

RESOLUTION NO. 2025-020**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, PRIORITIZING ENHANCED FEDERAL AND STATE ACTIONS TO MITIGATE THE ONGOING HEALTH AND ECONOMIC IMPACTS FROM THE CROSS BORDER POLLUTION CRISIS IN THE TIJUANA RIVER VALLEY**

WHEREAS, the City of Imperial Beach, Coronado and neighboring communities within southern San Diego County have endured decades of transboundary pollution from Mexico, including the continuous discharge of over 150 billion gallons of untreated or partially treated sewage, industrial waste, and urban runoff since October 2018 – leading to sustained beach closures and significant public health and environmental impacts; and

WHEREAS, the primary cause of pollution in the Tijuana River is from the lack of adequate wastewater infrastructure and treatment capacity, compounded by rapid and unplanned population growth in the Tijuana metropolitan region that is driven by substantial economic activity and cross-border commerce centered around multiple regional ports along the US-Mexican border – which together have overwhelmed existing systems and resulted in chronic transboundary sewage spills into the Tijuana River. Additionally, the annual exportation over 488 billion gallons (1.5 million acre feet) of fresh water to Mexico under treaty is continuing to contribute toward accelerated population growth in the Tijuana metropolitan 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 the 1983 La Paz Agreement further committed both nations to prevent and control pollution in the border region; and

WHEREAS, a series of subsequent IBWC treaty minutes—Minute 270 (1985), Minute 283 (1990), Minute 311 (2008), Minute 320 (2015), and Minute 328 (2022) – were specifically written to address the chronic transboundary pollution of the Tijuana River, calling for binational cooperation, the construction and expansion of wastewater infrastructure, emergency response protocols to prevent transboundary pollution, and long-term investment plans to mitigate untreated sewage, industrial waste, and stormwater runoff impacting communities in southern San Diego County – but unfortunately these binational commitments continue to fall far short of satisfactorily preventing the Transboundary pollution crisis in the Tijuana River; and

WHEREAS, the U.S. Environmental Protection Agency’s Border Water Infrastructure Program (BWIP) plays a critical role in addressing transboundary pollution by funding the planning, design, and construction of high-priority water and wastewater infrastructure projects along the U.S. - Mexico border including multiple binational projects for IBWC Treaty Minute 328; and

WHEREAS, continued and expanded federal investment in the U.S. Environmental Protection Agency BWIP protects public health and environmental quality in U.S. border communities and can serve as a key diplomatic tool to incentivize matching investments by the Government of Mexico in critical infrastructure improvements on its side of the border; and

WHEREAS, the effective coordination between the U.S. Environmental Protection Agency and the IBWC is essential for advancing binational water and wastewater infrastructure projects, ensuring on-going compliance with international treaty obligations, and holding the Government of Mexico accountable for its role in addressing and preventing transboundary pollution impacting U.S. communities; and

WHEREAS, approximately 90% of Tijuana's imported water originates from the Colorado River, underscoring the city's dependence on U.S. water exports under the 1944 United States-Mexico Water Treaty, which also highlights the shared responsibility of the IBWC to manage both fresh water supply and resulting sanitation issues from these water deliveries. Additionally, over 90% of the returned volume of the cross-border effluent impacting the South San Diego communities is directly tied to these water deliveries. Furthermore, wastewater reclamation/reuse and river diversion are necessary components of any long-term regional solution in the decades-long, impacted 1,800 sq. mile watershed; 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 Federal Center for Disease Control Center (CDC) have verified the impact of airborne pathogens and toxic gases (i.e., Hydrogen Sulfide, etc.) effecting large portions of the South County including Imperial Beach, Chula Vista, Nestor, and San Ysidro. San Diego APCD 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, despite longstanding commitments under the 1944 U.S. – Mexico Water Treaty and subsequent IBWC minutes - reinforced at the 1985 U.S. – Mexico Summit in Mexico City to preclude and prevent transboundary pollution - 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, in response to Mexico's persistent noncompliance with the 1944 Water Treaty and related IBWC agreements, the U.S. Congress possesses the rightful authority to hold foreign governments accountable - exemplified by 2024 legislation introduced by Senator Ted Cruz, which proposed imposing sanctions and withholding foreign aid to Mexico for on-going treaty violations; 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 on-going compliance, operation and maintenance be carried out at this specific facility; and

WHEREAS, the only conditions that have been broken more frequently than the sanitation infrastructure in the Tijuana watershed are the myriad of promises made by the Federal and State

governments of the United States and Mexico to permanently address this egregious environmental crisis; and

WHEREAS, the 2024 Water Resources Development Act (WRDA) authorizes the U.S. Army Corps of Engineers to invest up to \$200 million for projects aimed at addressing flood control, sediment management, and water quality improvements in the Tijuana River Valley—marking a historic federal commitment to reducing transboundary pollution, protecting public health, and enhancing environmental resilience in affected adjacent border communities; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the IBWC have committed significant funding to repair and upgrade the International Treatment Plant, including a \$300 million allocation from the United States-Mexico-Canada Agreement (USMCA) in 2020, \$159 million allocated in FY 2024 budget (projected \$78M in FY25) for IBWC construction projects for mitigation of sewage pollution in Southern California, and an additional \$250 million secured through the Continuing Appropriations and Disaster Relief Supplemental Appropriations Act of 2025; and

WHEREAS, California voters approved Proposition 4, a Climate Bond in November 2024, authorizing \$10 billion in bonds for climate resilience projects, including a dedicated allocation of \$50 million for cross-border rivers and coastal waters, specifically targeting pollution mitigation efforts in the Tijuana and New Rivers; and

WHEREAS, additional significant funding and smart strategic investments are needed by local, state and federal agencies to fully control transboundary pollution, maintain wastewater infrastructure, and cleanup and restore damage caused in the Tijuana River Valley; and

WHEREAS, this ongoing sewage flow is the acknowledged responsibility of the federal governments of BOTH the United States and Mexico and that this problem is beyond the capacity of any local City, municipality or even the State of California to mitigate and control.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach to support the following actions to further address the on-going transboundary pollution crisis in the Tijuana River as follows:

1. A separate local state of emergency already exists for the City of Imperial and adjacent communities (City of Coronado, City of Chula Vista, the Port of San Diego, City of San Diego, and County of San Diego).
2. The City Manager, Mayor, and Council members are authorized to work with local, State, Federal, and Mexican authorities and to explore any and all options to improve conditions in the Tijuana River.
3. We urge the United States Congress and its representatives 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 Tijuana River.
4. We request to accelerate the implementation for IBWC on the design and construction of the Tijuana River Diversion project to capture and treat transboundary flows in the river.
5. We request to accelerate the implementation for IBWC on the design and construction of a permanent trash capture system for the main river channel.
6. We encourage the federal government to strategically partner and leverage \$200 million in ACOE funds and up to \$50 million of California Climate Bond funds to accelerate the implementation of the Tijuana River Diversion project and the clean-up

- and restoration of the flood control channel.
7. 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.
 8. We continue with active engagement with California Senator Steve Padilla on Senate Bill 10 – the Otay Mesa East Toll Facility Act - to ensure that toll revenues are dedicated for the environmental mitigation and restoration in the Tijuana River Valley and not used to offset Federal government obligations for wastewater treatment at the International Treatment Plant.
 9. We direct SANDAG to continue to advocate for potential funding sources from the Mexican share of the toll revenues to offset the detrimental impacts of the transportation, trade and population nexus being created at Otay Mesa East Port of Entry.
 10. Furthermore, the City Council requests on April 16, 2025 that the Congress of the United States of America and its representatives consider passing statutory enforcement requirements to:
 - a. Allow federal regulation/restriction on the export of potable water into the City of Tijuana, Mexico during any health-related threat(s) declared by the County of San Diego (DEH). Such restrictions could also include limited crossing activity at US ports of entry during the aforementioned declared health threats; and
 - b. Include federal authorization to temporarily divert and/or restrict the Tijuana River and its tributaries as necessary including the Tijuana River mouth located in the City of Imperial Beach.
 11. 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.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of April 2025, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST:

PALOMA AGUIRRE, MAYOR

JACQUELINE M. KELLY, MMC
CITY CLERK