



January 26, 2024

The Honorable Patty Murray
Chair
U.S. Senate Committee on Appropriations
Washington DC 20510

The Honorable Susan Collins
Vice Chair
United States Senate
Washington DC 20510

Dear Chair Murray and Vice Chair Collins:

The undersigned organizations submit this letter as coalition representatives of fifty organizations and 2,000 community members in support of the request made by President Biden, the late Senator Feinstein, and Senator Padilla to include \$310 million in supplemental emergency funding to address urgent repairs needed at the failing South Bay International Wastewater Treatment Plant that is negatively impacting the local economy and environment, threatening public health and adversely affecting national security in its current state of dysfunction.¹

The failing South Bay International Wastewater Treatment Plant (“IWTP”) became inoperable due to several years of deferred maintenance, damages, and inundation sustained from Tropical Storm Hilary. Flooding from the storm resulted in the plant receiving flows of 50 to 60 million gallons per day above the plant’s permitted design limit of 25 million gallons per day. As a result, the ITP intentionally diverted raw sewage into the Pacific Ocean to prevent further damage. Without repairs, untreated toxic sewage

¹ <https://www.feinstein.senate.gov/public/index.cfm/press-releases?id=4F91C451-E652-4C7B-933C-09BE21BAF3F6>

spills and releases continue to occur at the IWTP, threatening southern California residents, U.S. Border Patrol, Navy SEALs and personnel who train in contaminated waters, lifeguards and first responders who are forced to perform rescues in contaminated waters, border communities, and coastal, wetland, and marine wildlife due to exposure to dangerous levels of untreated sewage pathogens and toxic industrial chemicals.

The Tijuana River pollution crisis continues to undermine U.S. national security, affecting Navy SEAL training programs and the ability of Border Patrol agents to do their jobs. According to a House Report of the Committee on Armed Services² that outlines impacts on Navy readiness and training, pollution from the Tijuana River caused over 250 in-water canceled training events in FY2020. Additionally, Border Patrol agents have also experienced illnesses³ from exposure to toxic water while performing job duties, including flesh-eating bacteria.

Local businesses and economies have also been hit hard and continue to suffer due to increasing water and air contamination. The County of San Diego, with assistance from the San Diego Chamber of Commerce, recently conducted an economic impact study to measure the impacts of border pollution on local businesses. Preliminary results reveal that 74% of local businesses have been negatively impacted, 30% have laid off staff, 50% have lost more than \$100,000 in revenue, the City of Imperial Beach has experienced \$1-1.5 million in property tax damage, and the estimated revenue loss for tourism is over \$500,000 annually. Some businesses have been forced to close, and many residents have lost their livelihoods.

Frontline communities are experiencing increased rates of gastrointestinal illnesses, asthma, and headaches when large transboundary flows are recorded (including individuals who have no direct contact with ocean waters). Since October 2018, the U.S. International Boundary and Water Commission has documented the entry of over 100 billion gallons of toxic effluent into the United States through the Tijuana River, with more than 40 billion gallons crossing the international border in 2023 alone.⁴ The extent of this pollution has been studied for decades, including recent research from the Scripps Institute of Oceanography with funding from the Environmental Protection Agency (EPA) that attributes 34,000 illnesses in calendar year 2017 to water quality pollution along the Imperial Beach coastline.⁵ The high levels of coastal water pollution are even impacting local air quality.⁶ Researchers are monitoring the airborne transmission pathways for coastal water pollution and documenting the increasing levels of industrial chemicals and pathogens from aerosol sea spray generated from wind and ocean waves.

Sewage spills and polluted flows are not new for areas surrounding the Tijuana River Valley, where impacted communities have been calling for a federal emergency declaration to address the chronic flow of border pollution.⁷ Progress has finally been made with federal funding allocated through the United States-Mexico-Canada Agreement (USMCA) as well as the US Border Water Infrastructure Grant Program (BWIP) to develop and advance the EPA Comprehensive Infrastructure Solution⁸ to repair and upgrade treatment facilities at the US/Mexico Border. The Comprehensive Infrastructure Solution is

² <https://docs.house.gov/billsthisweek/20210920/CRPT-117hrpt118.pdf> (see page 108)

³ <https://www.surfrider.org/news/the-impact-of-toxic-border-pollution-on-us-border-patrol>

⁴ <https://waterdata.ibwc.gov/Data/Dashboard/8>

⁵ Falk Feddersen et al. "Modeling Untreated Wastewater Evolution and Swimmer Illness for Four Wastewater Infrastructure Scenarios in the San Diego-Tijuana (US/MX) Border Region" October 28, 2021. <https://doi.org/10.1029/2021GH000490>

⁶ Matthew A. Pendergraft et al. "Airborne Transmission Pathway for Coastal Water Pollution" PeerJ; 2021. <https://peerj.com/articles/11358/>

⁷ <https://thecoronadonews.com/2023/07/nonprofits-call-on-newsom-biden-to-declare-emergency-on-sewage-crisis/>

⁸ <https://www.epa.gov/sustainable-water-infrastructure/tijuana-river-watershed-nepa-implementation>

designed to increase plant capacity and the broader distribution system to adequately handle wastewater flows. However, the **recent damages and failures at the ITP are separate from this project and must be addressed before the EPA and other agencies can move forward with plant expansion.**

It is our fear that the funding previously dedicated to the Comprehensive Infrastructure Solution to address chronic issues of toxic pollution at the border by building long-term capacity will be redirected to address short-term yet urgent repairs at the ITP. Action on both of these efforts is urgently needed. Funding to address immediate ITP repairs must not be accomplished at the expense of rescinding previously allocated funding meant to invest in the long-term benefit of the region.

Please ensure that \$310 million is included in supplemental funding specifically for urgent ITP repairs, and please respect the intent of the already designated funding provided by the USMCA and BWIP by keeping it allocated to the Comprehensive Infrastructure Solution.

Thank you for all of your work and leadership. We appreciate your consideration of this urgent request to protect border security, military readiness, public health, local economies, and critical ecosystems at the US/Mexico border.

Sincerely,

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