



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

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

### AGENDA ITEM

**DATE:** April 9, 2024

**TO:** Board of Supervisors

#### **SUBJECT**

**IN SUPPORT OF THE CALIFORNIA WATER QUALITY AND PUBLIC HEALTH PROTECTION ACT, SENATE BILL 1178 (DISTRICTS: ALL)**

#### **OVERVIEW**

For decades, the pollution in the Tijuana River Valley has impacted South Bay communities and is now impacting San Diego County's coastal communities to the north such as Coronado, San Diego's Ocean Beach, Point Loma, Mission Beach, Pacific Beach, La Jolla, and Del Mar. With increased poor air quality, sewage leaks, waste, plastic pollution, sediment, and trash, it is evident that these environmental issues should be viewed as a pressing crisis.

That is why the County of San Diego Board of Supervisors (Board) declared a local proclamation regarding the environmental crisis due to transboundary pollution on June 27<sup>th</sup>, 2023 (16). This was a result of the continued contamination to the nearly 70 miles of coastlines, beaches, and San Diego communities.

There has continued to be advocacy and legislation regarding this issue at the local, state, and federal levels. In the winter of 2024, after discussion with federal officials, experts, local representatives, and the public about their efforts to address cross-border pollution, California State Senator Steve Padilla introduced an important piece of legislation that aims to mitigate this issue.

Senate Bill 1178 (SB 1178) would require large corporations of 2,500 or more employees doing business in California to publicly disclose their wastewater discharges that can result in contamination of California watersheds. The measure also directs the State Water Resources Board Control Board (SWRCB) to create the "California Water Quality and Public Health Impact Surcharge" which will quantify the costs of mitigating that contamination. The County's support of State Senator Padilla's bill demonstrates that we take this water pollution crisis seriously and will also inform large corporations that accountability matters in San Diego County, and we want them to be responsible corporate partners.

**SUBJECT: IN SUPPORT OF THE CALIFORNIA WATER QUALITY AND PUBLIC HEALTH PROTECTION ACT, SENATE BILL 1178 (DISTRICTS: ALL)**

The item today aims to gain the County’s official support for SB 1178, consistent with Board policy M-2.

**RECOMMENDATION(S)**

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

1. Direct the Interim Chief Administrative Officer to express the County’s support for California Senate Bill (SB) 1178, consistent with Board Policy M-2.

**EQUITY IMPACT STATEMENT**

Our local communities have endured decades of negative impacts from the various pollution sources in the Tijuana River Valley, particularly our communities closest to the San Diego International Border. It is imperative that the County of San Diego remains committed to working with local, state, federal and Mexican authorities to improve conditions for these communities wherever possible.

**SUSTAINABILITY IMPACT STATEMENT**

This board letter aligns with the County’s sustainability goals of protecting the environment, and our beaches and coastlines for current residents, visitors, and future generations to enjoy.

**FISCAL IMPACT**

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

**BUSINESS IMPACT STATEMENT**

With the persistent beach closures, there has been an impact to surrounding businesses due to the decreased visitors and traffic. The County continues to engage with 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**

For decades, contamination and pollution stemming from the Tijuana River Valley and failing infrastructure from sewage systems and wastewater plants on both sides of the border have been negatively impacting and degrading the 70 miles of coastline and beaches in San Diego County. Over the past few years, the scope and scale of this crisis have vastly increased.

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 impacted by the economic, and environmental repercussions of the transboundary sewage flows and contamination. Some of our beaches have been closed for the last two years due to the poor water quality.

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That is why the Board of Supervisors declared a local proclamation regarding the environmental crisis due to transboundary pollution June 27<sup>th</sup>, 2023 (16). This was a result of the continued conditions and impacts to the environment, economy, and property within San Diego County, caused by persistent contamination, cross-border sewage pollution, and sewage impacted ocean waters.

There has continued to be advocacy and legislation regarding this issue at the local, state, and federal levels. In the winter of 2024, after discussion with federal officials, experts, local representatives, and the public about their efforts to address cross-border pollution, California State Senator Steve Padilla introduced two pieces of legislation to help mitigate the pollution. One piece of legislation is SB 1178, which would require large corporations of 2,500 or more employees doing business in California to publicly disclose their wastewater discharges that can result in contamination of California watersheds. The measure then directs the State Water Resources Board Control Board (SWRCB) to create the “California Water Quality and Public Health Impact Surcharge” which will quantify the costs of mitigating that contamination.

Currently, the State Water Resources Control Board and California Regional Water Quality Control boards regulate water quality and waste discharge requirements in accordance with the federal National Pollutant Discharge Elimination System (NPDES) permit program established by the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

SB 1178 would require the board to establish regulations governing the annual reporting regarding water discharges and require compliance agencies to submit a report to the board, this would quantify the cost of mitigating contamination by reported discharges. It would also require that the board notify the entities of the cost to mitigate their contamination. It would then authorize the entity to elect to mitigate the contamination caused by the entity’s reported water discharges, or to have the board, in coordination with the Franchise Tax Board, impose, on the reporting compliance entity’s annual tax bill, a surcharge for the cost mitigating the compliance entity’s contamination.

These funds would then be utilized in the California Water Quality and Public Health Impact Fund established as part of this bill, which would exclusively be utilized to mitigate the impacts of contamination on waters of the state caused by the sited water contamination and discharges. Ultimately, holding polluters responsible and helping to improve pollution in our San Diego communities.

This item today aims to gain the County’s official support for SB 1178, consistent with Board policy M-2.

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

This proposed action supports the Sustainability and Equity Initiatives in the County of San Diego’s 2024-2029 Strategic Plan through enforcing environmental regulations and aiming to reduce health disparities and impacts in our local communities.

Respectfully submitted,

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PUBLIC HEALTH PROTECTION ACT, SENATE BILL 1178  
(DISTRICTS: ALL)**



TERRA LAWSON-REMER  
VICE CHAIR, 3rd District



NORA VARGAS  
CHAIRWOMAN, 1st District

**ATTACHMENT(S)**  
N/A