

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 2248 (Eduardo Garcia) – As Amended March 24, 2022

Policy Committee:	Environmental Safety and Toxic Materials	Vote:	9 - 0
	Water, Parks and Wildlife		15 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill provides \$100 million to the California Environmental Protection Agency (CalEPA), upon appropriation by the Legislature, to address water quality problems arising in the rivers that come across the border from Mexico.

Specifically, this bill:

- 1) Provides \$100 million from the General Fund, upon appropriation by the Legislature, to CalEPA to address water quality problems arising in the rivers that come across the border from Mexico.
- 2) Requires that 50% of the funding shall be available for purposes consistent with the New River Water Quality, Public Health and River Parkway Development Program, and that the other 50% shall be available for purposes consistent with water quality projects for the Tijuana River.
- 3) Provides that expenditures of the funding shall be consistent with the work of the CalEPA Border Affairs Program to build collaboration with the federal government, the Republic of Mexico, the State of Baja California and the Cities of Tijuana and Mexicali. Prioritizes funding to projects that have funding committed by one of these governments.
- 4) Requires the State Water Resources Control Board (State Water Board) and CalEPA to consult and collaborate with the Legislature, including the protocol office of each house's leadership office, on cross-border collaboration and the expenditure of the funding.
- 5) Authorizes funds to be expended for actions in the State of Baja California if the actions provide water quality benefits to the portions of the rivers located in California.

FISCAL EFFECT:

- 1) Cost pressure of \$100 million to the General Fund (subject to appropriation by the Legislature).
- 2) The State Water Board notes that the bill lacks specificity on how the proposed funds will be administered, and therefore, cannot yet determine exact costs for this bill. If the State Water Board is the administering agency for the proposed funding, potential annual costs to the board, based on the administration of equivalent programs, could range from approximately

\$900,000 to \$1.6 million, in addition to project oversight costs in the range of \$450,000 to \$900,000.

COMMENTS:

1) **Purpose.** According to the author:

In order to advance on the commitments the state has made and build off of the funding we have already committed to the Tijuana and New Rivers, we need to provide a substantive commitment to improving the water quality coming from our border region into our communities for years to come. While we will continue to work with our partners in Mexico, we need to ensure that we are not jeopardizing public health and are able to fully tackle the problem through infrastructure investments in our own backyard.

2) **Background.**

- a) **Tijuana River Watershed.** As detailed in the Assembly Natural Resources Committee analysis of this bill, 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 into the Pacific Ocean through the eight-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 species and federally listed historical and archaeological sites. Land uses in the watershed are diverse, from largely undeveloped open space in the upper watershed to highly urbanized residential, commercial, military and industrial areas in the lower watershed.
- b) **Challenges Facing the Tijuana River 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 control a 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. 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, causing water quality impairments, threatening life and property from flooding, degrading valuable habitats and impacting recreational opportunities for residents and visitors. Water quality in the Tijuana River has deteriorated significantly in recent years. As the San Diego Union-Tribune reported in 2021, Tijuana River water pollution required closing of some beaches north of the border on 295 days in 2020. Deteriorating water quality has led to both conflict and increased effort to address water quality in the Tijuana River.
- c) **New River.** The New River runs through Mexicali, Baja California and Calexico, California into the Salton Sea. For decades, this Imperial County river has been characterized as one of the most polluted rivers in the United States. Though discharges from U.S. sources are treated and disinfected to meet state and federal standards, the water entering the country contains raw sewage, industrial, domestic and agricultural

wastes, trash and other solid pollutants. This results in a serious threat to public health and ecosystems for wildlife and other biological resources, while hindering economic development in the Imperial Valley.

- d) Tackling Cross-Border Pollution.** Binational concerns about Tijuana River water quality date back to 1934. In 1996, construction of a treatment plant on the Tijuana River, north of the border, was authorized. The Tijuana River 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 with a shared mission of bringing together 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. Similarly, the Legislature has been grappling with water quality issues in the Tijuana River and New River for the last 20 years via legislation, informational hearings and funding. The state has included funding for border river water quality in the state budget in varying amounts since 2017, and the federal government has similarly allocated funding to address pollution in cross-border rivers.
- e) Author's Intent.** According to the author, AB 2248 aims to increase funding for and take a more holistic approach to addressing the watersheds near the U.S. – Mexico border. While the challenges facing the New River and the Tijuana River are undoubtedly significant, the annual budget process may be a more appropriate venue to secure the necessary funding to address water quality issues facing both border rivers.

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