

RESOLUTION NUMBER R- 315806

DATE OF FINAL PASSAGE OCT 10 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING A NATIONAL EMERGENCY FROM THE FEDERAL GOVERNMENT AND FOR THE FEDERAL GOVERNMENT TO FULLY FUND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S COMPREHENSIVE INFRASTRUCTURE SOLUTION FOR THE TIJUANA RIVER.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Tijuana River, which flows east to west from Mexico into California and drains into the Pacific Ocean through the Tijuana River Valley, has for decades experienced increased discharge of trash, sediment, and raw sewage generated from the City of Tijuana, Mexico, which as a result of sewage infrastructure inadequacies, has created recurring and worsening pollution problems for the County of San Diego and the Southern California coastline.

B. The City of San Diego has declared a continued state of emergency since 1993 as a result of the escalated discharge of raw sewage from the City of Tijuana, Mexico, that has caused numerous health problems.

C. The City of Imperial Beach has declared a continued state of emergency since 2017 as a result of the escalated discharge of raw sewage from the City of Tijuana, Mexico.

D. On August 30, 2018, the California State Legislature approved Senate Joint Resolution 22 to urge the federal government to take immediate action to adequately address cross-border pollution in the Tijuana River Valley.

E. The City of San Diego filed a lawsuit against the United States Section of the International Boundary and Water Commission (USIBWC) in 2019 that led to the USIBWC committing to comply with the Clean Water Act (33 U.S.C. § 1251, *et seq.*) along with the appropriation of \$300 million through the United States-Mexico-Canada Agreement (USMCA).

F. The County of San Diego, on June 27, 2023, declared a local emergency due to the public health, environmental, and economic impacts of the cross-border pollution disaster.

G. On August 22, 2024, the California State Legislature approved Assembly Joint Resolution 12 with over 70 bipartisan co-sponsors calling on the President and the US Congress to fully fund the Environmental Protection Agency's comprehensive infrastructure solution for the Tijuana River Valley and to declare a national emergency due to the environmental disaster impacting public health and beach access in South San Diego.

H. According to the County of San Diego, the County Hazardous Incident Response Team found that the residents of Otay Mesa-Nestor, Egger Highlands, Nestor, Tijuana River Valley, San Ysidro, and Imperial Beach have experienced high levels of hydrogen sulfide in the air.

I. The University of California San Diego (UCSD) and San Diego State University (SDSU) have been engaged in ongoing studies and have found that in some cases residents in the proximity of the Tijuana River Valley have been exposed to high levels of hydrogen sulfide.

J. According to staff testimony at the San Diego County Air Pollution Control District (APCD) board meeting of September 12, 2024, the APCD has received nearly 2,000 odor complaints from residents surrounding the Tijuana River Valley since July 19, 2024.

K. The South Bay beach closures have had a direct effect on the surrounding communities due to decreased tourism, patronage of local businesses, opportunities for youth recreation and camps, and lower property values, and access to the beach for residents.

L. The APCD has deployed 400 air monitors in the communities surrounding the Tijuana River Valley that have shown levels of sulfur dioxide and hydrogen sulfide above standards set by the United States Environmental Protection Agency.

M. Since October 2018, the USIBWC has documented the entry of over 200 billion gallons of toxic effluent into the United States through the Tijuana River Valley.

N. The USIBWC has failed to maintain and operate the South Bay International Wastewater Treatment Plant by allocating only \$4 million of the estimated \$40 million required for maintenance.

O. The USIBWC's failure to respond is a clear violation of the Federal Water Pollution Control Act and the Federal Resource Conservation and Recovery Act of 1976 and has endangered the lives of the people of California and threatened the environmental health and viability of the Tijuana River Valley.

P. Urgent funding and commitments are needed to completely implement the preferred Comprehensive Infrastructure Solution for the Tijuana River Valley and address deferred maintenance needs for existing USIBWC infrastructure to bring the South Bay International Wastewater Treatment Plant into compliance with the Clean Water Act (33 U.S.C. § 1251, *et seq.*).

Q. The Office of the City Attorney prepared this Resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council requests the United States Congress and President Joseph R. Biden to fully fund the United States Environmental Protection Agency's Comprehensive Infrastructure Solution for the Tijuana River Valley due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution.

2. The Council requests President Joseph R. Biden to allow all relevant agencies to provide financial and technical support to the United States Environmental Protection Agency and the USIBWC in the implementation of infrastructure solutions, including the projects agreed upon in the USIBWC Minute No. 328.

3. The Council requests President Joseph R. Biden to declare a national emergency due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution in the Tijuana River Valley.

4. The Council requests President Joseph R. Biden and the United States Congress to include sufficient ongoing operation and maintenance funding for the South Bay International Wastewater Treatment Plant in future federal budgets.

5. The Council requests the Office of the City Clerk to transmit copies of this Resolution to the President and Vice President of the United States, to the Speaker of the United

States House of Representatives, to the Majority Leader of the United States Senate, and to each Senator and Representative in the Congress of the United States.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Noah J. Brazier
Deputy City Attorney

NJB:cm:cc
September 17, 2024
October 2, 2024 COR. COPY
Or.Dept: Council District 8
Doc. No. 3796848_2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
OCT 01 2024.

DIANA J.S. FUENTES
City Clerk

By 

City Clerk

Approved: 10/10/24

(date)



TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 0 1 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 1 0 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Arwin, Deputy

Office of the City Clerk, San Diego, California
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