

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Minute No. 294

November 24, 1995
El Paso, Texas

FACILITIES PLANNING PROGRAM
FOR THE SOLUTION OF BORDER SANITATION PROBLEMS

The Commission met at 10 a.m. on November 24, 1995 in the offices of the United States Section in El Paso, Texas to consider the need to support communities in the United States and Mexico border area in the development of their wastewater treatment infrastructure project plans for solution of border sanitation problems to enhance such plan's eligibility for certification by the Border Environment Cooperation Commission (BECC) and for financing by international financial organizations that request BECC certification.

The Commissioners made note of the obligation of the governments of the United States and Mexico entrusted to the International Boundary and Water Commission (IBWC) in Article 3 of the Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed February 3, 1944, to give preferential attention to border sanitation problems. They also observed that this obligation is further developed in IBWC Minute No. 261 entitled "Recommendations for Solution to the Border Sanitation Problems," signed September 24, 1979. The Commissioners also noted the cooperation on border environmental matters established between the United States Environmental Protection Agency (EPA) and the Mexican Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP) by virtue of the United States/Mexico Agreement for Cooperation for the Protection and Improvement of the Environment in the Border Area, signed August 14, 1983 (La Paz Agreement of 1983). In addition, the Commissioners made special note of the support for development and financing of wastewater infrastructure programs that border communities will receive as a result of the United States/Mexico Agreement Establishing a Border Environment Cooperation Commission and a North American Development Bank (NADBank), signed in the United States on November 16, 1993 and in Mexico on November 18, 1993.

The Commissioners considered the information provided by the EPA, at meetings of the IBWC, that funds from EPA are available to the IBWC to support planning efforts of United States/Mexico communities that wish to advance wastewater infrastructure planning to a level that will enhance their eligibility for BECC certification based on the understanding that such projects will improve the quality of the international waters and the health and well-being of inhabitants on both sides of the border. In addition they considered the information of the Mexican Commissioner that the various agencies of the Government of Mexico have expended efforts and resources in developing integrated plans for drinking water and sanitation facilities for Mexican border communities.

The Commissioners, who with representatives of EPA and SEMARNAP are ex-officio members of the Board of Directors of BECC, referred to the BECC Directors' meeting in

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Ciudad Juárez, Chihuahua and El Paso, Texas of August 30 and 31, 1995 at which the Directors approved the criteria for BECC. In this context, the Commissioners considered it appropriate for the IBWC to utilize the United States funds to support the planning efforts of United States/Mexico border communities, which request such support, and have an interest in submitting wastewater infrastructure projects for BECC certification in order to access NADBank financing or financing from other financial institutions.

The Commissioners observed that communities receiving such support to advance their wastewater infrastructure planning should be those where a border sanitation problem exists and where some of the following conditions exist: 1) human health risk exists; 2) beneficial use of the international waters is impaired; 3) the population is affected; 4) community support for this planning exists; and 5) community funding for advancing its wastewater infrastructure plans to BECC certification level is insufficient. The Commissioners then noted the results of water quality monitoring undertaken by the United States and Mexico under the terms of Minute No. 289, "Observation of the Quality of the Waters Along the United States and Mexico Border," dated November 13, 1992, and on this basis, they considered it appropriate to provide a priority to the communities of Reynosa, Tamaulipas, Piedras Negras and Ciudad Acuña, Coahuila, Nogales, Sonora and Mexicali, Baja California.

The Commissioners observed that a wastewater infrastructure facilities planning program should take into account the planning aspects of the communities' drinking water program to include wastewater infrastructure alternatives for the location of the system, identification of the type of treatment, and identification of low cost, low technology, and low maintenance alternatives that are affordable to the community. The wastewater quality standards considered in the infrastructure facilities planning program should be those that meet quality standards that meet laws and regulations applicable in the country in which the project would be located in a manner that will enhance the project to a level of certification by BECC. Consistent with the above and following BECC criteria, the programs will consider strengthening local agencies responsible for water and sewer systems, and undertaking of socio-economic studies, adequate planning periods, financial analyses, environmental impact studies, and a process of public information.

The Commissioners observed the program would require binational coordination such that it is appropriate that each Section of the IBWC be appropriately staffed with technical personnel and be provided expert technical advice by private firms and/or competent public agencies in the respective countries. In this manner, each Section of the IBWC shall establish a binational technical team of experts in wastewater infrastructure matters from competent agencies of each country to contribute to the wastewater infrastructure facilities planning efforts for each of the communities identified above or for others that may be eligible for IBWC's assistance. These experts may meet as necessary to ensure the execution of the work effort. The Commissioners also observed that for each of the communities that receive IBWC support to enhance their sanitation plans to meet BECC certification criteria, the IBWC should develop a work plan that identifies the planning needs to achieve this goal.

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The Commissioners observed that the costs of this program will be borne by the U.S. Section from funds provided for this purpose by EPA. These funds may only be used on wastewater infrastructure planning where the community has expended resources in developing planning and conceptual design for such sanitation facilities planning in the identified communities.

Finally, the Commissioners agreed that the fact that the IBWC will support the communities in the development of their wastewater projects does not represent any obligation by the benefitted communities to construct the projects resulting from this program.

Based on the above the considerations, the Commissioners adopted the following resolutions, subject to the approval of the two Governments:

1. The IBWC, on a case by case basis, utilizing United States funds made available by the EPA to the U.S. Section of the IBWC for this program will support United States/Mexico border communities that request assistance in the development of wastewater infrastructure project plans for the solution of border sanitation problems to enhance such plans' eligibility for BECC certification and for financing from NADBank or other international financial institutions that request such certification based on the understanding that such projects will improve the quality of the international waters and the health and well-being of inhabitants on both sides of the border.
2. The communities that receive support to advance their wastewater infrastructure planning should be those in which a border sanitation problem exists and those where some of the following conditions exist: 1) human health risk exists; 2) beneficial uses of the international waters are impaired; 3) the populations is affected; 4) community support for the planning exists; and 5) community funding for advancing such plans to enhance BECC certification eligibility is insufficient. Based on the above criteria and on the results of the monitoring of the quality of the waters undertaken by the United States and Mexico under Minute No. 289, "Observation of the Quality of the Waters Along the United States and Mexico Border," dated November 13, 1992, it is appropriate that a priority be given, but not limited to Reynosa, Tamaulipas, Piedras Negras and Ciudad Acuña, Coahuila, Nogales, Sonora and Mexicali, Baja California.
3. The IBWC, through each Section, will establish binational teams of technical personnel and technical advisers from competent agencies of each country with expertise in wastewater infrastructure matters to contribute to this program for each of the communities identified for support which will be necessary to ensure execution of the work effort. For each community identified, the IBWC will develop a work plan that

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determines the planning effort needed to allow the community's project to advance to a level of planning referenced in Resolution 1 of this Minute.

4. The funds available to the U.S. Section to support this facilities planning program may be used to cover costs to the United States and Mexican Sections of contracting private firms in their respective countries up to an amount to be determined by the IBWC, to enhance the eligibility of the wastewater infrastructure planning effort of the identified communities' wastewater projects meet BECC certification. The private firm contracted by the U.S. Section, among other possible tasks, must support the U.S. Section in the work assigned as part of the program. The private firm contracted by the Mexican Section will, among other possible tasks, support the Mexican Section in review of plans to ensure that these meet BECC certification requirements and that the Mexican Commissioner may ensure that these are consistent with legislation and needs in Mexico. In each case, the IBWC will determine the scope of work requirements for these firms.
5. The funds available to the U.S. Section for this program may also be used to cover the expenses of the Mexican Section, up to an amount determined by the IBWC to be necessary to ensure supervision of the program in Mexico including the administration of United States funds transferred to Mexico.
6. For the purposes of administering funds, the exchange rate will correspond to that in effect on the date in which charges for actual costs are presented to the United States for payment.
7. The plans resulting from this program shall be in the form of a report on each identified community to the IBWC for use by the United States and Mexican Commissioners in their respective countries. Such plans should be adjusted to standards and criteria applicable in the country in which they are to be developed and should consider low cost technology and maintenance, consistent with the capacity and socio-economic capabilities of the communities in which the works would be constructed.
8. The communities benefitted by resources from this program are not obligated to construct projects that result from this facilities planning program.
9. All activities carried out pursuant to this Minute will be subject to the availability of appropriated funds, resources and personnel and applicable laws and regulations of each country.

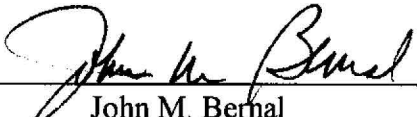
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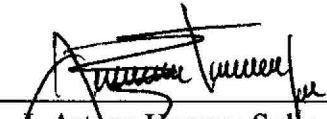
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10. This Minute is subject to the approval of the two Governments and shall enter into force following written notification of approval by both Governments through the IBWC.

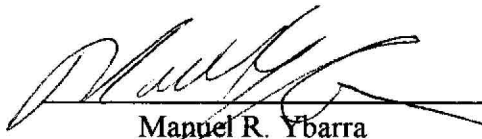
The meeting was adjourned.



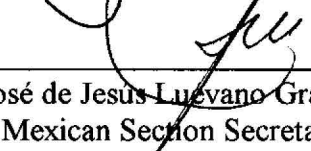
John M. Bernal
United States Commissioner



J. Arturo Herrera Solís
Commissioner for Mexico



Manuel R. Ybarra
United States Section Secretary



José de Jesús Luevano Grano
Mexican Section Secretary