

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
DECEMBER 11, 2024**

ITEM 6

SUBJECT

Consideration of Tentative Resolution No. R9-2024-0155, A Resolution Approving the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan (Tentative Resolution No. R9-2024-0155). (Riley Nolan)

STAFF RECOMMENDATION

Adoption of Tentative Resolution No. R9-2024-0155.

KEY ISSUE

- Tentative Resolution No. R9-2024-0155 (Supporting Document 1), if adopted, approves the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan (Lower Tijuana River ARP or ARP). Approving the ARP directs San Diego Regional Water Quality Control Board (San Diego Water Board or Board) staff to take actions specified in its implementation plan to target transboundary and United States (U.S.) sources of trash and indicator bacteria loading in the lower Tijuana River. The lower Tijuana River will remain on the Clean Water Act 303(d) List and will require Total Maximum Daily Loads (TMDLs) until water quality objectives (WQOs) are obtained.
- Transboundary flows from Mexico, comprised of untreated domestic wastewater, industrial waste, and storm-driven flows, are estimated to constitute 97% of E. coli loading, 99% of Enterococci loading, and 96-99% of trash loading in the lower Tijuana River.
- Conditions of pollution in the lower Tijuana River have resulted in the impairment of beneficial uses associated with the protection of human health and aquatic life (e.g., Water Contact Recreation, Non-Contact Water Recreation, Commercial and Sport Fishing, Warm Freshwater Habitat, Estuarine Habitat, Marine Habitat, and Rare and Endangered Species, etc.). South Bay residents have lost access to their local recreational resources in the lower watershed and nearby shoreline.
- The ARP's Implementation Plan identifies potential actions by the San Diego Water Board to control sources of indicator bacteria and trash and achieve water quality objectives in the lower Tijuana River. These actions rely on the San Diego Water Board's regulatory permit authority for sources within the U.S., and a proposed memorandum of understanding (MOU) between the San Diego Water Board, the United States section of the International Boundary and Water Commission (USIBWC), and United States Environmental Protection Agency (USEPA) to control transboundary sources of pollution.
- While the proposed MOU will support implementation of projects identified in the June 9, 2023, USEPA-USIBWC Record of Decision, these projects are not fully funded.

PRACTICAL VISION

Addressing impairments in the lower Tijuana River remains one of the San Diego Water Board's top priorities according to its Key Beneficial Uses and Key Areas approach, adopted pursuant to Chapter 1 of the Practical Vision: *Strategize for Healthy Waters*. The lower Tijuana River, its estuary, and near shore coastal waters fall under the highest-ranking priority for water bodies with beneficial uses associated with recreation, habitat and ecosystems, and fish and shellfish consumption.

Chapter 8.6 of the Lower Tijuana River ARP identifies a number of water quality monitoring and reporting actions that advance Chapter 2 of the Practical Vision which calls for the assessment of transboundary flows in the Tijuana River Valley, Estuary, and coastal waters.

Chapter 4 of the Practical Vision cites pollution in the Tijuana River Valley and surrounding beaches as a significant environmental justice issue for the Region. Transboundary flows containing untreated wastewater and trash disproportionately impact disadvantaged and underserved communities, and the Lower Tijuana River ARP advances Chapter 4 of the Practical Vision by identifying implementation actions to achieve necessary reductions in indicator bacteria and trash loading, attain WQOs, and restore the beneficial uses of the lower Tijuana River.

The Lower Tijuana River ARP has advanced Chapter 8 of the Practical Vision through consistent engagement with other governmental agencies, organizations, communities, and the public. Board staff have solicited public feedback on the ARP at several stages in its development. Interested persons are encouraged to provide further verbal comments when the Lower Tijuana River ARP is considered for approval by the San Diego Water Board at its December 11, 2024, meeting.

DISCUSSION

The Tijuana River flows through a highly urbanized area in Mexico before ultimately crossing the United States and Mexico international border and entering the Tijuana River Estuary and Pacific Ocean in southern San Diego County. The lower six miles of the Tijuana River and the Tijuana River Estuary (collectively, the lower Tijuana River) are severely impaired by transboundary flows carrying raw sewage, trash, and other pollutants that predominately originate in Mexico. As a result of these pollutants, WQOs in the lower Tijuana River are not attained and the water body's beneficial uses are impaired. The lower Tijuana River is listed as impaired on the Clean Water Act Section 303(d) List.

Clean Water Act section 303(d) requires states to develop TMDLs for all water body/pollutant combinations identified on the 303(d) list of impaired waters. Consistent with State Policy¹, Board staff have developed the Lower Tijuana River ARP as a near-term plan to address impairments to beneficial uses and achieve WQOs in the lower Tijuana River, in advance of developing conventional TMDLs. The ARP identifies sources of indicator bacteria and trash loading in the lower Tijuana River along with applicable WQOs to support its beneficial uses. The ARP includes an implementation plan/schedule to achieve reductions in loading and identifies monitoring necessary to track the progress

¹ [Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options](#)

of meeting WQOs in the lower Tijuana River. The lower Tijuana River will remain on the 303(d) List and still require TMDLs until WQOs are obtained.

The ARP calls for the development of a MOU between the San Diego Water Board, USIBWC, and USEPA, to identify procedures, actions, roles, and responsibilities within respective jurisdictions and funding allocations to control transboundary sources of pollution and to support the implementation of projects in the USEPA-USIBWC June 9, 2023, Record of Decision. Wherever appropriate, the ARP's Implementation Plan/Schedule identifies actions the San Diego Water Board can pursue to ensure regulated waste discharges do not cause or contribute to exceedances of WQOs.

The San Diego Water Board released the draft ARP for public review and comment, with written comments due by March 13, 2024. Written comments were received from the City of Imperial Beach's Office of the Mayor, San Diego Coastkeeper, and the Tijuana River Watershed Management Area Water Quality Improvement Plan Group. While written comments generally supported the findings of the ARP, including its numeric target selection, and implementation schedules of seven years to achieve indicator bacteria WQOs and five to nine years to achieve a progressive reduction in trash loading, two commenters opposed the use of a near-term ARP over conventional TMDLs. Additional comments included opposition to the use of Los Angeles-based trash loading estimates for certain land use categories and an emphasis that the vast majority of trash and indicator bacteria loading is generated by sources Mexico, not sources in the U.S. On September 30, 2024, responses to written comments were posted on the Board's website and provided to those who submitted comments.

In response to written comments, staff made non-substantive edits to the draft ARP to provide greater clarification that the ARP is not a conventional TMDL and is non-regulatory in nature. For instance, staff removed potentially confusing references to how the ARP relates to California Environmental Quality Act compliance that might be necessary for future conventional TMDLs. Additional revisions to the ARP include a simplified description of the proposed MOU between the San Diego Water Board, USIBWC, and USEPA in Table 8.1, reordering of Table 8.1, and minor corrections to Table 5.9 in response to comments received through the external scientific peer review.

Riley Nolan will introduce the item, give a presentation on conditions in the lower Tijuana River, the purpose and content of the Advance Restoration Plan, and next steps should the San Diego Water Board approve the ARP. Staff expects significant public comment for this item.

PUBLIC NOTICE

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

Additional notice of the San Diego Water Board's consideration of the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan was distributed via the Board's *Tijuana River Valley Recovery, Tijuana River Valley – TMDLs, and Environmental Justice* email distribution lists and posted to its website on October 25, 2024.

SUPPORTING DOCUMENTS

- *Supporting Document No. 1: Tentative Resolution Approving the Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan (Tentative Resolution No. R9-2024-0155)*
- *Supporting Document No. 2: Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan*
- *Supporting Document No. 3: Response to Written Comments Received on Draft Lower Tijuana River Indicator Bacteria and Trash Advance Restoration Plan*