



Assembly
California Legislature

ASSEMBLY COMMITTEE ON
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

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March 10, 2015

To: Members of the Assembly Environmental Safety and Toxic Materials Committee

From: Assemblymember Luis Alejo

Re: Border River Water Quality Hearings

Section One: Introduction

The California State Assembly Committee on Environmental Safety and Toxic Materials is holding a two-part series of hearings in Southern California focusing on California's role in managing binational river water quality issues and on ensuring that border communities, especially disadvantaged communities, are not left behind in water quality restoration efforts.

The first hearing will be held on March 19, 2015, in Imperial Beach, and will focus on the progress and challenges facing the Tijuana River recovery strategy. The Tijuana River watershed is continually threatened by stormwater flows that convey trash and other pollutants into the Tijuana River and its tributaries. Additionally, stormwater causes a significant amount of sediment to flow downstream.

The second hearing will be held on March 20, 2016, in Calexico, and will focus on the New River restoration efforts. Discharges into the New River from urban, agricultural, and industrial sources in both Mexico and the United States threaten public health, the environment, and the local economy. Despite efforts on both sides of the border to improve the quality of the New River, it remains one of the most severely polluted rivers in the country.

Here are the details of the hearings:

Date: March 19, 2015

Topic: Tijuana River Recovery Strategy

Time: 3 – 5 pm

Location: Tijuana Estuary Visitor Center at the Tijuana River National Estuarine Research Reserve, 301 Caspian Way, Imperial Beach, CA

Date: March 20, 2015

Topic: New River Restoration Efforts

Time: 10:30 am – 12:30 pm

Location: Calexico City Council Chambers, 608 Heber Avenue, Calexico, CA

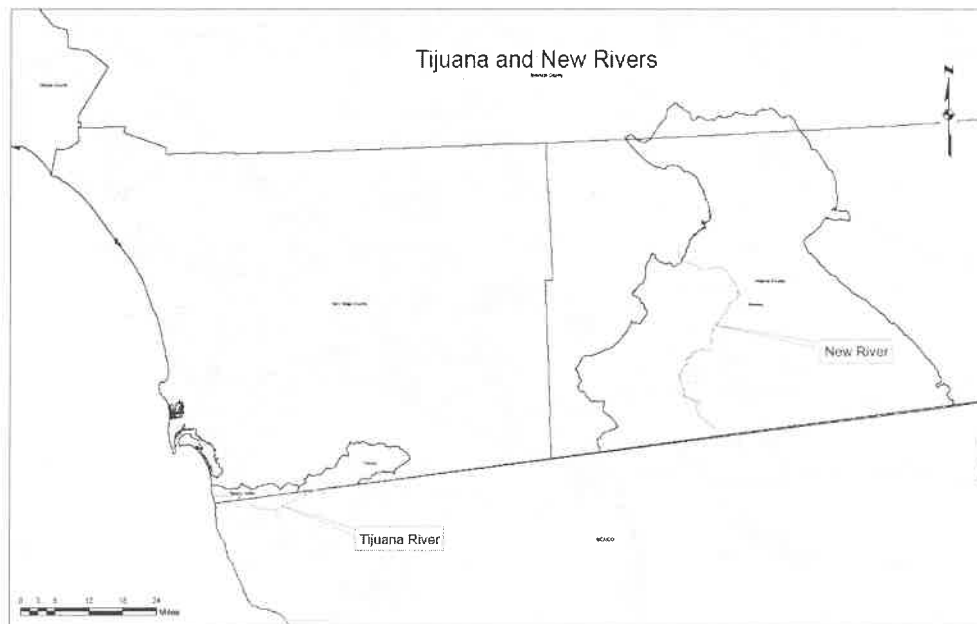
The goal of the committee is to identify actions that the State of California can take to directly improve the environmental quality and public health and safety for the communities impacted by bi-national environmental issues.

The overall questions that the committee hopes are answered during the hearing include:

- Are the current planning and regulatory structures effective and efficient at providing public health and environmental protections for communities impacted by the Tijuana River and the New River?
- How can the State of California improve communication, coordination, and collaboration with Mexico to improve the public health and environmental protections for communities impacted by the Tijuana River and the New River?

The issues we hope to highlight include:

- Cross border projects that enable California to partner directly with local governments and community groups in Mexico;
- Implementation actions associated with the *Memorandum of Understanding to Enhance Cooperation on Climate Change and the Environment*;
- Progress on and challenges to implementation of the respective strategic plans for the Tijuana River and the New River; and
- Potential improvements California can make in the oversight of Tijuana River and New River restoration efforts, and of long-term management of the two rivers.



Section Two: Memorandum of Understanding to Enhance Cooperation on Climate Change and the Environment

The Mexican Ministry of Environment and Natural Resources and its National Forestry Commission and the State of California, the United States of America (U.S.), last year signed a Memorandum of Understanding (MoU), the *Memorandum of Understanding to Enhance Cooperation on Climate Change and the Environment*.¹ The objective of the MoU is to promote bilateral actions in the areas of climate change, forest wildfires, air quality, and clean transport through 2018.

The MoU was signed during a Californian trade and investment mission to Mexico. The MoU recognizes the opportunities to combat climate change and protect the environment between the state of California and the Government of Mexico, and the importance of strengthened cooperation.

The MoU also specifies possible forms of cooperation, including: information sharing on climate change policies and programs; capacity building and technical support for developing and implementing climate change policies, including emissions trading program; policy and program alignment; personnel exchanges; and joint events. The signatories also declare their intent to develop a Joint Action Plan in order to achieve the objectives of the MoU, and annual work plans in the four priority areas of cooperation.

With the signing of the MoU, we share a model for international and bi-state environmental protection and cooperation.

Section Three: The Tijuana River

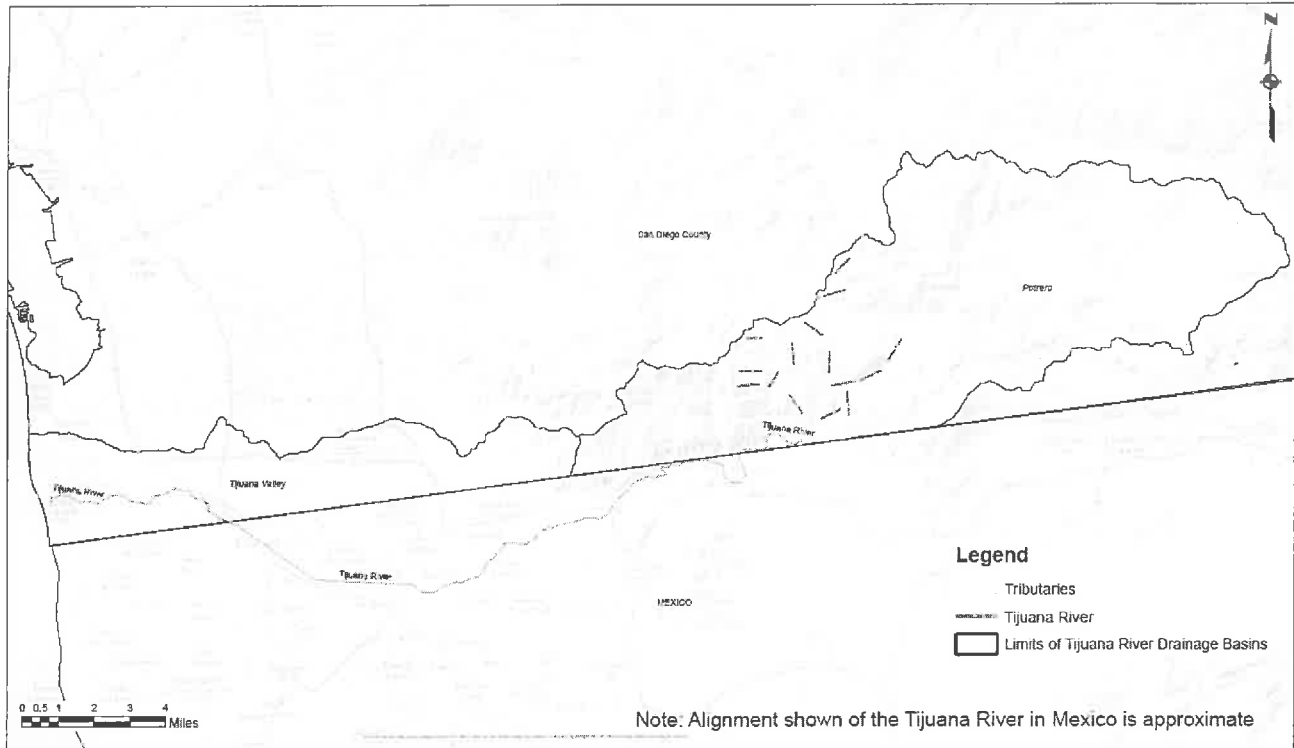
The Tijuana River Watershed is an approximately 1,700-square mile area that straddles the U.S./Mexico international border. The watershed is a drainage system ranging from 6,000-foot pine forest-covered mountains to the tidal saltwater estuary at the mouth of the Tijuana River. Nearly three-quarters of the watershed is located in Mexico, but the watershed drains to the Pacific Ocean through the eight-square mile valley located adjacent to the border.

The *Recovery Strategy: Living with the Water* identified the major environmental impact on the Tijuana River as being from trash and sediment. "The Valley is increasingly threatened by stormwater flows that contain trash and high concentrations of other urban, agricultural, and industrial pollutants in the Tijuana River and its tributaries. Additionally, the soils in the watershed are highly susceptible to erosion, especially when disturbed. Due to urbanization, even moderate storms can bring significant flows of sediment downstream. As stormwater flows to the ocean, the intermixed sediment, trash, and other debris are deposited in channels, among vegetation in the Valley floodplain, and in the estuary."²

¹"Memorandum Of Understanding To Enhance Cooperation On Climate Change And The Environment Between The State Of California Of The United States Of America And The Ministry Of Environment And Natural Resources And The National Forestry Commission Of The United Mexican States", signed in Mexico City, United States Of México, 28 July 2014.

² Tijuana River Valley Recovery Team: Recovery Strategy, Living with the Water, San Diego Regional Water Quality Control Board, January 2012.

Tijuana River and Tributaries



Tijuana River Recovery and Related Border Actions:

The *Recovery Strategy, Living with the Water*, released in 2014, is a collaborative recovery plan for the Tijuana River Valley spearheaded by the San Diego Regional Water Quality Control Board and drafted by the Tijuana River Valley Recovery Team. The Recovery Strategy summarizes the first phase of actions for Tijuana River recovery and acknowledges that resolution to the sediment and trash problems will require partnerships between the U.S. and Mexico to provide watershed-based solutions. The Recovery Strategy asserts that source control and pollution prevention activities are often the best and most economically feasible long-term solutions to sediment, trash, and other water quality problems.

The Environmental and Public Health Protection at the California-Mexico Border Law creates the California Border Environmental and Public Health Protection Fund to assist responsible agencies in California and Baja California in implementing projects to identify and resolve environmental and public health problems, including projects related to domestic and industrial wastewater, vehicle and industrial air emissions, hazardous waste transport and disposal, human and ecological risk, and disposal of municipal solid waste.

SB 167 (Ducheny), Chapter 333, Status of 2009, requires the California Department of Resources Recycling and Recovery (CalRecycle) to include additional information relating to waste tires in the California-Mexico Border Region, and authorizes funds generated by the California tire fee to be used for related border activities. SB 167 requires CalRecycle to include in the five-year plan the development of projects in Mexico in the California-Mexico border region, including education, infrastructure, mitigation, cleanup, prevention, reuse, and recycling

projects that address the movement of used tires from California to Mexico that are eventually disposed in California. When SB 167 was approved by the legislature, it was pointed out that every winter sewage and trash-laden storm water dislodges and carries thousands of waste tires from Tijuana to California through the Tijuana River channel and open culverts in the border fence. This flow of waste tires represents economic, environmental, and public health challenges to California's border communities. According to CalRecycle, California is faced with the challenge of diverting or safely managing more than 40 million reusable and waste tires generated annually in the state.

SB 167 provided authorization for CalRecycle to use the revenues generated from the California tire fee to fund border activities.

CalRecycle supports activities in the border region, in coordination with California Environmental Protection Agency (Cal EPA), that include: 1) dedicating a portion of the funding for the Local Government Waste Tire Cleanup Grant Program for cleanups that occur along the California border region; 2) providing funding for a study of the tire flow to and from Mexico; 3) providing technical assistance for the development of an integrated waste tire management plan for the State of Baja California, Mexico; 4) providing training workshops for teachers on the environmental education curriculum; 5) providing training and technical support to Mexican tire haulers; and, 6) participating in Border 2012 Task Force, Resource Conservation Challenge Border Group and the 2008 Border Governors Conference.

CalRecycle Border Projects 1997 – 2013

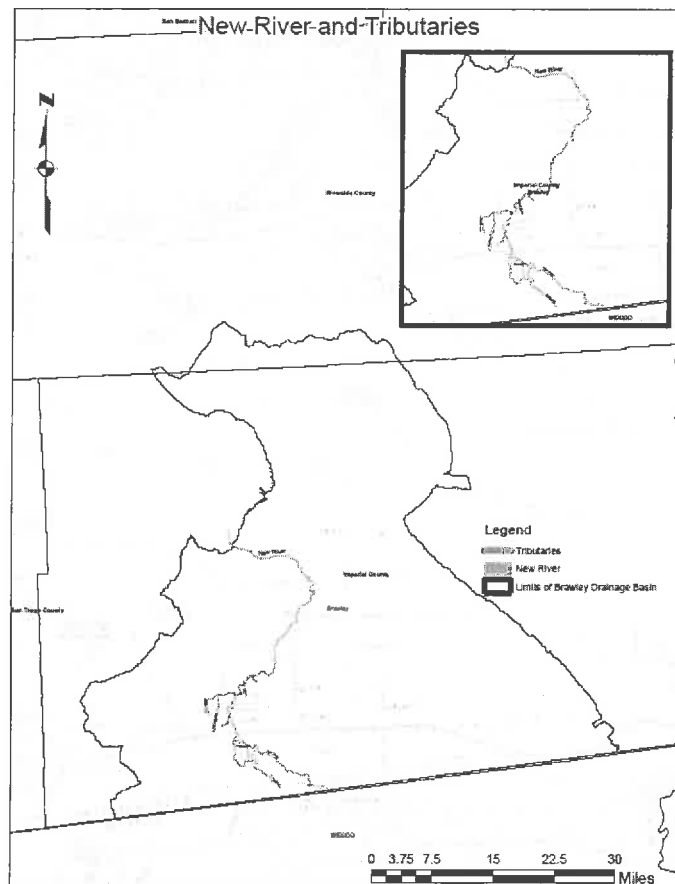
Amount	Activity (Fiscal Year Funded)	Deliverables
\$1,022,000	Local Government Waste Tire Cleanup Grant Funds for cleanups that occur along the California Border Region (FY 1997/98-2003/04).	During this time period, multiple grants were awarded for cleanups in the Region. The first grant was awarded to Imperial County and used to fund ten separate tire collection events. Another grant was awarded to the City of San Diego (FY 2001/02) in the amount of \$121,178. These funds were used for the collection, removal, and either recycling or proper disposal of waste tires that had washed into the Tijuana River from sources south of the international border. Funding was also used to dispose of illegally dumped tires from the American side.
\$41,000	Grants to the City of San Diego Solid Waste Local Enforcement Agency for the cleanup of waste	San Diego contracted with The County of San Diego Parks and Recreation Department who

Amount	Activity (Fiscal Year Funded)	Deliverables
	tires in the Tijuana River Valley (FY 2004/05).	performed the actual collection and removal of the waste tires under contract with Donavan Detention Facility. 2,350 tires were removed.
\$150,000	<p>Contract with City of San Diego Solid Waste Local Enforcement Agency to develop an environmental outreach program aimed at informing the border communities in Mexico of the health and safety issues associated with waste tires (FY 2004/05). (\$50,000)</p> <p>Training and Technical Support to Mexican Tire Haulers (FY 2006/07). (\$100,000)</p>	CalRecycle has conducted training programs for Mexican tire haulers and used tire dealers that cross into the state of California at various ports of entry from Mexico. In the spring of 2006, staff conducted these training sessions in Mexicali and Tijuana in an effort to provide information and educational materials to these businesses so that they were aware of the regulatory requirements, as well as health and environmental concerns regarding the illicit disposal practices of waste tires.
\$43,326	Local Government Waste Tire Cleanup and Amnesty Event Grant to San Diego County. (FY 2010/11).	Used to partially fund the remediation of several legacy waste tire sites. These sites originated from tires transported by stormwater from canyons in Tijuana to the Tijuana River Estuary in the United States. These grant funds resulted in the removal of 5,690 tires at a cost of \$120,000 (approximately \$21 per tire.)
\$4,300,000	Local Government Waste Tire Enforcement Grants to cities and counties in the Border Region (FY 2002/03-2012/13).	<p>CalRecycle offers Local Government Waste Tire Enforcement Grants to cities and counties to investigate illegal tire disposal activities and perform waste tire inspections.</p> <p>For the Border Region comprised of San Diego and Imperial Counties, CalRecycle partners with three grantees: San Diego County, City of San Diego (who also cover the cities of La Mesa, El Cajon, Imperial Beach, and Chula Vista), and Imperial</p>

Amount	Activity (Fiscal Year Funded)	Deliverables
		County. During this period, the three grantees (San Diego started in FY 2008/09) performed 9,062 inspections of tire-related facilities. For context, there are currently 3,042 tire-related facilities in both San Diego and Imperial Counties.

Section Four: The New River

According to the State Water Resources Control Board, "The New River carries urban runoff, untreated and partially treated municipal wastes, untreated and partially treated industrial wastes, and agricultural runoff from the Mexicali Valley into the United States. By the time the New River reaches the Salton Sea, about two-thirds of its flow consists of wastewater in the form of agricultural runoff from Imperial County."



The New River has been recognized as a significant pollution problem since at least the late 1940s, primarily because of its extremely high concentrations of fecal coliform bacteria and offensive odor. In the early 1950s, the odor of the river near the boundary, particularly at night,

was oftentimes overpowering. In 1955, it was estimated that raw sewage from approximately 25,000 people was being discharged into the New River from Mexicali. Beginning around 1956, the flows of the New River at the boundary increased considerably due to development of agricultural drainage return flows from Mexicali Valley. This dilution of water temporarily alleviated the odor problem, but in the 1960s the problem became increasingly noticeable as sewage loading increased with the population. Similarly, due to the recent industrial growth in Mexicali, industry is now also a significant source of New River pollution. In the mid-1980s, the extent of the problem was finally recognized, and Mexico and the United States began to work cooperatively to address New River pollution from Mexico. The present population of Mexicali is reported as 764,902 by Mexico, but some believe it is close to 1 million.

AB 1079 (Victor M. Perez) Chapter 382, Statutes of 2009, required the California-Mexico Border Relations Council to create a strategic plan to study, monitor, remediate, and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment.

AB 1079 also established the New River Public Health Improvement Project that includes sewage treatment, pollution prevention, the encasing of the New River in Calexico, and the restoration and enhancement of the New River channel. AB 1079 directed Cal EPA, including the State Water Resources Control Board and Regional Water Quality Control Boards, to establish a California-Mexico cooperative water quality monitoring, inspection, and technical support program.

AB 1079 additionally required the California-Mexico Border Relations Council to create a strategic plan to study, monitor, remediate, and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment. The Border Relations Council released the *Strategic Plan: New River Improvement Project* (NRIP) in December of 2011³. The NRIP Strategic Plan was reviewed by Cal EPA and released to the public by the California-Mexico Border Relations Council on May 25, 2012.

Recent New River Water Quality Concerns:

According to the Colorado River Basin Regional Water Quality Control Board (Colorado River Regional Board), following completion of the Mexicali II binational projects in late 2007, there was significant water quality improvement in the New River at the International Boundary. The improvements were due in part to the regulatory steps taken by Commission Nacional del Agua to address point sources causing New River pollution in the Mexicali metropolitan area. Recently, the Colorado River Regional Board found that aging sewage collectors and sewage pumping plants and lift stations in Mexicali are yet again in desperate need of repairs and/or replacement. When the sewage collector collapses or a pumping plant or lift station fails, this results in raw sewage discharged into the New River.

In December of 2014, the Colorado River Regional Board requested actions by the International Boundary and Water Commission and Region IX United States Environmental Protection

³ Strategic Plan: New River Improvement Project, New River Improvement Project, New River Improvement Technical Advisory Committee, December 2011.

Agency to address ongoing sewage infrastructure problems in Mexicali and the adverse consequences they are having on New River water quality in California.

Additional Legislation Related to the New River:

SB 387 (Ducheny) Chapter 112, Statutes of 2005, authorizes the City of Calexico to undertake a comprehensive project for the cleanup and encasement of the New River within its city limits as part of a pollution cleanup measure and to protect human health.

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) authorizes the issuance of \$7,545,000,000 in bonds to finance a water quality, supply, and infrastructure improvement program. Proposition 1 provides that the sum of \$1,495,000,000 is to be available, upon appropriation by the Legislature, for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects. The bond act authorizes the use of \$285,000,000 of those funds for watershed restoration projects through a program implemented by the Department of Fish and Wildlife.

AB 965 (Eduardo Garcia) introduced in February of 2015, establishes the New River Water Quality, Public Health, and River Parkway Development Program to coordinate funding for, and the implementation of, recommendations from a strategic plan required to be developed by the California-Mexico Border Relations Council and projects identified by the council.

