

MEMBERS

CHAIR, BILL QUIRK, Ph.D.
VICE CHAIR, BRIAN DAHLE
JOAQUIN ARAMBULA
PHILLIP CHEN
CRISTINA GARCIA
CHRIS R. HOLDEN
AL MURATSUCHI

STATE CAPITOL

P.O. BOX 942849
SACRAMENTO, CA 94249-0097
(916) 319-3965

*Assembly
California Legislature*

**ASSEMBLY COMMITTEE ON
ENVIRONMENTAL SAFETY
AND TOXIC MATERIALS**

BILL QUIRK, CHAIR

ASSEMBLYMEMBER, TWENTIETH DISTRICT

CHIEF CONSULTANT

JOSH TOOKER

SENIOR CONSULTANTS

SHANNON MCKINNEY
PAIGE BROKAW

COMMITTEE SECRETARY

PÍA ESTRADA



AGENDA

Tuesday, August 29, 2017
1:30 p.m. -- State Capitol, Room 444

1. SB 507 Hueso Tijuana River Valley. (Urgency)



Date of Hearing: August 29, 2017

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Bill Quirk, Chair
SB 507 (Hueso) – As Amended August 22, 2017

SENATE VOTE: 39-0

SUBJECT: Tijuana River Valley

SUMMARY: Authorizes funds granted to the County of San Diego in the 2014 Budget Act to be available for development, improvement, rehabilitation, protection, restoration, and studies of natural and park lands in the Tijuana River Valley. Specifically, **this bill:**

- 1) Authorizes the County of San Diego to use funds originally appropriated in the 2014 Budget Act and re-appropriated in the 2017 Budget Act for the improvement of the Tijuana River Valley. Authorizes using up to \$500,000 of those funds for studies looking at issues relating to wastewater, runoff, the improvement and protection of natural lands, including the main river channel, and for the development of a campground planned for the Tijuana River Valley.
- 2) Declares that this bill is an urgency statute due to the fact that the funds that were appropriated in the 2014 Budget Act were only available to acquire new land, and that due to land constraints, new land in the Tijuana River Valley cannot be acquired with these funds and that it is critical to focus on funding improvements in the Tijuana River Valley due to a sewage spill into the Tijuana River in February 2017.

EXISTING LAW:

- 1) Establishes the Porter-Cologne Water Quality Control Act, which prohibits the discharge of pollutants to surface waters unless the discharger obtains a permit from the State Water Board. (Water Code § 1300 et seq.)
- 2) Appropriates \$2,090,000 to the Department of Parks and Recreation from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 to be available for expenditure, until June 30, 2017, to the County of San Diego for the acquisition of natural lands in the Tijuana River Valley. (Budget Act of 2014, Chapter 25, Item 3790-101-0786)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author,

"The Tijuana River Valley (TJRV) is an environmental jewel consisting of a natural floodplain with wetland and riparian areas. For decades, it has suffered from significant pollution, including sediment, trash and wastewater flowing into it from Mexico. The surrounding businesses and community have been significantly impacted. In February 2017, over 29 million gallons of raw sewage flowed into the TJRV, forcing once again the closure

of beaches in our Southern coast and emitting sulfuric odors for miles. While the TJRV offers residents and tourists an array of experiences, including trails and horseback riding, they are severely limited due to this contamination.

In 1988, California voters passed the Wildlife, Coastal, and Park Land Conservation Act (Act) which provided bond funds for wildlife, coastal and parkland conservation. The Act included a grant to the County of San Diego for the acquisition of natural lands in the TJRV. The County used the funds to acquire about 430 acres, of which 127.6 acres were taken by the federal government through eminent domain. In December 2014, a settlement was approved whereby the federal government agreed to pay \$2.1 million as compensation for the lands seized. These funds were returned to the 1988 Bond Act fund and then allocated in the 2014-15 fiscal year; however, the Tijuana River Valley has no more available land to acquire.

SB 507 is required in order to authorize the funds to be spent on the TJRV for purposes other than acquisition while keeping consistent with the overall intent of the Act. The bill would allow the funds to be used for development, rehabilitation, protection, and restoration, including studies of natural lands and parks in the TJRV. The TJRV is unique in that, unlike other natural resources covered under this Act, the community cannot fully enjoy everything it has to offer because of its serious contamination problems. These funds will go a long way in helping restore and develop the TJRV so that its full potential is realized."

Tijuana River Watershed: The Tijuana River Watershed is an approximately 1,700-square mile area that straddles the U.S. / Mexico border. While nearly three-quarters of the watershed is located in Mexico, it drains to the Pacific Ocean through the 8-square mile Tijuana River Valley (Valley) north of the border. The Valley is home to tidally flushed wetland, riparian, and upland habitats supporting a broad range of organisms, including threatened and endangered species, and includes a number of federally-listed historical and archaeological sites.

A diversity of land uses are present in the watershed, from largely undeveloped open space in the upper watershed to highly-urbanized, residential, commercial, military, and industrial areas in the lower watershed. Rapid urbanization has occurred over the past several decades, most dramatically in the city of Tijuana where more than 2.7 million people currently reside. Several large dams (Barrett and Morena in the U.S., and Rodríguez and El Carrizo in Mexico) control a large majority of the surface water flow in the watershed. While these dams provide reservoirs of potable water to support residents and associated infrastructure on both sides of the border, they also serve as traps for the downstream movement of sediment and trash to the lower watershed. Therefore, the sediment and trash produced in the 462-square mile area downstream of the dams are responsible for impacts to the Valley.

While significant improvements in wastewater treatment have, in recent years, improved water quality on both sides of the border, stormwater flows continue to bring substantial amounts of sediment, trash, and other contaminants into the Valley. The sediment and trash pollutants cause water quality impairments, threaten life and property from flooding, degrade valuable habitats, and impact recreational opportunities for residents and visitors.

Tijuana River Recovery Team: The Tijuana River Recovery Team (Recovery Team) is a collaboration of more than 30 federal, state, and local agencies and other interested parties from both sides of the U.S./Mexico border focused on addressing sediment, trash, and associated

environmental issues. The mission of the Recovery Team is to bring together the governmental, administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Valley from future accumulations of trash and sediment, identify, remove, recycle or dispose of existing trash and sediment, and restore the Tijuana River floodplain to a balanced wetland ecosystem.

The Recovery Team consists of the following members and organizations: Audubon Society; California Coastal Commission; California Coastal Conservancy; California Department of Conservation, Office of Mining and Reclamation; California Department of Fish and Wildlife; California Department of Resources Recovery and Recycling; California Environmental Protection Agency; California State Parks; California State Water Resources Control Board; City of Imperial Beach; City of San Diego; County of San Diego; International Boundary and Water Commission; National Marine Fisheries Service; National Oceanic and Atmospheric Administration; OpenOceans Global; San Diego Coastkeeper; San Diego County Water Authority; San Diego Regional Water Quality Control Board; San Diego State University; Scripps Institution of Oceanography; Southern California Coastal Water Research Project; Southwest Wetlands Interpretive Association; Surfrider; Tijuana River National Estuarine Research Reserve; Tijuana River Valley Equestrian Association; U.S. Army Corps of Engineers; U.S. Bureau of Reclamation; U.S. Customs and Border Patrol; U.S. Department of Agriculture; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; and, U.S. Navy.

Tijuana River Recovery Strategy: The *Recovery Strategy, Living with the Water 2012* (Recovery Strategy) is a collaborative recovery plan for the Valley spearheaded by the San Diego Regional Water Quality Control Board and drafted by the 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 Recovery Strategy summarizes the first phase of actions and outlines the steps necessary to clean up the Valley and restore its beneficial uses. The Recovery Strategy acknowledges that watershed-based solutions to the sediment and trash problems will require partnerships between the U.S. and Mexico, and asserts that source control and pollution prevention activities are often the best and most economically feasible long-term solutions.

Recent Sewage spill in Tijuana River: In February 2017, more than 29 million gallons of raw sewage flowed into the Tijuana River as a result of a sewer main collapse, forcing the closure of beaches and emitting sulfuric odors for miles.

On March 19, 2015, the Assembly Environmental Safety and Toxic Materials Committee held an oversight hearing on Border Water Quality in Imperial Beach California. This oversight hearing looked at the progress on, and challenges facing, action on the Tijuana River Recovery Strategy. While the Recovery Team has made strides implementing the Recovery Strategy, the work is not complete. While efforts have been made to reduce trash and sediment flows, there is an additional need to improve the quality of the water being discharged into and flowing through the Tijuana River. SB 507 provides funding to the County of San Diego, as a member of the

Recovery Team, to achieve the short-term goals in the Recovery Strategy and begin the work on needed research regarding wastewater and runoff to achieve some longer-term goals.

Related legislation:

- 1) SCR 90 (Hueso, Chapter 80, 2014) declared the Legislature's intent to work with the Tijuana River Valley Recovery Team to take various actions to protect and preserve the Tijuana River Valley, to encourage collaboration with the team to protect and enhance our natural resources through improved management of sediment and trash, flood control, ecosystem management, and recreation and education, and to promote bilateral ties with Mexico that will be beneficial to the enhancement of one of California's most resilient ecosystems.
- 2) SB 167 (Ducheny, Chapter 333, Statutes of 2009) requires the California Department of Resources Recycling and Recovery 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.

REGISTERED SUPPORT / OPPOSITION:

Support

County of San Diego (sponsor)

Opposition

None on file

Analysis Prepared by: Josh Tooker / E.S. & T.M. /