



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: July 17, 2024

06

TO: Board of Supervisors

SUBJECT

LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego county. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4), September 13, 2023 (3), November 8, 2023 (2), December 6, 2023 (2), January 24, 2024 (1), March 13, 2024 (3), May 1, 2024 (4) and June 26, 2024 (4) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

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EQUITY IMPACT STATEMENT

The communities closest to the San Diego International Border, including the communities of Imperial Beach, San Ysidro, Otay Mesa, and Tijuana River Valley are identified by SB 535 (2012) and CalEnviroScreen 4.0 as being Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation, and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal, and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have engaged to elevate the need for data collection to document environmental injustices.

SUSTAINABILITY IMPACT STATEMENT

This action letter aligns with the County of San Diego’s Sustainability Goals No. 6 to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to 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

Pollutants, such as trash and raw sewage, flow into the Tijuana River when it rains, which then moves across the border into the Tijuana River Valley. Additional raw sewage from wastewater plants with failing infrastructure across the border is discharged into the ocean and causes impacts to water quality in San Diego, especially when there is a south swell and ocean currents push north.

In the City of Imperial Beach, beach waters have been shuttered for the majority of the year with water contact closures and the City of Coronado has had beach water contact closures over 56% of the time since January 1, 2023, due in large part to million gallons of sewage per day that is being spilled into our oceans from the Tijuana River and wastewater plants across the border. Heavy rainfall experienced in 2023 and early 2024 resulted in increased wastewater discharges, wastewater infrastructure failures, and additional runoff and flows from the Tijuana River and

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south swells, creating increased sewage impact to south county beaches, resulting in excessive beach water contact closures.

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Continuation of Local Emergency for U.S.-Mexico Transboundary Pollution Environmental Crisis
Government Code section 8630(c) requires review of the local emergency by the Board at least once every 60 days until the local emergency is terminated. On July 19, 2023 (4), September 13, 2023 (3) November 8, 2023 (2), December 6, 2023 (2), January 24, 2024 (1), March 13, 2024 (3), May 01, 2024 (4) and June 26, 204 (4) the Board found that there is a continuing need for the local emergency. This is a request to continue the local emergency until no longer needed, subject to the review provisions of California Government Code section 8630(c).

There is a need to continue the local emergency because San Diego county communities continue to have environmental and economic impacts from the transboundary sewage flows. Over 100 billion gallons of sewage has impacted our water since 2018. Recently from December 28, 2022, through June 17, 2024, over 74.7 billion gallons of flow crossed the international border per the International Boundary and Water Commission. As of June 17, 2024, some of the beaches in the region have been closed for 922 consecutive days due to the poor water quality. The ongoing sewage crisis is an environmental catastrophe with significant negative impacts on the region's tourism-dependent economy and U.S. military preparedness. Further information regarding the basis for the state of emergency can be found in Attachment A.

When there are known sewage impacts to ocean waters, the County is required to issue water contact closures. Between January 1, 2023, to June 17, 2024, Imperial Beach locations have been impacted by sewage and under closure for 490 of 533 days, Silver Strand closed for 454 of 533 days, and Coronado shoreline closed for 301 of 533 days. Droplet digital polymerase chain reaction (ddPCR) testing provides same day results of daily sampling occurring in the south county that is used to determine when the water is safe again and take beach management actions to reopen the water for recreation.

Economic Impacts

San Diego's south county beaches help to create jobs, attract tourism, and provide economic opportunity to local business and communities. When ocean waters at the beaches are closed due to sewage impacts or under advisory or warning due to high bacteria levels, there are negative impacts to small businesses and the local economy. County staff have implemented Board direction to evaluate the scope of economic impacts resulting from the U.S.-Mexico border transboundary pollution environmental crisis and reported back to the Board on January 19, 2024.

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Advocacy Efforts

With the Board's approval on December 5, 2023 (13) of the County's Legislative Program, additional language was added to the Priority Issues document to support advocacy for funding and infrastructure improvement opportunities for the Tijuana River Valley and to improve beach water quality, including requesting federal resources to help San Diegans impacted by the Tijuana River Valley water pollution emergency.

In 2020, the U.S. government, through the U.S. Environmental Protection Agency, committed \$300 million in the United States-Mexico-Canada Agreement (USMCA), to carry out the planning, design, and construction of high priority treatment works in the Tijuana River watershed to address transboundary flow pollution. In 2022, language was secured in the final fiscal year 2023 appropriations legislation to deliver the \$300 million to the International Boundary and Water Commission (IBWC) to address needed repairs at the South Bay International Wastewater Treatment Plant (SBIWTP). However, it was later learned that before repairs to SBIWTP could be made, additional funding is needed to pay for deferred maintenance.

During the fiscal year 2024 federal appropriations cycle, the County and our Congressional delegation requested an additional \$310 million to fully fund repairs to SBIWTP. Final fiscal year 2024 Appropriations Legislation awarded the IBWC \$220.85 million in funding with \$156 of that million designated for the IBWC Construction Account. It is anticipated that \$103 million of that will go towards repairs at SBIWTP. While the additional funding was good news, more than \$200 million is still needed to fully fund repairs at SBIWTP. The County and our Congressional Delegation continue to request additional funding, now during the fiscal year 2025 Appropriations cycle, to fully repair the SBIWTP.

On May 22, 2024, Chairwoman Vargas sent a letter to the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health to request the CDC proactively investigate the effects of cross-border pollution on public health. On June 3, 2024, the mayors of the regions 18 cities sent a letter to Governor Newsom requesting a State of Emergency declaration and intervention by the CDC to address the pollution crisis in the Tijuana River.

Environmental Justice

On May 5, 2022, the County became the first federal and state approved coastal county in the nation to begin using a new ddPCR testing method which is more accurate, precise, protective of public health, and enables same-day results information to be shared with the public which enables individuals to make their own decisions regarding their health and ocean water recreation. The crisis of transboundary sewage flows impacting south county beaches is not new. This new technology and improved ddPCR testing method is working and is providing us with more detailed, timely, higher quality data to help provide information to families, parents, visitors, and all individuals on a daily basis so they can make an informed decision for their own health and whether they should get in the ocean water or not. This also means that the County has data which presents impacts as far north as the Coronado shoreline and data that shows the south county

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environmental justice communities as being disproportionately impacted due to the proximity to the source that has resulted in restricting ocean access to residents, tourists, government activities for the U.S. Navy and Customs and Border Protection, and particularly hurt youth recreational activities and the businesses community that depends on anyone enjoying safe and healthy beaches.

ENVIRONMENTAL STATEMENT

This Proclamation of Local Emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2)&(3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate State and federal funding, does not commit the County of San Diego to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support Sustainability and Equity initiatives in the County's 2024-29 Strategic Plan by combatting environmental justice, health, and economic issues resulting from the decades long transboundary pollution environmental crisis.

Respectfully submitted,



AMY HARBERT
Interim Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Basis of State Emergency

Attachment B – Proclamation of Local Emergency Transboundary Contamination

Attachment C – International Boundary and Water Commission Statement Letter