

**INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO**

MINUTE NO. 276

Ciudad Juarez, Chihuahua
July 26, 1988

**CONVEYANCE, TREATMENT AND DISPOSAL OF
SEWAGE FROM NOGALES, ARIZONA AND NOGALES, SONORA EXCEEDING THE
CAPACITIES ALLOTTED TO THE UNITED STATES AND MEXICO
AT THE NOGALES INTERNATIONAL SEWAGE TREATMENT PLANT
UNDER MINUTE NO. 227**

The Commission met in the offices of the Mexican Section in Ciudad Juarez, Chihuahua at 10:00 a.m., on July 26, 1988 to consider the border sanitation problem at Nogales, Arizona and Nogales, Sonora and to formulate recommendations to the two Governments for the conveyance, treatment and disposal of sewage from Nogales, Arizona and Nogales, Sonora exceeding the capacities allotted to each city in the Nogales International Sewage Treatment Plant in solution of the border sanitation problem.

The Commission referred to the last paragraph in Article No. 3 of the Water Treaty signed February 3, 1944, which stipulates that the two Governments "agree to give preferential attention to the solution of all border sanitation problems". The Commission also referred to the spirit of cooperation exhibited by the two Governments in the agreement signed by Presidents Ronald W. Reagan and Miguel de la Madrid on August 14, 1983, on "Cooperation for the Protection and Improvement of the Environment in the Border Area".

The Commission also referred to Recommendation No. 4 of Minute No. 261, dated September 24, 1979, approved by the two Governments which stipulates, "That for each of the border sanitation problems, the Commission prepare a Minute for the approval of the two Governments, in which there would be included, identification of the problem, definition of conditions which require solution, specific quality standards that should be applied, the course of action that should be followed for its solution, and the specific time schedule for its implementation".

The Commissioners made note of the provisions in Point 6, of the recommendations of Minute No. 261: "That in each case where the approved course of action provides that a border sanitation problem be jointly corrected by the two Governments, the Commission develop the plans and designs for the works necessary therefor, as well as the division of work and cost between the two countries, submit them for approval of the two Governments, and upon such approval, each Government through its Section of the Commission proceed to carry out the construction, operation and maintenance, with the greatest speed and timeliness possible."

The Commissioners reviewed the Joint Report of Principal Engineers Jose S. Valdez of the United States Section and J. Arturo Herrera Solis of the Mexican Section, "Concerning the Conveyance, Treatment and Final Disposal of Sewage from Nogales, Arizona and Nogales, Sonora Exceeding

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the Capacities Allotted to The United States and Mexico at the Nogales International Sewage Treatment Plant in Conformance with Minute No. 227", dated July 25, 1988. They noted the recommendation of the Principal Engineers that there be allotted at the international plant a capacity of 4.95 million gallons per day-mgd (217 liters per second-lps) corresponding to Mexico, and 2.60 mgd (114 lps) corresponding to the United States. They also noted the Principal Engineers' recommendation that based on the economy of scale, the incremental cost of an additional capacity of 4.95 mgd (217 lps) that would be allotted to Mexico would be about one million dollars, United States currency.

The United States Commissioner then informed the Mexican Commissioner that the United States Government finds the cost to Mexico of one million dollars, United States currency, for the additional capacity of 4.95 mgd (217 lps) at the international plant acceptable. Further, the United States Commissioner informed the Mexican Commissioner that the United States Government would accept payment by the Government of Mexico in annual amounts of one hundred thousand dollars, United States currency, over a period of 10 years, with the first payment to be made in the year in which the expanded international plant enters into operation. In case that the cost of such additional capacity allotted to Mexico exceeds one million dollars, United States currency, the United States, at its expense, will assure its construction.

The Commissioners reviewed the Principal Engineers' recommendations regarding the division of operation and maintenance costs of the expanded international plant's common works and agreed that the bases for division of costs between the United States and Mexico in force under the terms of Minute No. 206 entitled "Joint Operation and Maintenance of the Nogales International Sanitation Project," dated January 13, 1958, and Minute No. 227 entitled "Enlargement of the International Facilities for Treatment of Nogales, Arizona, and Nogales, Sonora Sewage," dated September 5, 1967 should apply to the additional plant capacities.

The Commissioners noted, and found consistent with the objectives of Minute No. 261, the Principal Engineers' recommendations 1) for timely execution of Mexico's plans to concentrate the sewage generated in Nogales, Sonora into the international trunkline for treatment in the international plant, 2) for the collection of sewage concentrated near the boundary into the collection system in the United States for conveyance to the international plant for treatment as part of the additional capacity allotted to Mexico, and 3) special measures of the two countries to ensure immediate repairs to breakdowns in the sewer collection systems.

The Commissioners noted that their respective Governments have enacted legislation to control discharges of industrial wastewaters into receiving bodies or into sewage collection systems. They observed that application of such legislation would prevent the discharge of untreated industrial wastewaters into the international trunkline to preserve in this manner the efficiency of the International Sewage Treatment Plant.

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The Commissioners referred to the information provided by the United States Commissioner for the construction of the expansion to the international plant proposed by the United States Government, the State of Arizona, and the City of Nogales, Arizona to provide an additional capacity allotted to the City of Nogales, Arizona to satisfy that city's future needs over the present capacity allotted to the United States at the international plant. They observed that design is proceeding and that construction could begin in December 1988, such that operation of the expanded plant could begin in 1990. Further, the Commissioners noted the information of the United States Commissioner that the time schedule would not be interrupted if the total capacity is increased to take into account an added allotment to Mexico of 4.95 mgd (217 lps).

Finally, the Mexican Commissioner expressed that the Government of Mexico reserves the right to dispose of part or of all of the Nogales, Sonora sewage, in its own territory or return for reuse, in its own territory, the effluent from the international plant that is part of the sewage inflows corresponding to Nogales, Sonora.

Accordingly, the Commission agreed to submit for the approval of the two Governments, the following resolutions:

1. That the Joint Report of Principal Engineers Jose S. Valdez of the United States Section and J. Arturo Herrera Solis of the Mexican Section, "Concerning the Conveyance, Treatment and Final Disposal of Sewage from Nogales, Arizona and Nogales, Sonora Exceeding the Capacities Allotted to the United States and Mexico at the Nogales International Sewage Treatment Plant in Conformance with Minute No. 227," dated July 25, 1988, which is attached and forms a part of the Minute, is approved.
2. That the United States carry out with the greatest speed and timeliness possible, construction of the expansion to the international plant to provide additional capacities of 2.60 mgd (114 lps) and 4.95 mgd (217 lps) allotted to the United States and Mexico, respectively.
3. That Mexico contribute an amount of one million dollars, United States currency to defray the share corresponding to the 4.95 mgd (217 lps) of additional capacity allotted to Mexico, and that the Government of Mexico make payment in annual amounts of one hundred thousand dollars, United States currency, over a period of 10 years, with the first payment to be made in the year in which the expanded international plant enters into operation, estimated to be in 1990. In case the cost of this additional capacity to be allotted to Mexico exceeds one million dollars, United States currency, the United States, at its expense, will assure its construction.

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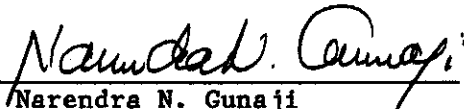
4. That the bases for division of operation and maintenance costs between the United States and Mexico in force under the terms of Minute No. 206 entitled "Joint Operation and Maintenance of the Nogales International Sanitation Project," dated January 13, 1958, and Minute No. 227 entitled "Enlargement of the International Facilities for Treatment of Nogales, Arizona, and Nogales, Sonora Sewage," dated September 5, 1967, apply to the common works of the expanded international plant.
5. That the Government of Mexico carry out with the greatest speed and timeliness possible, the plans of the Secretariat of Urban Development and Ecology for the rehabilitation and expansion of the sewage collection system of the City of Nogales, Sonora to concentrate the sewage of the City of Nogales, Sonora into the international trunkline, for conveyance to the international plant.
6. That the Governments of the United States and Mexico, in conformity with their own national legislation, take appropriate actions to prevent the discharge of untreated industrial wastewater into the international trunkline to preserve the efficiency of the Nogales International Sewage Treatment Plant.
7. That, with the objective of preventing a future border sanitation problem, the Commission attempt to arrange, as soon as possible, for the concentration of Nogales, Sonora sewage near the international boundary into the existing collection system in the United States for conveyance to the international plant for treatment in additional capacity allotted to Mexico.
8. That to prevent a border sanitation problem, the two countries consider special measures to ensure immediate repairs to breakdowns in the sewage collection systems, including immediate temporary measures to prevent discharge of untreated sewage into natural drains that cross the international boundary, in the event repairs require an extended period of time; and that in special cases of one country requesting the cooperation of the other country, such cooperation be carried out by the Commission utilizing personnel and equipment provided to the Commission by the two Governments.
9. That the design, construction, operation and maintenance of the expanded international plant to provide the additional capacities allotted to the United States and Mexican Governments to meet the future sewage disposal and treatment needs of the Cities of Nogales, Arizona and Nogales, Sonora be supervised by the Commission under the terms of Articles No. 2, No. 20 and No. 23 of the Water Treaty signed February 3, 1944.


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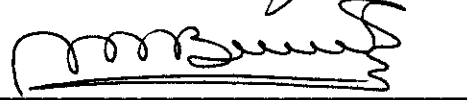
10. That, in accordance with Articles No. 2, No. 20 and No. 23 of the Water Treaty signed February 3, 1944, the construction and maintenance of the works, planned by the Secretariat of Urban Development and Ecology of Mexico, to rehabilitate and expand the sewage collection system of the City of Nogales, Sonora be jointly observed by representatives of the Commission in those aspects concerning the concentration of the sewage of the City of Nogales, Sonora into the international trunkline, for conveyance to the international plant, and that each Section of the Commission inform the proper authorities of its Government of the results of the observations.
11. That Mexico reserves the right to dispose in its own territory a part or of all the Nogales, Sonora sewage in a manner consistent with the desire of the Governments of the United States and Mexico, in the context of Minute No. 261 of the Commission, to prevent border sanitation problems. Also Mexico reserves the right to return for reuse in Mexican territory, the effluent from the international plant corresponding to inflows of Nogales, Sonora sewage.
12. That this Minute requires the specific approval of the two Governments. It shall enter into force upon such approval with the understanding that the advance payment by the Government of the United States, in the amount of one million dollars, United States currency, to be reimbursed by the Government of Mexico, shall be applied after notification by the United States Commissioner to the Mexican Commissioner that the United States Congress has approved and appropriated said funds.

The meeting was adjourned.


Narendra N. Gunaji
U.S. Commissioner


Carlos Santibáñez Mata
Mexican Commissioner


Manuel R. Ybarra
U.S. Secretary


Mario Bucio Cruz
Mexican Secretary