



Enforcement News

Attorney General Becerra and San Diego Water Board: We're Ready to File Suit Over Public Health Threats Posed by Tijuana River Sewage

For Immediate Release:

State Attorney General Press

Office: (916) 210-6000

AGPRESSOFFICE@DOJ.CA.GOV

San Diego Regional Water Board

Executive Officer David Gibson

(619) 521-3005

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SAN DIEGO — After years of inaction by an international body responsible for protecting residents on both sides of the U.S. – Mexico border, California Attorney General Xavier Becerra and the San Diego Regional Water Quality Control Board today submitted to the United States Section of the International Boundary and Water Commission (the US Commission) a 60-Day Notice of Intent to Sue.

In the Notice, Attorney General Becerra and the San Diego Water Board allege that the US Commission, from 2015 to the present, has allowed more than 12 million gallons of wastewater that flows from the Tijuana River Watershed in Mexico into California to go untreated. This is a violation of the Clean Water Act and the US Commission's permit under the National Pollutant Discharge Elimination System (NPDES) issued by the San Diego Water Board. The wastewater often contains excessive levels of pesticides, heavy metals, and bacteria.

In the Notice, Attorney General Becerra and the San Diego Regional Water Quality Control Board note that the US Commission, the agency responsible for addressing wastewater discharges from the South Bay International Wastewater Treatment Plant (Treatment Plant) and its collection facilities, is not adequately managing transboundary flows. As a result, those flows have impacted human health and the environment – so much so that [the US Border Patrol has launched its own investigation](#) for the protection of its agents.

“For far too long, uncontrolled sewage spills have polluted and impaired the Tijuana River Valley and Pacific Ocean. This must stop,” **said California Attorney General Becerra**. “It’s our duty to protect the public health and natural resources of the people of California. We will do what is necessary to get those responsible to clean up this mess.”

“These polluted flows are a dire threat to both human health and the sensitive wildlife in the estuary and Pacific Ocean near our international border,” **said San Diego Water Board’s Executive Officer David Gibson**. “Residents of both sides of the border near this waterway and its outfall deserve better and we have an obligation to act. The Regional Board has the same expectations of federal agencies that it has for any agency that it regulates. The US

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1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov



Commission must comply with the Clean Water Act and its NPDES permit and make the necessary infrastructure improvements to its facilities to prevent contaminated flows from entering the United States.”

“The coastal communities of San Diego County depend on clean, healthy watersheds and beaches – recreationally, economically, and for our rich environmental and biological tapestry. In recent decades, the federal government has turned a blind eye toward the sewage, trash, and debris flowing across the border from Mexico,” **said Senate President pro Tempore Toni Atkins**. “I applaud the strong leadership taken by Attorney General Becerra, the Regional Water Quality Control Board, and the coastal residents and local governments that have long been calling for action.”

“The federal government has failed repeatedly to act on this serious contamination issue that has plagued the Tijuana River Valley, residents, businesses and tourism in the San Diego region for 30 years,” **said Senator Ben Hueso**. “Californians cannot afford to wait another three decades for these issues to be resolved. I thank the Attorney General and the San Diego Water Board for taking this important first step toward recourse through the judicial system.”

“My constituents have dealt with this large-scale environmental disaster for far too long. Since the U.S. International Boundary and Water Commission seems uninterested in carrying out its legal duties to treat the wastewater flowing into the United States, we must hold them accountable,” **said Assemblymember Todd Gloria**. “I applaud and am proud to stand with Attorney General Becerra and the San Diego Regional Water Quality Control Board in support of this action, as well as the Notice of Intent filed by the City of Imperial Beach. It is time for the pollution in the Tijuana River Valley to be stopped once and for all and for all stakeholders to work together to restore the quality-of-life for the region.”

“We need the US Commission to do their part. It’s past time,” **said Assemblymember Lorena Gonzalez Fletcher**. “Our residents deserve better than the constant spillage of sewage that ends up polluting our community parks, beaches and coast.”

The US Commission has a series of canyon collectors designed to intercept and divert waste for treatment at the Treatment Plant. When those canyon collectors overflow as a result of improper operation and maintenance, untreated and often hazardous waste – including sewage, trash, sediment, and severely polluted runoff – ends up in creeks, streams and other water bodies in the United States. The results are polluted wetlands and mandatory closures of local beaches due to the threat of bacteria that causes illness in those who are exposed to the waters. In the last decade, due to the contaminated wastewater, coastal cities in California have imposed 1,600 beach closures.

A copy of the 60-Day Notice of Intent to Sue is available [here](#). The San Diego Regional Water Quality Control Board has a separate webpage for information on [sewage pollution in the Tijuana River Watershed](#).