

April 27, 2026

Paolo Solano  
Director, Legal Affairs and SEM Unit  
Secretariat of the Commission for Environmental Cooperation  
1001 Robert-Bourassa Boulevard, Suite 1620  
Montréal (Québec) H3B 4L4

Re: Citizen Submission SEM-26-002 (Tijuana Wastewater Management) — Response to Secretariat Determination dated February 25, 2026 under Article 24.27(3)(c) of the United States-Mexico-Canada Agreement (USMCA) (*Tratado entre México, Estados Unidos y Canadá*, “T-MEC”).

Dear Director Solano:

I write in my capacity as Executive Director of San Diego Coastkeeper (“Coastkeeper”), whose standing and representation were formally recognized by the Secretariat in connection with Citizen Submission SEM-26-002, entitled *Tijuana Wastewater Management*. Pursuant to Article 24.27 of the USMCA and in direct response to the Secretariat Determination issued on 25 February 2026, bearing reference A24.27(2)(3)/SEM/26-002/12/DET, Coastkeeper respectfully submits the present filing to address the Secretariat’s specific request for additional information concerning Article 24.27(3)(c), the pursuit of private remedies under Mexican law or the reasons why it has not been able to do so or why it is impossible to do so.

As a threshold matter, this filing does not seek to relitigate the factual allegations of SEM-26-002, to supplement the merits case in a free-standing manner, or to convert the present phase of review into a substantive determination on Mexico’s enforcement conduct. The present filing provides ample supplemental information and evidence to demonstrate that remedies available to private persons under Mexican law have in fact been pursued. Complaint-based mechanisms open to private persons in Mexico have been formally invoked, formally received, formally acknowledged, and formally processed by competent authorities.

Of note, the issue is not whether the Submitter itself was the named complainant in each instance, nor whether every complaint described below culminated in a final and conclusive administrative or judicial act. The admissibility requirements set out in Article 24.27(2) and (3) do not impose such a requirement. Rather, it requires only information concerning the search for and use of remedies available to private persons under Mexican law.

In the context of the legal framework implicated by SEM-26-002, one of the clearest such mechanisms is the citizen environmental complaint (*denuncia popular*), together with

related complaint and denunciation channels before the appropriate environmental and water authorities. As such, the documentary record submitted in this supplemental Submission establishes that those private remedies were used, in writing, by several actors; they were received by the appropriate public environmental authorities; they were given internal reference numbers, folios, and files; and they generated official written responses from Mexican federal agencies. This supplement Submission includes official records, official notifications, and official responses to requests for access to public information.

## Annex 1

The first and foundational evidentiary chain begins with a formal citizen environmental complaint (denuncia popular) filed by the Mexican environmental organizations [REDACTED] before the National Water Commission (*Comisión Nacional del Agua*, “CONAGUA”), on February 8, 2019. A copy of that document is submitted herewith as Annex 1, under the file name “Anexo #10 - Denuncia Popular CONAGUA 2019 (1).pdf.”

The filing denounces the critical contamination of the coastal waters and beaches of San Antonio del Mar in Tijuana, Baja California, which led to an official closure of the area by the *Comisión Federal para la Protección contra Riesgos Sanitarios* (Federal Commission for the Protection against Sanitary Risks “COFEPRIS”). The primary subject of the complaint is the *Comisión Estatal de Servicios Públicos de Tijuana* (*State Public Service Commission of Tijuana* “CESPT”), which operates the San Antonio de los Buenos wastewater treatment plant (“SAB Plant”). The complaint alleges that SAB Plant is significantly overburdened—originally designed for one community but now serving four—and suffers from critical infrastructure failures, including a lack of redundancy and backup pumps in its collection stations, resulting in the discharge of untreated or poorly treated sewage directly into the ocean at the site known as “Playa 99”. To support these allegations for legal consideration, the complain includes comprehensive technical and scientific elements. It contains a series of bacteriological analysis results conducted by the *Proyecto Fronterizo de Educación Ambiental*. These tests revealed extreme contamination levels, such as concentrations of 14,136 and over 24,196 most probable number per 100 milliliters (Número Más Probable por 100 mililitros, “NMP/100 ml”) enterococci per 100ml, which vastly exceed the safety limits established by Mexican standards for health and recreational use. Additionally, the document provides detailed operational infrastructure data regarding the four collection pumping stations located at Duna, Marejada, Marea, and Paseo del Mar, explaining the systemic failures causing the environmental damage. This is further supported by a geographic and technical diagram illustrating the sewage treatment system, the flow of waste from neighboring communities, and the specific discharge infrastructure.

The significance of Annex 1 for purposes of Article 24.27(3)(c) is not merely that it contains environmental allegations. Its significance is that it is itself the formal invocation of a remedy available to private persons. It is a written citizen complaint submitted to competent public authorities in Mexico requesting official action in respect of

contamination attributed to wastewater discharges. It is also not a bare or conclusory submission. The complaint incorporates technical material and identifies with specificity the factual basis for the request. It states that the complainants had allied with [REDACTED] to conduct water quality monitoring on the beaches of the San Antonio del Mar community, and it reproduces bacteriological test results from the Water Quality Monitoring Program (Programa de Monitoreo de Calidad de Agua). Those results include enterococcus measurements of 9,208 NMP/100 ml at “San Antonio Marea” on November 15, 2018; 4,884 NMP/100 ml at “San Antonio Chubasco” on the same date; 14,136 NMP/100 ml at “San Antonio Playa 99” on November 28, 2018; and a value greater than 24,196 NMP/100 ml at “San Antonio Duna” on January 29, 2019. The complaint also reproduces the applicable Mexican criterion under which values above 200 NMP/100 ml render a beach not suitable for recreational use (*NO APTA para uso recreativo*). The document therefore shows, on its face, the formal use of a complaint mechanism by private persons supported by technical evidence and directed to competent authorities for action.

Further, as noted in Submitter’s initial Statement of Facts, the SAB Plant was found to be completely inoperable from 2020 until April 2025, so all wastewater that was pumped to the SAB Plant and SAB Creek was discharged into the ocean as raw sewage for multiple consecutive years. Inadequately treated wastewater from the SAB Plant continues to be discharged directly onto the beach and into the surf zone, where shoreline waves and currents both aerosolize pollutants, as well as direct pollutants north or south along the coast, depending on the prevailing currents and season.<sup>1</sup>

## Annex 2

The next link in that evidentiary chain is the official written response of CONAGUA to that complaint. A true and accurate electronic copy of that response is submitted herewith as Annex 2, under the file name “OCPBC-2019-0000357\_ [REDACTED]”. Annex 2 corresponds to Official Communication (Oficio) No. B00.807.02.04.-0428, issued in Mexicali, Baja California, on 25 March 2019, by the Water Administration Directorate (*Dirección de Administración del Agua*) of the Baja California Peninsula Basin Agency (*Organismo de Cuenca Península de Baja California*) of CONAGUA. The communication is signed by Lic. Elisa Pérez Portillo, in her capacity as Water Administration Director (*Directora de Administración del Agua*). It is addressed to [REDACTED] and it bears Folio OCPBC-2019-0000357. Most importantly, the communication expressly refers to the complaint letter of 8 February 2019, received on that same date at the Tijuana filing office of the agency. It reproduces the substance of the allegations concerning contamination of the coastal waters off San Antonio del Mar, acknowledges the request that CONAGUA and CESPT take all necessary measures to ensure that such waters be clean and free of contaminants, and then states that, pursuant to the relevant legal framework, the necessary

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<sup>1</sup> Rico et al., *supra* note 2; see also Scripps Inst. of Oceanography & S. Cal. Coastal Ocean Observing Sys. (SCCOOS), *Pathogen Forecast Model (PFM)*, <https://pfmweb.ucsd.edu/> (modeling aerosolization and coastal transport of pollutants based on wave action and currents) (last visited Jan. 23, 2026).

steps had been instructed in order to verify compliance with the National Waters Law (*Ley de Aguas Nacionales*, “LAN”), its regulations, and the applicable Official Mexican Standards (*Normas Oficiales Mexicanas*).

The legal and evidentiary value of Annex 2 is considerable. It is an official governmental act issued by the appropriate federal water authority in direct response to a written citizen complaint, not private or secondary commentary. It shows that the complaint mechanism available to private persons was not simply invoked, but received and officially acknowledged by CONAGUA itself. It identifies the date of the complaint, the receiving office, the official folio, the official communication number, the issuing authority, and the responsible signatory. It also confirms, in express terms, that the authority had taken cognizance of the complaint and that the matter was being addressed within the framework of the applicable water legislation. That documentary sequence—complaint by private actors followed by official written acknowledgment by the competent authority—is precisely the type of direct evidence that responds to the Secretariat’s request for information concerning remedies available to private parties under Mexican law.

### **Annex 3**

Annex 3 reflects the use of a complaint mechanism before the Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente*, “PROFEPA”). A true and accurate electronic copy is submitted as Annex 3, under the file name “Respuesta PROFEPA (1).pdf.” Annex 3 consists of a formal notification sheet issued by PROFEPA. It establishes that, on 3 June 2019, a notification was made to [REDACTED] concerning a citizen environmental complaint (*denuncia popular*) submitted in the Baja California Delegation related to matters concerning the Citizen Submission. The document identifies Folio 0202986, refers to Official Communication (Oficio) No. PFPA/9.7/2C.28.4.2/0835-19 dated 20 May 2019, and identifies administrative file PFPA/9.7/2C.28.4.2/00007-19. The notification further states that the file generated as a *consequence* of the complaint had been turned over to CONAGUA, and that it remained available for consultation in the offices of the delegation. The notification bears the name and signature block of Lic. Iris Gissel Monreal García, of the Complaints, Grievances, and Public Participation Area (*Área de Denuncias, Quejas y Participación Social*) of the PROFEPA Baja California Delegation. The importance of this document, again, lies not in any subsequent outcome, but in the official fact that a complaint mechanism available to private persons was invoked before PROFEPA, assigned a folio, incorporated into an administrative file, and formally addressed through an official communication and notification.

These first three documents, taken together, show a private, written complaint received by the competent authorities on 8 February 2019; they show a formal written response by CONAGUA, through Official Communication No. B00.807.02.04.-0428 dated 25 March 2019 and signed by Lic. Elisa Pérez Portillo, expressly acknowledging and addressing that complaint; and they show a formal PROFEPA notification dated 3 June 2019 referring to a citizen environmental complaint under Folio 0202986, Official Communication No. PFPA/9.7/2C.28.4.2/0835-19, and administrative file PFPA/9.7/2C.28.4.2/00007-19. In

other words, the record contains a documented and official chain demonstrating the actual use of complaint-based remedies by private actors under Mexican law.

Furthermore, the significance for present purposes derives from the official governmental records that receive, identify, acknowledge, and respond to the complaint. Where an authority issues an official communication expressly referring to a complaint dated 8 February 2019 and received on that date in its filing office, and where another authority issues a formal notification identifying folio, official communication number, and administrative file arising from a citizen complaint, the documentary record is sufficient to establish that the complaint mechanism was used and officially recognized as such.

For those reasons, the 2019 complaint chain should be understood as the first pillar of the present response to the Secretariat's Determination dated 25 February 2026. It shows that a complaint-based remedy available to private persons was invoked before Mexican authorities, and that it generated official written acts by the competent federal authorities. The following sections show that this was not an isolated event. Multiple subsequent official records generated through Mexico's transparency framework confirm that the use of complaint-based mechanisms concerning wastewater discharges in Tijuana has been repeated, recorded, and formally acknowledged by multiple competent authorities over a multi-year period. These records are particularly probative for purposes of the Secretariat's Determination because they are not private assertions or secondary accounts. They are official responses issued by Mexican governmental agencies in direct answer to requests for access to public information, identifying complaints within their own institutional records.

The documents identified below were obtained from a formal request for access to public information submitted by Coastkeeper, through the National Transparency Platform (*Plataforma Nacional de Transparencia*, "PNT") before the Baja California State Environmental Protection Agency (*Procuraduría de Protección al Ambiente para el Estado de Baja California*, "PROPAE").

#### **Annex 4**

Annex 4, filed in electronic format under the file name "1123124826000001 BC-PBA (SDCK) -01-26.pdf," is an official acknowledgment of receipt (*acuse de recibo*) corresponding to a request for access to public information folio 1123124826000001, formally submitted on 12 January 2026.

This request is specifically tailored to the factual matrix underlying the present Submission. It requires PROPAE to provide, for the period spanning 1 January 2021 through 31 December 2025, detailed information concerning environmental complaints (*denuncias populares ambientales*), administrative proceedings, inspections, safety measures, sanctions, and related enforcement actions associated with wastewater discharges outside legal limits, untreated wastewater or crude sewage, environmental contamination, and operational failures in wastewater treatment infrastructure within the municipality of Tijuana, Baja California. Critically, the request does not stop at general descriptions. It expressly requires the authority to identify, for each complaint, the corresponding file number (*número de expediente*), the date of filing, the receiving authority or administrative

unit, the location of the reported source, and the procedural status of the matter. It further requires the authority to disclose whether, in connection with such complaints, it issued referrals, notifications, or transfers of files to other authorities, including federal entities such as CONAGUA and PROFEPA, as well as state and municipal bodies. In this sense, Annex 4 establishes not only the exercise of the right of access to information, but also the exact evidentiary universe that PROP AE was required to search, identify, and disclose in its response.

## Annex 5

Annex 5, filed in electronic format under the file name “R SI-1123124826000001 BC-PBA (SDCK) -01-26.pdf,” contains the official response issued by PROP AE to the request in Annex 4, together with the set of administrative documents produced in compliance with it. The core document within Annex 5 is Official Communication (Oficio) No. PROP AE-TIJ-0127/2026, dated 23 January 2026, issued in Tijuana, Baja California, and signed by Lic. Omar Javier Durán Contreras, in his capacity as *Procurador de Protección al Ambiente para el Estado de Baja California*. In that instrument, the authority expressly acknowledges that it is responding to folio 1123124826000001, confirms that it conducted the corresponding administrative search, and states that it is providing the requested information, including a list of complaints in matters involving wastewater discharges for the years 2024 and 2025.

Annex 5 confirms the existence of complaint-based administrative records within PROP AE’s institutional system. The annex includes, as an integral component of the response, a structured list of administrative files expressly classified as “DENUNCIA” (complaint), each identified by file number and initiation date. These include, among others, file 4.4.005/24 initiated on 19 January 2024, file 4.4.018/24 initiated on 25 January 2024, file 4.4.075/24 initiated on 12 April 2024, file 4.4.117/24 initiated on 16 July 2024, file 4.4.135/24 initiated on 9 October 2024, and file 5.4.038/25 initiated on 10 March 2025, as well as additional complaint files corresponding to 2025. These entries are not narrative descriptions; they are administrative records generated and maintained by the authority itself, demonstrating that complaints were formally received, registered, and processed within its internal systems.

Beyond the existence of complaint files, Annex 5 further incorporates a series of referral communications (*oficios de turno*) issued by PROP AE in connection with specific complaints. These documents show that, upon receiving complaints involving wastewater discharges, sewage spills, or failures in treatment infrastructure, the authority opened corresponding administrative files and proceeded to issue formal written communications to other appropriate agencies. The record includes, for example, communications addressed to municipal authorities in connection with discharges occurring in public rights-of-way, as well as communications directed to federal authorities, including CONAGUA, in matters involving discharges affecting water bodies or channels connected to federally regulated waters. Additional communications reflect the referral of matters involving treatment plant discharges and infrastructure failures to the relevant authorities, depending on the nature and jurisdictional scope of the reported conduct.

Taken together, Annexes 4 and 5 establish a complete and internally consistent evidentiary sequence. Annex 4 defines, with precision, the categories of complaint-related information that the competent authority was required to identify and disclose. Annex 5, in turn, constitutes the authority's official response, confirming that such complaints exist within its administrative records, identifying specific complaint files, and documenting the issuance of formal referral communications in connection with those complaints. The combined effect of these documents is to demonstrate, through official and verifiable records, that complaint-based environmental mechanisms available to private persons under Mexican law were used, as well as received, registered, and processed by the competent authority within its institutional framework.

For purposes of Article 24.27(3)(c), Annexes 4 and 5 demonstrate that, as of 2024 and 2025, the state environmental authority responsible for environmental protection in Baja California was receiving, recording, and tracking complaints relating to wastewater discharges in Tijuana. These are not hypothetical remedies, nor unused legal avenues. They are complaint mechanisms that were actually invoked, formally registered, and maintained in the authority's own administrative records. The fact that the information is produced by the authority itself, in response to a formal information request, further reinforces its probative value. It is the authority's own confirmation of the existence of such complaints within its institutional system.

## **Annex 6**

The next set of documents arises from a formal request for access to public information submitted through the National Transparency Platform (*Plataforma Nacional de Transparencia*, "PNT") before the Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente*, "PROFEPA"). This evidentiary sequence is independently significant because, unlike a privately generated complaint, it consists of official transparency records that compelled the federal environmental authority to conduct an institutional search across its own units and to disclose the existence and form of complaint-related records maintained in its files. In that respect, this sequence does not merely corroborate the use of complaint mechanisms; it demonstrates, through PROFEPA's own official response, the manner in which such complaint records are internally held, identified, and reported by the authority.

As reflected in Annex 6, filed in electronic format under the file name "340024400003926 Profepa (SDCK) -01-26.pdf," the request for access to public information was formally submitted under folio number 340024400003926 and was officially received on 12 January 2026. The submission sought information for the period from 1 January 2021 through 31 December 2025 concerning wastewater discharges outside legal limits, untreated wastewater or crude sewage, contamination of national assets under federal jurisdiction, contamination reaching or discharging into national marine waters, and omissions in the operation of governmental wastewater treatment plants in Tijuana, Baja California. Of particular importance, the request expressly asked PROFEPA to provide the complete list of citizen environmental complaints (*denuncias populares*) received by PROFEPA, whether at the federal level or through its delegations, corresponding to those facts, together with the relevant file number, date of filing, receiving authority, description of the reported

conduct, and location of the reported discharge point or facility. It also requested information concerning inspections, administrative proceedings, safety measures, sanctions, criminal referrals, and inter-agency coordination. Annex 6 is therefore significant not only because it evidences the exercise of the right of access to information, but because it defines, with specificity, the categories of complaint-related information that PROFEPA was formally required to identify and report.

## Annex 7

Annex 7, filed in electronic format under the file name “RESPUESTA 340024400003926.pdf,” contains PROFEPA’s official response to the request in Annex 6. The principal document within Annex 7 is Official Communication (Oficio) No. PFPA/1.3/12C.6/0283/2026, issued in Mexico City on 10 February 2026, within administrative file PFPA/1.3/12C.6/00039-26, and signed by Lic. Elvira del Carmen Yáñez Oropeza, in her capacity as Head of the Transparency Unit (*Titular de la Unidad de Transparencia*). In that Oficio, PROFEPA expressly states that, in order to fulfill the request, the Transparency Unit sought an exhaustive search of multiple relevant areas of the institution, specifically the *Subprocuraduría de Inspección y Vigilancia Industrial* (Deputy Office for Industrial Inspection and Surveillance), through the *Dirección de Inspección y Vigilancia de Fuentes de Contaminación* (Directorate for Inspection and Surveillance of Pollution Sources); the *Subprocuraduría de Litigio Estratégico y Justicia Ambiental* (Deputy Office for Strategic Litigation and Environmental Justice), through the *Dirección General de Atención de Denuncias, Quejas y Protección de Víctimas* (General Directorate for the Attention of Complaints, Grievances, and Protection of Victims); and the *Oficina de Representación de Protección Ambiental y Gestión Territorial en el Estado de Baja California* (Representative Office for Environmental Protection and Territorial Management in the State of Baja California). The Oficio further states that an Excel file is attached containing the entirety of the information located, in the form in which it is systematized by the authority. This confirms that PROFEPA conducted a search through the very units that would ordinarily hold complaint and enforcement-related records and then produced the information located in a structured annex.

Because the oficio expressly incorporates the attached workbook-excel “ANEXO RESPUESTA 340024400003926.xlsx,” the response must be read not as a standalone letter, but as a response package whose evidentiary content includes the underlying structured data returned by the authority. The attached workbook contains two worksheets, titled “*Denuncias*” (Complaints) and “*Inspecciones*” (Inspections). That internal organization is itself revealing. It shows that PROFEPA located records responsive to the request in at least two distinct categories—complaint records and inspection records—which is consistent with the structure of the request as framed in Annex 6 and with the institutional functions of the units searched.

For purposes of the present filing, the most important worksheet is the first, titled “*Denuncias*” (*Complaints*). That worksheet identifies a complaint file numbered PFPA/9.1.3/3S.6/0228/2025, with a filing date of 16 October 2025, received by PROFEPA Baja California, and describing reported facts consisting of the continuous and irregular discharge of highly contaminated wastewater in Tijuana, Baja California, from adjoining

property, with the location identified as Otay Centenario. The importance of this record does not lie in the eventual procedural disposition of the matter, which is not the subject of this response. Its importance lies in the fact that PROFEPA, through its own official transparency response and annexed institutional workbook, confirmed the existence of a formal complaint record in its system, identified it by file number, date of filing, receiving office, factual description, and location. That is precisely the kind of official documentary proof that bears on the question posed by the Secretariat under Article 24.27(3)(c) of the United States-Mexico-Canada Agreement: whether remedies available to private persons under domestic law have in fact been used and documented. The “*Denuncias*” worksheet confirms that they have.

The second worksheet, titled “*Inspecciones*” (Inspections), while not the principal focus of this section, is nevertheless relevant to the proper interpretation of Annex 7 as a whole. That worksheet identifies three separate records: file PFPA/3.2/2C.27.1/0072-23 concerning Compañía Embotelladora del Fuerte, S. de R.L. de C.V., with an inspection date of 8 August 2023 and a resolution date of 23 February 2024; file PFPA/3.2/2C.27.1/0070-23 concerning the wastewater treatment plant “Ing. José Arturo Herrera Solís,” with an inspection date of 19 July 2023 and a resolution date of 29 August 2025; and file PFPA/3.2/2C.27.1/0095-22 concerning Tequila Orendain de Jalisco, de S.A. de C.V., with an inspection date of 25 October 2022 and a resolution date of 8 July 2024, including a recorded monetary sanction of 9,228,450.00 Mexican pesos. For present purposes, the relevance of this worksheet is not to shift the focus of the response from complaints to inspections, but rather to underscore that PROFEPA’s institutional search did not produce a merely abstract or generic answer. It produced a structured response package organized according to the categories requested, thereby reinforcing the reliability and official character of the “*Denuncias*” worksheet and of the complaint record identified therein. That is, Annex 7 shows that PROFEPA searched its own repositories in a manner responsive to the request and disclosed the results in a systematized form. This makes the complaint information returned in the first worksheet all the more probative as an official agency admission of the existence of complaint-based records in its files.

## **Annex 8**

The next set of documents arises from a formal request for access to public information submitted through the National Transparency Platform (*Plataforma Nacional de Transparencia*, “PNT”) before the National Water Commission (*Comisión Nacional del Agua*, “CONAGUA”). This evidentiary sequence is of particular importance for purposes of the present filing because it does not merely confirm the existence of complaint records in the abstract. Rather, it shows that CONAGUA itself, when formally required to search its files in response to a transparency request, identified a defined universe of complaint-related records concerning wastewater discharges in Tijuana, acknowledged the competent units within the agency that hold those records, and described the responsive documentation by year, file number, and volume. In that respect, these documents are especially probative of the actual existence and official traceability of complaint-based environmental remedies within the federal water authority’s own administrative system. As reflected in Annex 8, filed in electronic format under the file name “340009400052126 Conagua (SDCK) -03-26.pdf,” the request for access to public information was formally

submitted under folio number 340009400052126 and officially received on 4 March 2026. Annex 8 expressly states that it was made in relation to a prior response under folio 340009400009826, in which twenty-two complaint folios (folios de denuncia) linked to wastewater discharges in Tijuana, Baja California, had already been identified. Building on that prior official disclosure, the request sought, in public version, further documentation concerning those same twenty-two complaint files, including copies of administrative resolutions, documents reflecting economic sanctions where applicable, inspection or verification records, copies of concession titles and discharge permits identified in those files, and information concerning any determinations of inexistence or the criteria used in the agency's search. The request also specifically insisted that the search not be limited to a single administrative unit, but extend to all CONAGUA bodies with competence over the subject matter.

## **Annex 9**

Annex 9 (Anexo 9), filed in electronic format under the file name "Respuesta\_340009400052126(1).pdf," contains CONAGUA's official response to the request in Annex 8. The response was issued in Mexico City on 20 April 2026 by the *Gerencia de Descentralización y de Transparencia y Acceso a la Información Pública, Unidad de Transparencia*, and expressly states that it is responding to folio 340009400052126. In that response, CONAGUA confirms that the request was formally referred to the *Subdirección General de Administración del Agua* and to the *Organismo de Cuenca Península de Baja California*, as the units deemed competent to respond. It further states that those units, acting through their respective *Direcciones de Administración del Agua* and *Direcciones de Asuntos Jurídicos*, provided their findings through Memorandum No. B00.2.04.472 and Official Communication (Oficio) No. B00.807.04-97, respectively. That institutional detail is important. It shows that CONAGUA did not issue a generic or unsupported response; instead, it identified the specific internal offices responsible for the relevant records and disclosed the internal memoranda and oficio through which those offices reported the existence and status of the responsive documentation.

The substance of Annex 9 is especially significant. In direct response to the request for documentation concerning the twenty-two previously identified complaint folios, CONAGUA expressly states that, with respect to the request for copies of the inspection or verification records derived from each of the twenty-two complaint files, the following records were located and made available: B00.807.02.04/2S.7/249/2021, B00.807.02.04/2S.7/419/2021, B00.807.02.04/2S.7/662/2021, B00.807.02.04/2S.7/082/2023, B00.807.02.04/2S.7/214/2023, B00.807.02.04/2S.7/220/2023, B00.807.02.04/2S.7/322/2023, B00.807.02.04/2S.7/528/2023, B00.807.02.04/2S.7/565/2023, B00.807.02.04/2S.7/594/2023, B00.807.02.04/2S.7/0126/2024, B00.807.02.04/2S.7/0127/2024, B00.807.02.04/2S.7/0164/2024, B00.807.02.04/2S.7/0186/2024, B00.807.02.04/2S.7/1149/2024, B00.807.02.04/2S.7/0141/2024, B00.807.02.04/2S.7/2033/2024, B00.807.02.04/2S.7/1317/2025, B00.807.02.04/2S.7/0132/2025, B00.807.02.04/2S.7/0151/2025, B00.807.02.04/2S.7/0141/2025, and B00.807.02.04/2S.7/0153/2025, representing a total of 204 pages (*fojas*). This portion of

Annex 9 is highly probative because it confirms, through CONAGUA's own official response, that the agency maintains a specifically identifiable body of complaint-related files spanning 2021, 2023, 2024, and 2025, each linked to wastewater discharge matters in Tijuana and each retrievable by official file number.

For the purposes of the present filing, the significance of Annex 9 goes well beyond the mere fact that records exist. First, it constitutes an official acknowledgment by CONAGUA that complaint-based files concerning wastewater discharges in Tijuana are maintained within the agency's own records and can be individually identified by year and expediente number. Second, it confirms that the agency was able to locate underlying documentary material associated with those files, including inspection or verification records, and to quantify that material as a defined body of responsive documentation. Third, it demonstrates that the complaint records at issue are not isolated references appearing in a secondary table or summary, but rather part of an organized administrative archive held by the competent federal water authority and recoverable through formal institutional channels. That is directly relevant to the present response to the Secretariat's prevention (prevención), because it shows that complaint-based environmental remedies available to private persons were not only invoked, but also entered and remained within CONAGUA's official documentary system in a manner capable of later retrieval, verification, and institutional acknowledgment.

Read together, Annex 8 and Annex 9 establish a complete and highly probative evidentiary sequence. Annex 8 defines, with precision, the twenty-two complaint-related files and the categories of official documentation sought in relation to them. Annex 9 then constitutes CONAGUA's formal response, identifying the competent internal units, the internal memorandum and oficio through which those units responded, and the specific complaint files for which underlying documentation was located. Their combined significance for this filing is therefore clear: they show, through CONAGUA's own official records, that complaint-based mechanisms available to private persons under Mexican law generated identifiable federal administrative files concerning wastewater discharges in Tijuana, and that those files remain sufficiently formalized, systematized, and institutionally recognized to be retrieved and described in response to a subsequent public information request. That is precisely the kind of official and verifiable proof that bears on the issue raised by the Secretariat under Article 24.27(3)(c) of the United States-Mexico-Canada Agreement (Tratado entre México, Estados Unidos y Canadá, "T-MEC").

Taken together, the PROPAE, PROFEPA, and CONAGUA transparency responses described above form a second, independent evidentiary pillar supporting the same conclusion already established by the 2019 complaint chain. They demonstrate, through the environmental authorities' own records and official communications, that complaint mechanisms relating to wastewater discharges in Tijuana have been repeatedly used, formally registered, and maintained within the administrative systems of both state and federal authorities. These records span multiple years, multiple authorities, and multiple institutional levels. They are not anecdotal, and they are not isolated. They are systematic in nature and documentary in form.

When these materials are read together with the 2019 complaint chain described in the preceding section, the record before the Secretariat is no longer limited to a single instance of complaint usage. It reflects a pattern of formal invocation of complaint mechanisms available to private persons under Mexican law, documented through official communications, official notifications, and official responses to information requests. That pattern is precisely what the Secretariat's Determination of 25 February 2026 calls for when it requests information concerning the search for remedies available to private parties. The record now shows that private remedies were not only pursued, but in fact documented and acknowledged by the the appropriate Mexican federal agencies themselves.

The evidentiary record set forth in this submission, taken as a whole and read in its proper procedural context, fully addresses the concern identified by the Secretariat in its Determination. The Secretariat did not request a showing of exhaustion in the strict sense associated with certain international adjudicatory frameworks, nor did it require proof that the Submitter itself was the direct filer of each complaint referenced in the record. Rather, the Determination called for information concerning the search for remedies available to private persons under Mexican law, including, where applicable, the presentation of information demonstrating the use of such remedies or explaining the reasons why such use has not been possible.

The documentary record now demonstrates that complaint-based mechanisms available to private persons in Mexico—particularly the citizen environmental complaint (*denuncia popular*)—have been formally invoked in relation to wastewater discharge issues in Tijuana, Baja California. It further demonstrates that such complaints were not merely submitted, but were received by competent authorities, assigned official folios and administrative file numbers, acknowledged through official communications, and incorporated into the institutional records of the relevant authorities.

Annexes 1 through 3 demonstrates the invocation of a complaint mechanism by private actors and the corresponding official acknowledgment and handling of that complaint by competent federal authorities.

Annexes 4 through 9 independently confirm that such complaint mechanisms have been used repeatedly and recorded systematically within the administrative systems of both state and federal authorities.

This new evidence does not rely on the same documents, the same authorities, or the same time period. One set of documents arises from a contemporaneous complaint and official responses in 2019; the others arises from retrospective institutional records generated in response to formal transparency requests covering the period from 2021 through 2025. Yet both converge on the same conclusion: that complaint-based mechanisms available to private persons under Mexican law have been used in practice, that such use has generated official records, and that those records are maintained within the institutional systems of the competent authorities.

It is also important to emphasize what this submission does not attempt to do. It does not attempt to evaluate the effectiveness of those complaint mechanisms, to characterize the

sufficiency or insufficiency of enforcement actions taken by the authorities, or to draw conclusions regarding compliance with environmental law. Those questions pertain to the merits stage of a citizen submission and are not the subject of the Secretariat's present Determination. The present filing is limited, by design, to the evidentiary demonstration requested by the Secretariat: whether the record shows that remedies available to private persons have been searched for and used. The materials submitted here answer that question in the affirmative, through official documents issued by the authorities themselves.

In this respect, the record satisfies the functional purpose of Article 24.27(3)(c) of the United States-Mexico-Canada Agreement (Tratado entre México, Estados Unidos y Canadá, "T-MEC"). That provision is intended to ensure that the Secretariat is not called upon to review matters in a vacuum where domestic mechanisms exist but have not been engaged. The record here demonstrates, through official and verifiable evidence, that complaint-based environmental remedies available to private persons under Mexican law have in fact been invoked, formally received, and administratively recorded by competent authorities.. No further showing is required at this stage to satisfy the requirement identified by the Secretariat in its Determination.

Accordingly, the requirement identified by the Secretariat under Article 24.27(3)(c) of the USMCA (T-MEC) has been fully satisfied. Coastkeeper therefore respectfully requests that the Secretariat proceed with its evaluation of the submission pursuant to Article 24.27(2) of the USMCA (T-MEC).

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