

**Congress of the United States**  
**Washington, DC 20515**

August 8, 2022

The Honorable Shelley Moore Capito  
Ranking Member, Committee on Environment and Public Works  
United States Senate  
172 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Capito,

We write to request a meeting with you to discuss the ongoing cross-border pollution flows in the Tijuana River Valley in San Diego County, California, and the importance of passing legislative language to authorize the transfer of already-secured funds from the Environmental Protection Agency (EPA) to the U.S. Section of the International Boundary Water Commission (IBWC). We understand that this important provision has been stalled in the Senate Committee on Environment and Public Works for many months, and we are hopeful you can work with us to rectify that fact.

In the San Diego region, cross-border pollution flows from Mexico along the Tijuana River have been a longstanding issue. According to reports, the wastewater system in Tijuana, Mexico releases 60 million gallons of sewage into the Tijuana River each day, which significantly impacts communities in the United States.<sup>1</sup>

This pollution has serious consequences for public health, wildlife, and our region's economy as beaches along our coast are forced to close and communities face degraded water quality. The U.S. Navy, which maintains a significant presence in the San Diego region, has also recognized transboundary pollution as a challenge impacting its training and operations. For example, Navy personnel who train in the Pacific Ocean have reportedly faced gastrointestinal illnesses and serious infections due to degraded water quality from transboundary flows.<sup>2</sup> In addition, U.S. Customs and Border Protection (CBP) has reported that their agents have faced stomach issues and even a flesh-eating bacteria infection due to having to operate in polluted water near the U.S.-Mexico border.<sup>3</sup>

Our Congressional delegation worked diligently with our California Senators and the Trump Administration to secure \$300 million to address such cross-border flows as part of the United States–Mexico–Canada Agreement Implementation Act (USMCA). Specifically, Section 821 of the USMCA implementing legislation directs EPA to collaborate with local partners to carry out the planning, design, construction, and operation and maintenance of projects to treat transboundary water flows originating in Mexico. This funding represents a change to achieve significant progress on a problem that has plagued our region for decades.

We are pleased that the EPA, along with the U.S. Section of the IBWC, have been working with local, state, and federal partners including the U.S. Navy and CBP, to select a comprehensive solution to address transboundary flows, which will help improve water quality across our region and support the missions of both the Navy and CBP.<sup>4</sup>

<sup>1</sup> CBS 8, <https://www.cbs8.com/article/news/local/tijuana-river-sewage/509-a5fdc491-2d48-4837-b2d4-e0a9cc86b457>

<sup>2</sup> CBS News, <https://www.cbsnews.com/news/raw-sewage-southern-california-coast-tijuana-mexico-60-minutes-2020-05-31/>

<sup>3</sup> Ibid.

<sup>4</sup> Environmental Protection Agency, [https://www.epa.gov/system/files/documents/2022-06/Draft%20PEIS\\_USMCA%20Contaminated%20Transboundary%20Flows.pdf](https://www.epa.gov/system/files/documents/2022-06/Draft%20PEIS_USMCA%20Contaminated%20Transboundary%20Flows.pdf)

The IBWC is an essential partner in the ongoing efforts to clean up the Tijuana River Valley, especially since the IBWC operates the South Bay International Wastewater Treatment Plant (SBIWTP), which treats sewage from Tijuana. In June 2022, EPA and IBWC issued a Draft Programmatic Environmental Impact Statement (PEIS) to deploy this funding to help mitigate transborder water pollution and significantly improve regional water quality.<sup>5</sup>

Even as EPA and IBWC continue to advance the project and environmental review process, EPA has determined that it will need to transfer these already-approved funds to the IBWC in order to implement proposed projects because IBWC operates the SBIWTP and manages border water projects. Notably, this language would require no new funds to be appropriated. It only requires the transfer of funds between two agencies for the same purposes. Since EPA has identified the need for this fund transfer over a year ago, we have been working to secure this language to authorize this transfer. Such a transfer is supported by both agencies and was included in President Biden's Fiscal Year (FY) 2023 Budget Request.<sup>6</sup>


This legislative language has passed the House; however, it is our understanding that your office has prevented the language from moving forward in the Senate. This is frustrating for everyone in our region who is suffering from the effects of this pollution. While we are disappointed that the language has not advanced through the Senate Committee on Environment and Public Works, we look forward to working with you as Ranking Member of the Committee to secure this critical transfer authority language as expeditiously as possible.

This fund transfer is critical to allow our region to advance these critical infrastructure efforts, and we are eager to discuss these efforts in more depth with you. Thank you for your attention as we work together to stop transboundary pollution from Mexico and protect public health in our region.

Sincerely,



Mike Levin  
Member of Congress



Juan Vargas  
Member of Congress



Scott H. Peters  
Member of Congress



Sara Jacobs  
Member of Congress

<sup>5</sup> Ibid.

<sup>6</sup> Office of Management and Budget,

[https://www.whitehouse.gov/wp-content/uploads/2022/03/appendix\\_fy2023.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/03/appendix_fy2023.pdf)