

Resolution No.:

Meeting Date: June 3, 2025

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
SUPPORTING STRONGER FEDERAL AND STATE MEASURES TO ADDRESS THE
ONGOING HEALTH AND ECONOMIC IMPACTS OF CROSS-BORDER POLLUTION IN THE
TIJUANA RIVER VALLEY

WHEREAS, San Diego County and its communities have endured decades of cross-border pollution from Mexico, marked by the ongoing discharge of billions of gallons of untreated or partially treated sewage, industrial waste, and urban runoff—resulting in persistent beach closures and serious threats to public health and the environment; and

WHEREAS, the primary source of pollution in the Tijuana River is inadequate wastewater infrastructure and treatment capacity, worsened by rapid, unplanned population growth driven by economic activity and cross-border trade. This has overwhelmed existing systems, causing chronic sewage spills. Additionally, the annual export of 1.5 million acre-feet of freshwater to Mexico under treaty obligations continues to fuel growth in the Tijuana region; and

WHEREAS, the 1944 United States–Mexico Water Treaty established the International Boundary and Water Commission (IBWC) to manage shared water resources and boundary sanitation issues; and

WHEREAS, a series of IBWC treaty minutes—270 (1985), 283 (1990), 311 (2008), 320 (2015), and 328 (2022) were intended to address chronic pollution in the Tijuana River through binational cooperation, infrastructure improvements, and emergency protocols. However, these efforts have consistently fallen short of effectively preventing the ongoing transboundary pollution crisis and Mexico has repeatedly failed to meet its obligations, resulting in ongoing and escalating cross-border discharges of untreated and partially treated effluent/wastewater into the United States via the Tijuana River; and

WHEREAS, strong coordination between the U.S. Environmental Protection Agency and the IBWC is critical to advancing binational water and wastewater infrastructure, upholding international treaty commitments, and ensuring Mexico is held accountable for preventing transboundary pollution affecting U.S. communities; and

WHEREAS, a significant amount of Tijuana’s water comes from the Colorado River via U.S. exports under the 1944 Water Treaty, highlighting both the city's dependence and the IBWC’s shared responsibility for managing water supply and related sanitation challenges. Over 90% of cross-border effluent affecting South San Diego stems from these deliveries; and

WHEREAS, Baja California’s continued reliance on imported US water and recent urgent need for local water import sources has led Mexico’s President Sheinbaum and Baja Governor Pilar to publicly support the construction of a 50 MGD desalination plant in Playas de Rosarito as part of Mexico’s National Water Plan; and

WHEREAS, IBWC Minute 328 already identifies wastewater reuse and recycling projects in

Tijuana as a priority strategy to reduce transboundary pollution, with specific investments proposed to capture and treat effluent before it reaches the Tijuana River; and

WHEREAS, implementing these water recycling projects would address pollution at its source and help provide more immediate and cost-effective benefits for both countries compared to desalination, which does not directly reduce sewage discharges or resolve the existing treatment capacity limitations affecting the Tijuana metropolitan border region; and

WHEREAS, recent health surveys conducted by the US Centers for Disease Control and Prevention (CDC) have verified the impact of airborne pathogens and toxic gases (i.e., Hydrogen Sulfide, etc.) affecting large portions of the South County including Imperial Beach, Chula Vista, Nestor, and San Ysidro. San Diego Air Pollution Control District is currently distributing up to 10,000 air purifiers along with applicable filters to affected residents in the 91932, 92154 and 92173 ZIP Codes. The long-term cost and impacts on the future mental and physical health of these regional residents are yet to be fully understood or mitigated; and

WHEREAS, the recent restoration (2024) of the 18 MGD San Antonio de los Buenos sewage treatment facility (Punta Bandera) in Mexico which had originally missed multiple deadlines for going online and being fully operational, the US Federal government must consider appropriate and impactful actions to ensure ongoing compliance, operation and maintenance be carried out at this specific facility; and

WHEREAS, the persistent failure of sanitation infrastructure in the Tijuana watershed is matched only by the repeated, yet unfulfilled, commitments from federal and state authorities in both the United States and Mexico to implement a durable, long-term solution to this transboundary environmental challenge; and

WHEREAS, additional significant funding and smart strategic investments are needed by the government of Mexico to fully control transboundary pollution, maintain wastewater infrastructure, and prevent the flow of pollution into the United States; and

WHEREAS, this ongoing sewage flow is the acknowledged responsibility of the federal governments of the United States and Mexico and that this problem is beyond the capacity of any local municipality to mitigate and control; and

NOW, THEREFORE, IT IS HEREBY RESOLVED

1. A local state of emergency already exists for the County of San Diego and adjacent communities (City of Coronado, City of Chula Vista, City of Imperial Beach, the Port of San Diego, City of San Diego).
2. The Chief Administrative Officer is authorized to work with local, State, Federal, to explore all options to improve conditions in the Tijuana River Valley.
3. Beaches in San Diego County are routinely closed; our residents are suffering due to the Mexican government's failure to maintain their infrastructure.
4. We urge the United States Congress to immediately consider adopting legislation that strengthens enforcement of international water and environmental treaty obligations that will hold Mexico accountable for failing to control transboundary pollution in the San Diego County region.

5. We strongly oppose the construction of a 50 MGD desalination plant in Playas de Rosarito as part of Mexico's National Water Plan unless Mexico specifically agrees to implement the existing recycled water projects already identified in IBWC Treaty Minute 328. Furthermore, Mexico needs to demonstrate they have the capacity and funding to provide wastewater treatment for any new potable water deliveries into the region.

6. We request that the Congress of the United States of America and its representatives consider passing statutory enforcement requirements such as:

a. Authorize federal regulation or restriction on the export of potable water to the City of Tijuana, Mexico, during any health or pollution related emergencies declared by the County of San Diego (DEH) in relation to cross-border pollution. These restrictions could also extend to limiting cross-border activity at U.S. ports of entry during such health or pollution crises; and/or

b. Include federal authorization to temporarily divert and/or restrict the Tijuana River and its tributaries as necessary in the City of Imperial Beach, City of San Diego, and County of San Diego.

7. Utilization of diplomatic pressure, economic sanctions, tariffs, limitation of border crossing activity, and international legal action should be considered anytime Mexico is in violation of agreed treaties and Minute orders to leverage Mexico to stop the flow of raw sewage into the United States and its offshore waters.

8. Until such time that Federal legislation can be passed and fully implemented, we request President Donald J. Trump consider initiating an Executive Order requiring such near-term actions with enforcement, as necessary, by all Federal entities and departments, including but not limited to the: Department of State, EPA, and the Department of the Navy.

9. Request that the Governor of California and the President of the United States approve state of emergency declarations for the cross-border pollution crisis in the Tijuana River Valley.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

BY: Inga Lintvedt, Senior Deputy County Counsel