



## REGION 9

SAN FRANCISCO, CA 94105

January 3, 2025

Terra Lawson-Remer  
Supervisor, Third District  
San Diego County Board of Supervisors  
1600 Pacific Highway, Room 335  
San Diego, CA 92101-2471

### **RE: Petition to Investigate the Tijuana River Valley for Superfund Designation**

Dear Supervisor Lawson-Remer, Mayor Aguirre, Councilmember Shu, and Councilmember Bush:

This letter constitutes the U.S. Environmental Protection Agency's (EPA) response to your October 24, 2024, letter requesting an investigation of the Lower Tijuana River Valley for designation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Your petition expresses concern that the communities you represent are at risk and deserve access to clean air, water, and healthy open spaces. EPA agrees that these communities deserve such access, and we are committed to ensuring all people have access to a healthy environment to live, work, and play. We have concluded that a Preliminary Assessment is not warranted based on the information shared in the petition and additional information gathered from regulatory partners and public sources.

EPA is aware that U.S.-Mexico transboundary flows of wastewater and sewage have negatively impacted surrounding communities. Several coastal beaches have been closed for extended periods, including several years. Strong odors, caused by hydrogen sulfide air emissions, have affected the daily lives of residents. EPA has continued to work with local, state, and federal partners on the infrastructure solutions as well as enhanced monitoring of air and water impacts.

Through your leadership and that of your local partners and the San Diego Congressional delegation, federally funded projects are underway to address pollution associated with transboundary sewage flows. Improvements and repairs to sewage systems in both the U.S. and Mexico are expected to meet the requirements under Minute 328 of the United States-Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande. Minute 328 outlines sanitation projects to be constructed in San Diego and Tijuana using approximately \$680 million from the U.S. government and \$144 million from the Mexican government. This includes \$650 million in U.S. funding for the South Bay International Wastewater Treatment Plant (SBIWTP) which has been made available during the Biden Harris Administration and approved by Congress.

The International Boundary and Water Commission (IBWC)-run SBIWTP is expected to double its capacity for treatment of Mexican sewage from 25 to 50 million gallons per day. Through the leadership of the State Department, including the IBWC and the Consul General in Tijuana, EPA is working in partnership with the Mexican federal, state, and local governments on completion of additional Minute 328 projects, including the construction of a new San Antonio de los Buenos wastewater treatment plant, rehabilitating other critical infrastructure, and the development of recycled water projects.

In addition, EPA Region 9's Water Division, through a Regional Office of Research and Development Applied Research Project, has been funded to develop a monitoring program to quantify and better measure the percentage of untreated sewage in the Tijuana River during dry-weather flows. Improvements in infrastructure and monitoring should lead to a reduction of untreated sewage in the Tijuana River Valley and result in decreased odorous hydrogen sulfide air emissions. Most recently, we also assisted in the San Diego Air Pollution Control District creation of an online, real-time dashboard to monitor hydrogen sulfide emissions, and the public can receive alerts when concentrations exceed nuisance and health effects thresholds.

EPA is also aware of several State and local programs to mitigate transboundary pollution at the Lower Tijuana River and further investigate, reduce, or address contamination. The State Water Resources Control Board has funded several recent initiatives under Senate Bill 170, including: the recent deployment of a Tijuana River Flood Control Trash Control Structure, the Smuggler's Gulch dredging project; and the Tijuana River Valley Hydrology and Habitat Restoration project. Passed in November 2024, California State Proposition 4 also includes \$50 million for Tijuana River Valley Watershed projects and the New River Water Quality, Public Health, and River Parkway Development Program. Additionally, the San Diego Regional Water Quality Control Board's recently finalized Advanced Restoration Plan outlines actions to restore and maintain water quality standards within the Tijuana River Valley ecosystem.

Under CERCLA, commonly known as the Superfund law, EPA has the authority to address the release or threatened release of hazardous substances that pose a risk to public health and the environment. EPA prioritizes its Superfund remedial resources on sites which pose a higher risk and can be linked to releases from a specific location or source that can be controlled.

In response to the petition, EPA has conducted an extensive search and review of available data and information provided by your office and other local, state, and federal agencies on the pollution impacting the Lower Tijuana River Valley and nearby communities. Our review primarily focused on environmental sampling data that used EPA analytical methods. Specifically, we reviewed analytical data of surface water and sediments collected from transboundary flow paths to assess potential contaminants eligible for evaluation under the Hazard Ranking System. In 2018-2019, the IBWC and U.S. Customs and Border Protection sampled seven transboundary channels of the Tijuana River Basin for over 200 parameters in water and sediment, including pathogens, metals, industrial organics, pesticides, and other pollutants. These studies found concentrations of bis(2-ethylhexyl) phthalate (also known as DEHP) and pesticides (DDT, DDD, and DDE) in sediments exceeding ecological screening levels in the transboundary drainages and Tijuana River. However, none of these contaminants exceeded EPA's regional screening levels for human health in residential soil and are commonly associated with urban stormwater runoff at these concentrations.

Due to these ongoing projects and investments, contaminants not exceeding screening levels for human health and the lack of identifiable sources or areas that could be addressed under CERCLA authority, EPA has concluded that a Preliminary Assessment is not warranted. EPA's Superfund Program is open to providing support and assistance to other federal or state programs, including investigations of hazardous substances under the San Diego Regional Water Quality Control Board's recently finalized Advanced Restoration Plan.

If you have any further questions, concerns or would like to meet with me to discuss these findings, please let me know or you may contact Eugenia Chow, Supervisor of the Site Assessment and Technical Support Section, at 415-972-3160 or via email at [chow.eugenia@epa.gov](mailto:chow.eugenia@epa.gov).

Sincerely,

Michael Montgomery  
Division Director  
Superfund & Emergency Management Division

cc: Martha Guzman, Regional Administrator, EPA Region 9  
Sabine Talaugon, Deputy Secretary for Intergovernmental Relations, CalEPA