheduled for maintenance and repair.

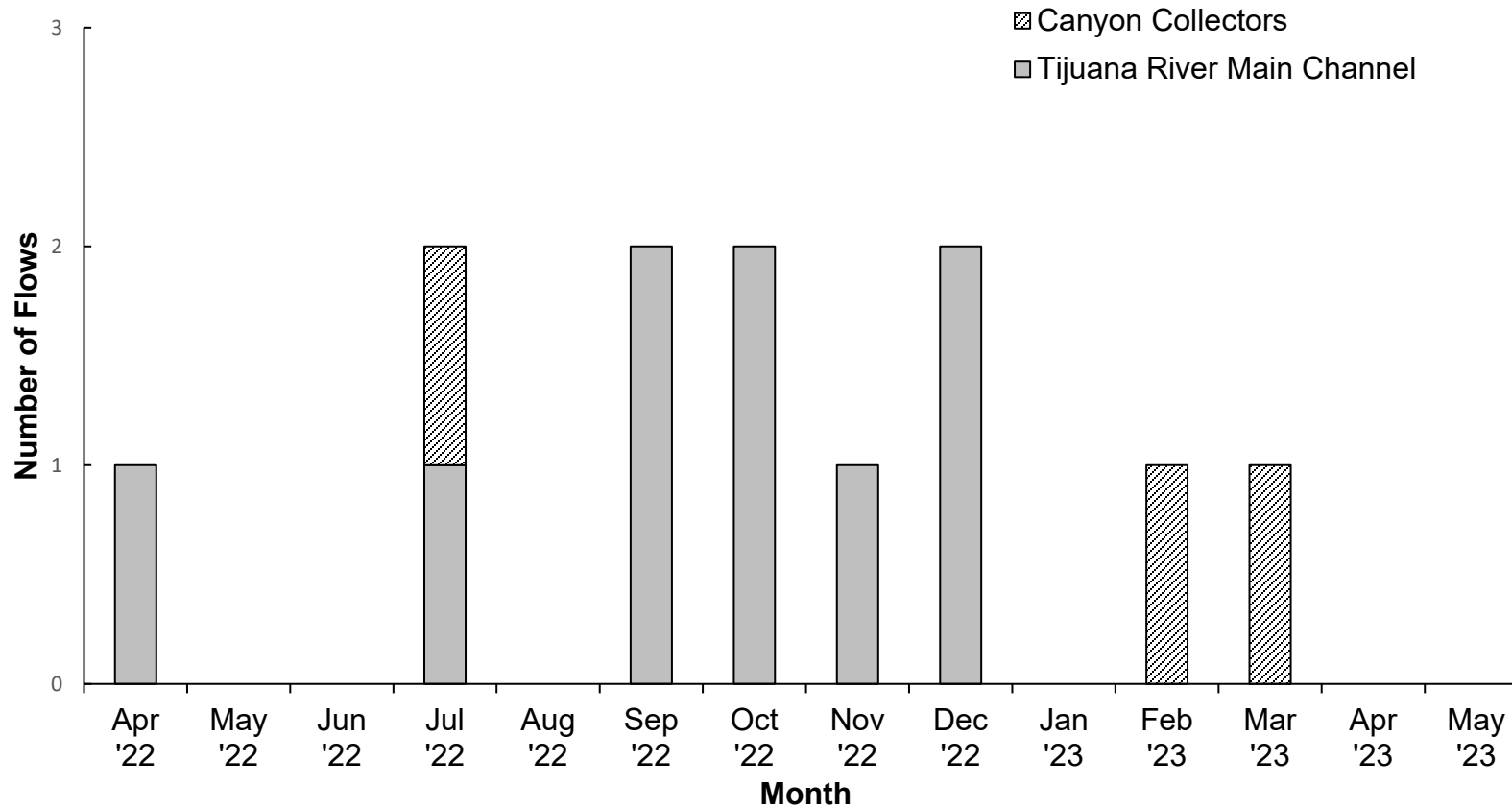
<sup>3</sup> Total transboundary flow volume, total volume recovered, and total volume reaching surface waters is an estimate provided by USIBWC.

**Table 2: April and May 2023 - Summary of Transboundary Flows from Mexico<sup>1</sup>**

<b>Location</b>	<b>Month/Year</b>	<b>Number of Transboundary Flows</b>	<b>Total Volume (Billion Gallons)</b>	<b>Total Volume Recovered (Gallons)</b>	<b>Total Volume Reaching Surface Waters (Billion Gallons)</b>
Tijuana River Main Channel	April and May 2023	0	0	0	0
Canyon Collectors	April and May 2023	0	0	0	0
South Bay International Wastewater Treatment Plant	April and May 2023	0	0	0	0
All Locations	April and May 2023	0	0	0	0

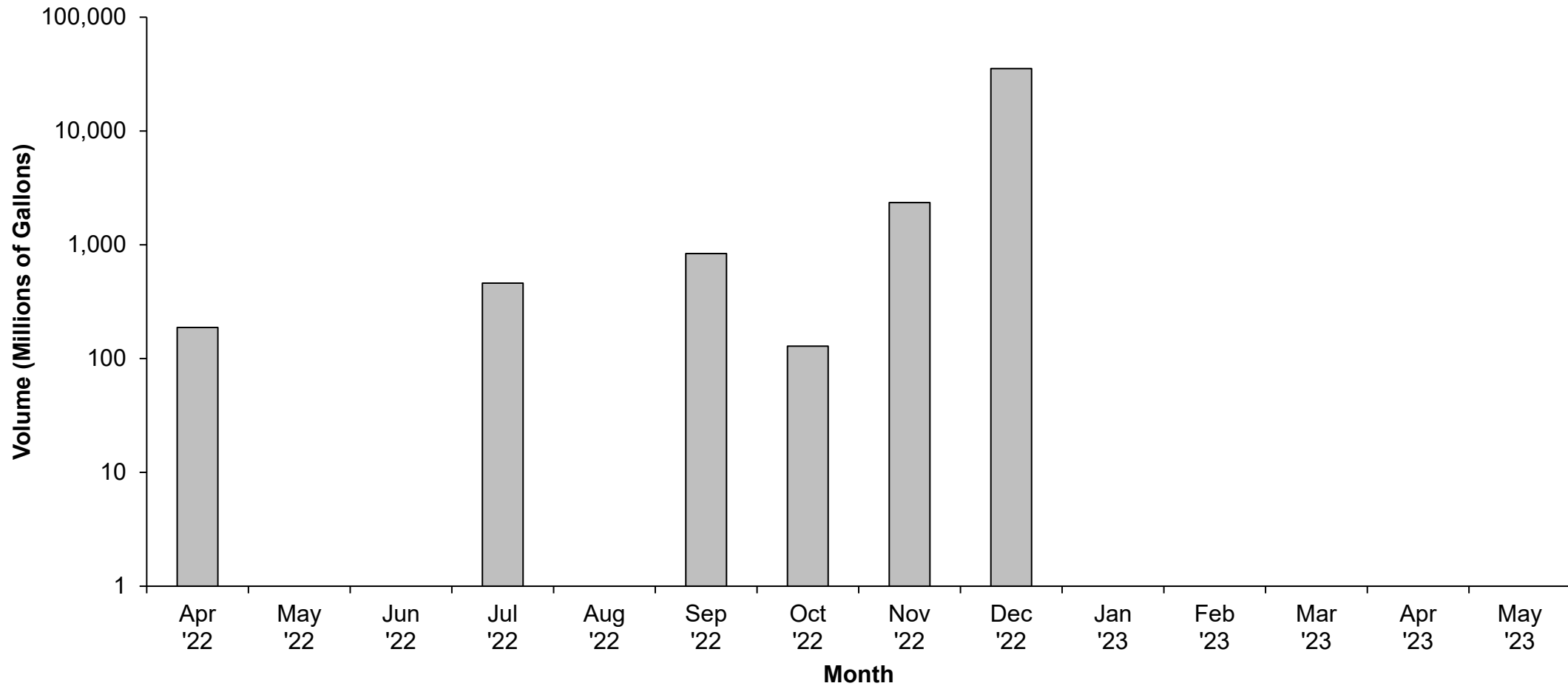
<sup>1</sup> For transboundary flows that start and end in different months, Table 2 includes the transboundary flow in the month the transboundary flow started. For April and May, there are no flows because the 12/28/2022 event started in December 2022.

**Figure 1: Number of Transboundary Flows**



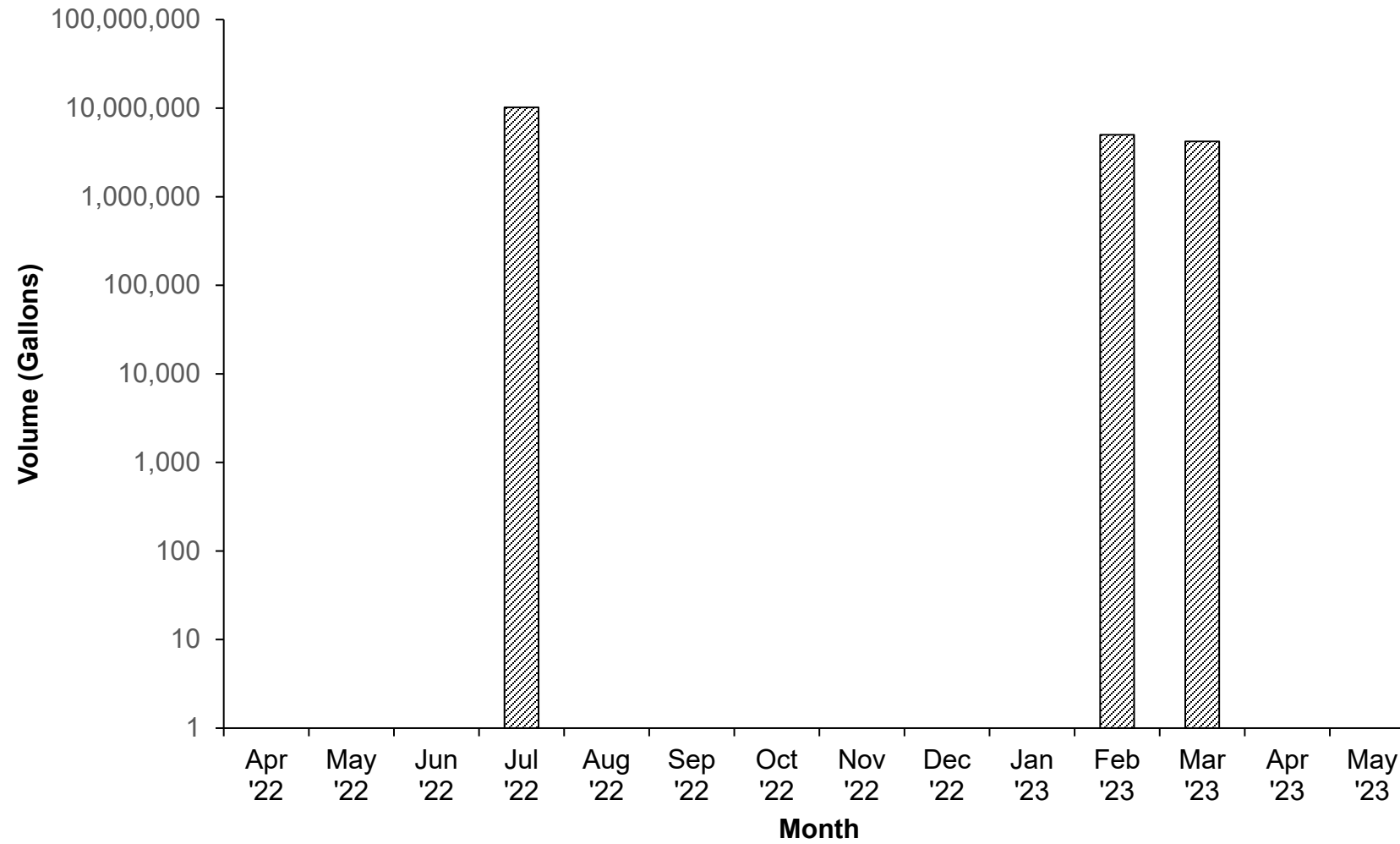
**Figure 1:** Number of reported transboundary flows per month from April 2022 through May 2023 at the canyon collector systems and the Tijuana River main channel. For transboundary flows that start and end in different months, the figure includes the transboundary flow in month the transboundary flow started. For example, flows in January through May 2023 that started in December 2022 are only shown in December 2022.

**Figure 2: Tijuana River Transboundary Flow Volume**



**Figure 2:** Volume of reported transboundary flows per month from April 2022 through May 2023 at the Tijuana River main channel. For transboundary flows that start and end in different months, the figure includes the total volume of the transboundary flow in the month the transboundary flow started. For example, flows in January through May 2023 that started in December 2022 are only show in December 2022. Note the logarithmic scale on the vertical axis to accommodate the variation in transboundary flow volumes.

**Figure 3: Canyon Collector Transboundary Flow Volume**



**Figure 3:** Volume of reported transboundary flows per month from April 2022 through May 2023 at the canyon collector systems. Note the logarithmic scale on the vertical axis to accommodate variation in transboundary flow volumes.