



## **TERRA LAWSON-REMER**

SUPERVISOR THIRD DISTRICT  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS

October 24, 2024

The Honorable Martha Guzman  
EPA Region 9 Administrator  
Superfund and Emergency Management Division  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

### **Petition to Investigate the Tijuana River Valley for Superfund Designation**

We are writing on behalf of impacted individuals and communities to formally request that the United States Environmental Protection Agency (EPA) Region 9 immediately investigate the Lower Tijuana River Valley for designation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund program. This designation would be critical to bring federal resources to clean-up hazardous substances and protect the health of people and sensitive environments.

For nearly eight decades, the 6-mile stretch of the Lower Tijuana River Valley has been drowning in toxic chemicals, industrial waste, and raw sewage flowing across the border, wreaking havoc on the health, environment, and economy of San Diego communities. According to the IBWC, over 100 billion gallons of untreated wastewater has flooded this river valley, estuary, and marine ecosystem in the past 5 years. While immediate infrastructure repairs are underway, they cannot undo the impact of decades of relentless toxic pollution that includes heavy metals such as arsenic and lead, banned pesticides like DDT, and carcinogens like Polychlorinated Biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and hexavalent chromium. Our communities are at risk and deserve access to clean air, water, and healthy open spaces free from dangerous contaminants.

Multiple studies have shown concerning levels of hazardous substances in the river sediment along the main riverbed as well as the canyon collectors (Goat Canyon, W-4, Stewart's Drain, Yoghurt Canyon, Smuggler's Gulch, Canyon Del Sol)

- A 2018 study<sup>[1]</sup> by U.S. Customs and Border Protection found high concentrations of many hazardous substances above EPA standards, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, herbicides, and bacteria. This includes many known carcinogens and toxic substances like hexavalent chromium, arsenic, DDT, and lead.

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- A 2020 study by the IBWC[ij] showed high levels of chemical, metals, and oils, including copper, nickel, and zinc, commonly used in the metal plating industry, as well as organic compounds like DEHP, a hazardous chemical leached from plastics.
- A 2024 San Diego State University Public Health Report[iii] noted 392 chemical contaminants in the Tijuana River, including 175 compounds that are listed in the U.S. EPA Toxic Substances Control Act, such as acetone, pesticides, flame retardants, DDT, and PCBs. The report also found elevated levels of arsenic and all study sites.

Our communities and sensitive environments are threatened by the potential release of hazardous substances:

- **Air:** Recent data from San Diego State University and University of California San Diego highlight elevated levels of hydrogen sulfide and other airborne contaminants.
- **Ground Water:** Ranches and farms adjacent the Tijuana River utilize well water, often from wells potentially as shallow as 15 ft deep. Contaminants in the river could form a groundwater plume leaching liquid contaminants into the soil or aquifer.
- **Surface Water:** Ranches, farms, community gardens, and commercial nurseries are all found within several hundred yards of the river, potentially exposing food, plant stock and livestock to contamination. The Tijuana River also flows directly into the Tijuana Slough National Reserve, a sensitive ecosystem that is home to the largest wetland in southern California and endangered species. The Tijuana River Estuary has been designated a Ramsar Convention Wetland of International Importance, a National Estuarine Research Reserve, and a Critical Coastal Area (CCA) and is adjacent to the Tijuana River Mouth State Marine Conservation Area. The river valley supports 11 habitat types and eight threatened or endangered species.
- **Soil:** The dry, dusty conditions in the Tijuana River Valley heighten the potential for soil migration, allowing contaminants to be carried by wind over long distances, sometimes traveling miles and exposing surrounding communities and ecosystems to harmful pollutants.

We request the U.S. EPA to investigate the site for eligibility for the Superfund's National Priority List. We submit this request pursuant to Section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation and Liability Act's ("CERCLA") Section 105(a)(8)(B). The 2021 Bipartisan Infrastructure Law increased funding for Superfund precisely so that legacy pollution impacting communities of color like those impacted by the Tijuana River Wastewater crisis can be remediated.

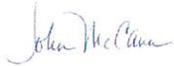
Enclosed you will find over 400 personal testimonials from impacted residents and community partners who have been affected by this crisis. Our communities have waited far too long, we need federal help and resources to finally address this environmental justice crisis.

Thank you for your attention to this urgent matter. We look forward to your prompt action.

Sincerely,



Terra Lawson-Remer  
Supervisor, Third District  
San Diego County Board of Supervisors



John McCann  
Mayor, City of Chula Vista



Paloma Aguirre  
Mayor, City of Imperial Beach



Jack Shu  
Councilmember, City of La Mesa  
Chair, San Diego County Air Pollution Control District



Ron Morrison,  
Mayor, National City



Marcus Bush  
Councilmember, National City

Enc: Community Co-Petitioners and Public Testimony