

# Congress of the United States

Washington, DC 20515

October 6, 2023

The Honorable Brian A. Nicholas  
Assistant Secretary of State for Western Hemisphere Affairs  
U.S. Department of State  
Bureau of Western Hemisphere Affairs  
Washington, D.C. 20520

Dear Assistant Secretary Nicholas:

We write today to better understand how the South Bay International Wastewater Treatment Plant (SBIWTP) deteriorated to its current dilapidated state.

This critical facility, managed by the U.S. International Boundary and Water Commission (USIBWC), treats sewage originating from Baja California, Mexico that discharges to the Pacific Ocean and flows upwards onto San Diego's shores. This contaminated water contains raw sewage, industrial waste, trash, and even toxic chemicals. Over the last 20 years, the population of Baja California has grown by more than 1 million people, yet the capacity at the plant has not increased since it was first constructed in 1997.

The San Diego Congressional delegation secured \$300 million within the United States-Mexico-Canada Agreement to fund projects to address transboundary pollution in the Tijuana River Valley, including the doubling of capacity at SBIWTP from 25 million gallons per day (mgd) to 50 mgd. We've also secured additional funding through increased appropriations to the Border Water Infrastructure Program. Additionally, the Government of Mexico has [contributed over \\$50 million](#) towards the construction, operation, and annual maintenance of the treatment plant. However, [in June](#), our offices learned that the treatment plant is in such dire shape that significantly more funding is needed to rehabilitate the plant before the USIBWC can expand it. There are concerns, that without additional funding, these new costs jeopardize the United States' ability to fulfill its [Minute 328 treaty](#) obligations.

In Assistant Secretary Durakoglu's [letter](#) to Rep. Peters dated September 3, 2023, the State Department highlighted the deferred fundamental repairs and excess wastewater flows from Mexico beyond the plant's capacity as the "main reasons the plant is in poor condition today." However, it remains unclear how the plant fell behind on maintenance since it was previously expanded in 2002.

A response to the questions below will help us better understand how the deterioration of a facility crucial to the public health of the people of our region happened:

- Who was responsible for ensuring its maintenance?
- When did USIBWC become aware of the deteriorated condition of the plant? Were these conditions reported to the State Department and/or the Office of Management and Budget?
- Is a contractor partially responsible for the plant deterioration?

- If the answer to the previous question is yes, is there currently a claim against the responsible contractor?
- What steps is the State Department taking to more quickly pursue the repair, rehabilitation and expansion of the plant as described during IBWC's [presentation](#) to the California Regional Water Quality Control Board on September 13, 2023? And what measures are being taken to ensure the plant does not reach such a deteriorated state in the future?
- As outlined in Minute 328, Mexico will bear the cost of flow treated at SBIWTP in excess of the volume of 25 mgd (1,100 lps). Please provide details on the number of violations, fines due, and payment timelines.
- As outlined in Minute 328, Mexico shall pay a share of operation and maintenance of projects. Please provide the compliance status of this provision.

We appreciate your responses and look forward to working together to rehabilitate and expand SBIWTP.

Sincerely,



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Scott H. Peters  
Member of Congress



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Darrell Issa  
Member of Congress



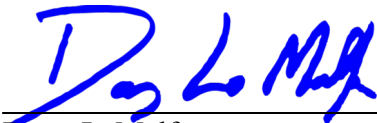
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Ken Calvert  
Member of Congress



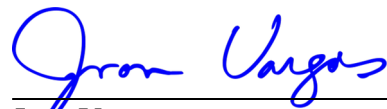
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Mike Levin  
Member of Congress



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Doug LaMalfa  
Member of Congress



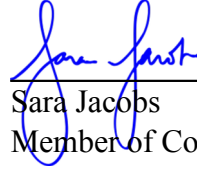
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Juan Vargas  
Member of Congress



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