

### **BORDER WATER QUALITY RESTORATION AND PROTECTION ACT OF 2020 (S. 4352 FEINSTEIN/H.R. 7991 VARGAS, DAVIS, PETERS, LEVIN & RUIZ)**

**POSITION:** The Chamber's Public Policy Committee voted to SUPPORT the project on September 8, 2020. The Board of Directors voted to SUPPORT the project on September 24, 2020.

**STATUS:** The bill died in committee after being introduced in 2020.

#### **SUMMARY**

Designates EPA as a lead federal agency to address border pollution along the U.S.-Mexico border and improve the water quality of the Tijuana River and New River.

#### **Bill Summary:**

- Both bills designate the U.S. Environmental Protection Agency (EPA) as the lead agency to identify and coordinate all federal, state, local, and Mexican agencies to build and maintain needed infrastructure projects on both sides of the border to decrease pollution along the border and help improve the water quality of the Tijuana River and New River.
- Require the EPA, along with its federal, state, and local partners, to identify a list of priority projects and would authorize EPA to accept and distribute federal, state, and local funds to build, operate, and maintain those projects.
- Codify the existing Border Water Infrastructure Program (BWIP) to manage stormwater runoff and water reuse projects.
- Require the International Boundary and Water Commission (IBWC) to participate in the construction of projects identified in the Tijuana and New river's comprehensive plans and specifically authorizes the Commission to address stormwater.
- Requires the EPA to provide Congress with a status report upon 180 days of the enactment of the bill, and every two years thereafter. The report shall include a list of all the projects which have received funding, each project's status, and an assessment of each project's effectiveness in terms of their operation and maintenance.

#### **Background:**

- San Diego shares a watershed with Tijuana which consists of the Tijuana River, the Tijuana River estuary, and the ocean shoreline.
- For over 30 years, the Tijuana River watershed has experienced an increased discharge of trash, sediment, and wastewater from Tijuana's tightly packed neighborhoods that are not captured and sent for treatment, ending up downstream on the beaches of southern San Diego County.
- Rain places additional pressure on Tijuana's subterranean network of sewage pipes, many of which are in need of replacement and maintenance.
- Concrete infrastructure solutions have been identified in multiple studies to help mitigate pollution and reduce transboundary flows.

- This year, the BWIP was signed into law as part of the new trilateral agreement (USMCA). This includes \$300 million in funding that will be distributed to the BWIP over 4 years and to prioritize wastewater infrastructure projects.
- The Mexican section of the IBWC received \$83.9 million pesos (about \$4.2 million USD) from Mexico's National Water Commission (CONAGUA) to address transboundary pollution impacting the Tijuana River Valley. Combined with resources from Tijuana's Public Utilities Commission (CESPT), funds have been utilized to install new pumps in Tijuana, provide maintenance to Pump Station CILA, and remove an estimate of 300,000 cubic meters of sediment and solid waste along the Tijuana River channel (to be completed by September 2020).

#### New River

- Born out of occasional flows of the Colorado River into the Salton Sink and the erosion of the New River channel, which formed the deep river canyon in the early 1900s.
- The New River begins in Mexicali, Mexico, and flows north into the U.S. through Calexico, passing through the Imperial Valley and draining into the Salton Sea.
- Agricultural runoff, raw sewage, pesticides, and discharges of wastes from domestic, agricultural, and industrial sources cause significant water pollution problems that have made the New River one of the most polluted rivers in the United States.
- The California-Mexico Border Relations Council approved the strategic plan for the New River Improvement Project, which in 2016 received \$1.4 million in state funding to carry out necessary planning, design, environmental review, and permitting work of the project.
- The New River Improvement Project includes the installation of a large trash screen, conveyance system, aeration devices, a new pump station, and managed wetlands.
- Current voluntary conservation efforts are in urgent need of improved efficiency and cost effectiveness, increased private sector investments, and coordination of Federal and non-Federal resources.

#### **Regional Impact:**

- Sewage, plastic, solid waste, heavy metals, and chemical pollution pose serious human health hazards to local communities.
- Over 500 beach closures and advisories in the U.S. since 2015.
- Up to 50 million gallons of treated and untreated sewage every day.
- Disruptions to local military installations.

The Chamber continues to work with both the U.S. and Mexican governments advocating for the creation of a work plan between both governments to increase measurable efforts in mitigating pollution.

Staff recommends the Chamber take a support position on the bill.