



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** June 27, 2023

**16**

**TO:** Board of Supervisors

#### **SUBJECT**

**PROCLAMATION OF A LOCAL EMERGENCY FOR U.S.-MEXICO  
TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND REQUEST FOR  
FEDERAL STATE OF EMERGENCY (DISTRICTS: ALL)**

#### **OVERVIEW**

For decades, contamination and pollution stemming from the Tijuana River and the failing infrastructure from wastewater plants across the border have been devastating the 70 miles of coastline and beaches in San Diego County. The U.S. International Boundary and Water Commission (IBWC) has documented over 100 billion gallons of toxic effluent entering the United States through the Tijuana River since 2018, and an additional 35 billion gallons crossing the international border since December 28, 2022. Our communities continue to be severely impacted by the health, economic, and environmental repercussions of the transboundary sewage flows. Some of our beaches have been closed for over 550 consecutive days due to the poor water quality.

With the recent milestone announced on June 9, 2023 by the U.S. EPA and the IBWC finalizing the environmental review phase through the signed Record of Decision under the National Environmental Policy Act (NEPA) for projects to reduce transboundary water pollution, and a dedicated \$300 million dollars coming from the United States, Mexico, Canada Agreement (USMCA). It is time to for all levels of government to move urgently to expedite the implementation of projects included in the binational Minute 328 and Statement of Intent that identified projects on both sides of the border.<sup>1</sup>

Unfortunately, even with the funding from the U.S. side and an additional \$140 million dollars invested by Mexico to fix this longstanding crisis, it will still not be enough. It will take hundreds of millions of dollars more, swift federal agency coordination, and dedicated resources to permanently fix the problem.

In the same way resources get mobilized for other natural disasters, a Federal Emergency Declaration for the Tijuana transboundary pollution would enable the coordination and allocation

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<sup>1</sup> <https://www.epa.gov/system/files/documents/2023-06/usmca-eis-record-decision.pdf>

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of critical resources to address the ongoing sewage crisis. The ongoing sewage crisis is an environmental catastrophe with significant negative impacts on the region's tourism-dependent economy and US military preparedness. 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.

This is a request for the Board of Supervisors to proclaim a state of emergency and find that there is a need for continuing the local emergency until no longer needed subject to statutory requirements. This Proclamation is issued as a result of conditions pursuant to San Diego County Code of Regulatory Ordinances section 31.103.

**RECOMMENDATION(S)**

**CHAIRWOMAN NORA VARGAS AND VICE-CHAIR TERRA LAWSON-REMER**

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378 because the action is an administrative action intended to facilitate state and federal funding, does not commit County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Approve the attached PROCLAMATION OF EXISTENCE OF A COUNTY-WIDE LOCAL EMERGENCY (UNINCORPORATED AND INCORPORATED AREAS OF SAN DIEGO COUNTY) AND REQUEST TO THE GOVERNOR OF THE STATE OF CALIFORNIA TO PROCLAIM A STATE OF EMERGENCY AND TAKE OTHER SPECIFIED ACTIONS made by the Board of Supervisors of the County of San Diego on June 27, 2023. ~~(4-VOTES)~~
3. Direct the CAO to evaluate the scope of economic impacts resulting from the U.S.-Mexico border transboundary pollution environmental crisis and report back to the Board in 120 days.
4. Direct the CAO to pursue any and seek all available federal and state funding sources.
5. Direct the CAO to work with federal, state, local agencies, and stakeholders on projects and innovative solutions to address the root causes of the pollution.

**EQUITY IMPACT STATEMENT**

Our communities closest to the San Diego International Border, which includes the communities of Imperial Beach, San Ysidro, Otay Mesa and Tijuana River Valley are identified by SB 535 (2012) and also on CalEnviroScreen 4.0 Environmental Justice communities as having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation and poverty rates. By supporting the proclamation, the County of San Diego remains committed to working with local, state, federal and Mexican authorities to improve conditions for these communities. Our Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have also engaged to elevate the need for data collection to document environmental injustices.

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**SUSTAINABILITY IMPACT STATEMENT**

This board letter aligns with the County’s sustainability goals to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

**FISCAL IMPACT**

There is no fiscal impact associated with today’s actions.

**BUSINESS IMPACT STATEMENT**

Increased beach closures have a direct impact for the surrounding businesses due to decreased visitors and street traffic. By proclaiming a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to our local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

Trash and sewage overflow into the Tijuana River when it rains, which then moves across the border into the Tijuana River Valley. Raw sewage from the failing infrastructure from wastewater plants across the border gets pushed north along the Pacific coastline, especially where there is a south swell. This greatly impacts the water quality at our local beaches.

In the City of Imperial Beach, beaches have been shuttered every single day this year, and the City of Coronado has had beach closures nearly 80% of the year, due in large part to approximately 35 million gallons of sewage per day that are being spilled into our oceans from these wastewater plants across the border.

On February 9, 2021, (11) Chairwoman Vargas received unanimous approval from the Board of Supervisors to declare pollution at the Tijuana River Valley a Public Health Crisis. Through this action San Diego County (County) has acknowledged the diverse sources of pollution at the Tijuana River Valley and acknowledged the Tijuana River Watershed as the most polluted watershed in our country. This also led to the County becoming the first federal and state approved coastal county in the nation to begin using a new droplet digital polymerase chain reaction (ddPCR) testing method through the Department of Environmental Health and Quality (DEHQ) on May 5, 2022. Years of thorough research, study, and rigorous side-by-side testing were conducted by the U.S. Environmental Protection Agency (US EPA) and California Department of Public Health (CDPH) to be able to use the new ddPCR testing method locally.

This testing method offers more rapid results to inform the public of the water quality conditions within the same day, and test for fecal indicator bacteria DNA, which is more precise and protective of public health. ddPCR test results have determined levels of bacteria in the water that exceed State health standards at beaches in the south county and have resulted in increased beach

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advisories and warnings. It was anticipated that by using a more precise method that amplifies DNA in water samples to measure fecal indicator bacteria, there could be increased impacts to south county beaches, such as advisories and warnings. In 2022 there were 10 advisories issued, the Coronado Shoreline was issued 6 advisories in 2022 and 5 to date in 2023. Looking at historical data beginning in 2010, all south county shorelines have shown significant increases in advisories issued due to bacterial exceedances as a result of increasing contamination.

When there are known sewage impacts to ocean waters, the County is required to issue water contact closures. In 2023, as of June 12, Imperial Beach locations have been impacted by sewage and under closure for 162 of 162 days, Silver Strand closed for 160 of 162 days, and Coronado shoreline closed for 128 of 162 days. ddPCR testing provides same day results of daily sampling occurring in the south county that is used to determine when the water is safe again and take beach management actions to reopen the water for recreation. Heavy rainfall experienced this year has resulted in increased wastewater discharges, wastewater infrastructure failures, and additional runoff and flows from the Tijuana River and south swells, creating increased sewage impact to south county beaches, resulting in water contact closures. In January through May 2023, the southern coastal area of San Diego County received 12.25 inches of rain fall. The annual average rainfall in this area is around 10 inches. In only five months of the year, rainfall in the southern coastal area had already exceeded the volume the area usually receives in an entire year. The U.S. Section of the International Boundary and Water Commission (IBWC) documented over 100 billion gallons of effluent since 2018, and an additional 35 billion gallons crossing the international border since December 28, 2022.

San Diego's south county beaches help to create jobs, attract tourism, and provide economic opportunity to local business and communities. When ocean waters at the beaches are closed due to sewage impacts or under advisory or warning due to high bacteria levels, there are negative impacts to small businesses and the local economy.

The crisis of transboundary sewage flows impacting south county beaches is not new. This new technology and improved testing method is working and is providing us with more detailed, timely, higher quality data to help provide information to families, parents, visitors, and all individuals on a daily basis so they can make an informed decision for their own public health and whether they should get in the ocean water or not. This also means that the County has data which presents impacts as far north as the Coronado shoreline and data that shows our south county environmental justice communities as being disproportionately impacted due to the proximity to the source that has resulted in restricting ocean access to residents, tourists, government activities for the U.S. Navy and Customs and Border Protection, and particularly hurt youth recreational activities and the businesses community that depends on anyone enjoying safe and healthy beaches.

These are two important and significant changes for our Board to consider as we now have data that utilizes the U.S. EPA approved method, and the state has identified the San Diego border communities as environmental justice communities with multiple environmental and social burdens.

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Our communities closest to the San Diego International Border, which includes the communities of Imperial Beach, San Ysidro, Otay Mesa and Tijuana River Valley are identified by SB 535 (2012) and also identified on CalEnviroScreen 4.02 Environmental Justice communities as having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation and poverty rates, the International Border Community is identified as an environmental justice community. These communities have decades of suffering from various pollution sources and have been advocating and working to raise their concerns to the various local, state and federal agencies and have also engaged to elevate the need for data to document environmental injustices.

Additionally, on March 15, 2023 the San Diego County Air Pollution Control District presented the draft Community Air Monitoring Plan (CAMP)<sup>3</sup> to the International Border Community Steering Committee integrating the Committee's prioritized air quality monitoring areas of concern which included monitoring emissions related to the ongoing wastewater crisis associated with sewage contamination in the Tijuana River and where initial canister sampling by the San Diego County Air Pollution Control District in September of 2022 measured hydrogen sulfide concentrations of 0.077 parts per million (ppm), which is above the ambient air odor threshold set by CARB at 0.03 ppm. The International Border Community Air Monitoring Plan will deploy air monitoring equipment in 2023 to continue air monitoring efforts related to the ongoing wastewater crisis. This is a true example of using new scientific and technological methods and equipment to inform environmental health hazards and which is advancing environmental justice efforts.

With the recent milestone announced on June 9, 2023 by the U.S. EPA and the IBWC finalizing the environmental review phase through the signed Record of Decision under the National Environmental Policy Act (NEPA) for projects to reduce transboundary water pollution, it is time to for all levels of government to urgently expedite implementation of projects included in the binational Minute 328 and Statement of Intent that identified projects on both sides of the border.

The City of San Diego and the City of Imperial Beach have already declared local emergencies. (Provided as attachments.) Our region cannot sustain this strain on our beach and ocean environment and these conditions are beyond the control of the County of San Diego. It is in this spirit that we are declaring a Countywide Emergency and join the Cities of San Diego and Imperial Beach in urgently requesting a Federal Emergency Declaration.

This is a request for the Board of Supervisors to declare a County-wide local emergency and find that there is a need for continuing the local emergency until no longer needed subject to statutory requirements.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

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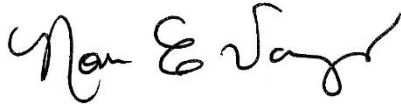
<sup>2</sup> <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

<sup>3</sup> <https://www.sdapcd.org/content/dam/sdapcd/documents/capp/meetings/int--border/03-15-23/ENG%20SY-OM%20CAMP%20Zine-%20Final%2003.13.23.pdf>

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Today's proposed actions support Sustainability and Equity initiatives in the County's 2023-28 Strategic Plan by combatting environmental justice, health, and economic issues resulting from the decades long transboundary pollution environmental crisis.

Respectfully submitted,



NORA VARGAS  
Supervisor, First District



TERRA LAWSON-REMER  
Supervisor, Third District

**ATTACHMENT(S)**

1. ATTACHMENT A - Proclamation of a Local Emergency for the U.S.-Mexico Border Transboundary Pollution Environmental Crisis
2. ATTACHMENT B - Basis of State of Emergency Declaration\_27 June 2023
3. ATTACHMENT C - City SD resolution R-314795
4. ATTACHMENT D - IB resolution\_May03\_2023