

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
TUESDAY, OCTOBER 08, 2024**

**MINUTE ORDER NO. 13**

**SUBJECT: DECLARING THE TIJUANA RIVER VALLEY AN EPA SUPERFUND SITE TO UNLOCK STATE AND FEDERAL FUNDS FOR TOXIC REMEDIATION AND CLEAN-UP (DISTRICTS: ALL)**

**OVERVIEW**

For nearly eight decades, the Tijuana River Valley has been drowning in toxic chemicals, industrial waste, and raw sewage flowing across the border, wreaking havoc on our health, environment, and economy. Despite recent progress on infrastructure and binational cooperation, the hazardous waste continues to flow and at great cost to the public. Public health is at risk. Our ecosystems are suffering. The regional economy is feeling the strain.

While immediate repairs-like wastewater pumps in Tijuana and upgrades to the South Bay International Wastewater Treatment Plant-are critical, they simply aren't happening fast enough. And, even when completed, infrastructure alone won't undo the impact of decades of relentless toxic pollution that includes heavy metals and hazardous chemicals, some of which have been banned in the United States such as DDT, and Polychlorinated Biphenyls (PCBs), as well as other cancer-causing industrial compounds like hexavalent chromium and polycyclic aromatic hydrocarbons (PAHs).

Everyone deserves access to clean water and healthy open spaces free from dangerous contaminants. Stopping the sewage is an important first step but cleaning up the hazardous waste in the river valley and estuary will be one of the most daunting environmental justice challenges of our times.

**What is a Superfund Site?**

I'm calling on the County of San Diego to petition the U.S. Environmental Protection Agency (EPA) to designate the 6-mile portion of the Lower Tijuana River Valley as a "Superfund" site to unlock federal funding and clean-up the toxic conditions. The Superfund program requires the nation's most toxic hazardous waste sites to be identified and cleaned up. The Superfund designation provides authority and funding to remediate pollution, hold responsible parties accountable, while centering communities in the process. Superfund is designed to addresses toxic waste and not raw sewage, which falls under the jurisdiction of the Clean Water Act. However, the Tijuana River Valley has endured 80 years of wastewater spills that includes many known toxic substances, making it a strong candidate for Superfund designation.

**Benefits of Superfund Designation**

Being listed as a Superfund site offers several key benefits. First, it provides access to federal funding for site investigation, cleanup, and long-term remediation. In 2022, President Biden reinstated the Petroleum Superfund Tax, which will raise an additional \$52 billion over the next 10 years to support Superfund cleanup activities. We must ensure San Diego County receives its fair share of these resources. Second, Superfund designation guarantees the creation of a comprehensive cleanup plan that addresses all hazardous contaminants in detail, safeguarding public health and the environment by significantly reducing exposure to dangerous pollutants. Third, the Superfund program holds responsible parties accountable, ensuring polluters contribute to the cleanup costs.

## **Why Tijuana River Should be a Superfund Site**

The Tijuana River wastewater crisis is too often viewed solely as a sewage issue, but it's far more complex. For decades, the wastewater flow carries toxic contaminants, heavy metals, pesticides, herbicides, and other hazardous substances, making it a much broader environmental threat. A 2024 study found 170 pollutants in the river sediment, including polycyclic aromatic hydrocarbons (PAHs), a carcinogen that affects development, liver, and reproductive systems, and banned pesticides such as DDT. The Regional Water Quality Control Board found 7 substances that exceeded human health thresholds including PAH concentrations that were “consistent with pollution caused by industrial discharges and urban runoff”.

Since the 1990s, the river and its tributaries have been plagued by illegal dumping from industrial sites, including from maquiladoras, foreign-owned manufacturing plants known for their lax environmental practices. The toxic legacy of these illegal wastewater discharges persists, buried deep in the sediments of the riverbed.

The EPA employs a standardized Hazard Ranking System (HRS) to evaluate and determine whether a site qualifies for Superfund designation. The HRS assesses three categories of risk and examines four pathways through which contaminants can threaten public and environmental health.

### **1. Waste Characteristics (toxicity, quantity of hazardous substances):**

- A 2018 study by U.S. Customs and Border Protection found high concentrations of many hazardous substances above EPA standards, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, herbicides, and bacteria. This includes many known carcinogens and toxic substances like hexavalent chromium, arsenic, DDT, and lead.
- A 2020 study by the IBWC showed high levels of chemical, metals, and oils, including copper, nickel, and zinc, commonly used in the metal plating industry, as well as organic compounds like DEHP, which a chemical leached from plastics.
- A 2024 San Diego State University Public Health Report noted 392 chemical contaminants in the Tijuana River, including 175 compounds that are listed in the U.S. EPA Toxic Substances Control Act, such as acetone, pesticides, flame retardants, DDT, and PCBs. The report also found elevated levels of arsenic and all study sites.

### **2. Likelihood of release of hazardous substances**

- Hazardous substances in the sediment and water could be released due to ongoing erosion, water flow disturbances, and flooding, which can dislodge and mobilize toxic contaminants embedded in the riverbed, leading to increased environmental and public health risks.
- Culverts along the Tijuana River (Saturn Blvd) agitate and churn the water, increasing the likelihood of toxic substances being released and aerosolized, potentially exposing nearby communities to airborne contaminants. Recent data has shown elevated levels of hydrogen sulfide near the river and in the adjacent community.

### **3. People or Sensitive Environments Affected by Release**

- The Tijuana River flows through urbanized neighborhoods, including ranches, farms, and single-family homes, making these environmental justice communities particularly sensitive to potential contamination and vulnerable to the public health risks posed by ongoing pollution.

- The river also terminates in the Tijuana River National Estuarine Reserve and the Tijuana Slough National Wildlife Reserve. This is the largest wetland in Southern California and is a home to over 370 bird species including 6 federally listed threatened or endangered species.

<b>Air Migration Pathway</b>	Research from San Diego State University and UC San Diego highlight the elevated levels of hydrogen sulfide near the river and in the adjacent communities. More research is being conducted to analyze other airborne contaminant such as VOCs.
<b>Ground Water Migration Pathways</b>	Ranches and farms adjacent the Tijuana River utilize well water, often from wells potentially as shallow as 15 ft deep. Contaminants in the river could form a groundwater plum leaching liquid contaminants into the soil or aquifer.
<b>Surface Water Migration Pathway</b>	Ranches, farms, community gardens, and commercial nurseries are all found within several hundred yards of the river, potentially exposing food, plant stock and livestock sources to contamination. The Tijuana River also flows directly into the Tijuana Slough National Reserve, a sensitive ecosystem that is home to the largest wetland in southern California and endangered species. The Tijuana River Estuary has been designated a Ramsar Convention Wetland of International Important, a National Estuarine Research Reserve, and a Critical Coastal Area (CCA) and is adjacent to the Tijuana River Mouth State Marine Conservation Area. The river valley support 11 habitat types and either threatened or endangered species.
<b>Soil Migration Pathway</b>	The dry, dusty conditions in the Tijuana River Valley heighten the potential for soil migration, allowing contaminants to be carried by wind over long distances, sometimes traveling miles and exposing surrounding communities and ecosystems to harmful pollutants.

Today’s action directs County staff to formally petition the EPA to conduct a preliminary assessment and site inspection of the Lower Tijuana River Valley for inclusion in the EPA Superfund program and placement on the National Priorities List. This is the first step in fast-tracking hazardous waste cleanup and holding polluters accountable. The petition should highlight that the Tijuana River crisis involves toxic chemicals and hazardous substances, not merely raw sewage, underscoring the environmental and public health risks posed by long-standing industrial and chemical pollution.

This item also aims to center the voices of impacted individuals and community-based leaders, inviting the public to join the County’s petition as official co-signers and to share their testimony and experiences of how they are affected by the potential release of toxic contaminants. It’s time to decisively act to make our communities whole, safeguard public health, and secure a more sustainable future for generations to come.

## **RECOMMENDATION(S)**

### **VICE CHAIR TERRA LAWSON-REMER**

1. Direct the Chief Administrative Officer to submit a petition to the U.S Environmental Protection Agency (EPA) to conduct a preliminary assessment and site inspection of the Lower Tijuana River Valley for inclusion on EPA's National Priorities List to determine if the Tijuana River Valley would qualify for federal assistance under the Superfund program. The petition should include discussion of potential and known releases of toxic substances, beyond raw sewage, that best align with Superfund criteria.
2. Direct the Chief Administrative Officer to open a 14-day period to solicit partners, individuals, and impacted communities to join the County of San Diego's petition to the EPA as official co-signers and to submit testimony, pictures, evidence, and personal experiences how they are affected by the release or potential release of toxic contaminants in the Tijuana River Valley, which would be included as an appendix to the petition.
3. Direct the Chief Administrative Office to create an urgent public communications campaign to stakeholder groups in the affected coastal communities, from North County to the border to inform them of the County's effort to pursue Superfund designation for the Tijuana River Valley and solicit co-signers in support of Recommendation 3 above.
4. Direct the Chief Administrative Officer to report back to the Board with a memo, that includes the official petition submitted to EPA, with information such the names of the co-signers, their zip code, and their submitted testimony, as applicable.

### **EQUITY IMPACT STATEMENT**

Many of the communities most impacted by the Tijuana River transboundary pollution are identified by SB 535 (2012) and on CalEnviroScreen 4.0 Environmental Justice community as having high pollution burdens from impaired water bodies, elevated PM2.5 levels and elevated levels of linguistic isolation and poverty rates.

### **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. It also aligns with County Sustainability goals, including: (4): Protect the health and wellbeing of everyone in the region, with a focus on collaborating with community partners and advocating for environmental justice for communities that have been disproportionately impacted (5): Protect water in all forms. (6): Develop natural and organic land management policies and practices that protect ecosystems, habitats, biodiversity, and soil health throughout the County while providing opportunities for all residents to access and enjoy the outdoors, and (7): Reduce pollution and waste and demonstrate reduction in consumption of resources.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

The impact of beach closures has a devastating impact on coastal communities through decreased visitors and street traffic. The long-term health impact of chronic exposure to transboundary pollutants and chemicals may also have significant impacts on economic growth and flourishing of communities across San Diego County.

**ACTION:**

ON MOTION of Supervisor Vargas, seconded by Supervisor Desmond, the Board of Supervisors directed the Chief Administrative Officer or designee to return back to the Land Use agenda within 90 days with recommendations for legal options and funding opportunities at the state and federal levels. This analysis should include a thorough assessment of how these options, including the potential Superfund designation, would impact the communities most affected by the Tijuana River pollution crisis.

AYES: Vargas, Anderson, Desmond  
NOES: Lawson-Remer, Montgomery Steppe

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
**by** Andrew Potter