

(English text of Minute 227 dated September 5, 1967)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

El Paso, Texas,
September 5, 1967.

MINUTE NO. 227

ENLARGEMENT OF THE INTERNATIONAL FACILITIES FOR THE
TREATMENT OF NOGALES, ARIZONA AND NOGALES, SONORA SEWAGE

The Commission met in the offices of the United States Section in El Paso, Texas at 10:00 a.m. on September 5, 1967, to consider the need for improving and enlarging the existing international facilities constructed in 1951 for the treatment and disposal of the sewage of the border cities of Nogales, Arizona and Nogales, Sonora.

The Commission reviewed the "Joint Report of the Principal Engineers Concerning the Necessity for Enlarging the International Facilities for the Treatment of the Sewage of Nogales, Arizona and Nogales, Sonora", submitted by Principal Engineers William E. Walker and Norberto Sánchez G. under date of March 18, 1967. The English and Spanish texts of that Report are attached hereto and form a part hereof.

The Commission approved the Report under reference, agreeing that the capacity of the present international facilities is critically insufficient for the treatment of volumes of sewage of the two cities and that the insufficiency creates a serious danger to the health and welfare of residents of the two communities. The Commission concluded that correction of this situation through the Commission is in consonance with the provision of Article 3 of the 1944 Water Treaty wherein the two Governments agree to give preferential attention to the solution of all border sanitation problems.

The Commission further agreed that the present facilities at Nogales, Arizona should be enlarged to provide complete treatment of the volumes of sewage from the two cities anticipated in 1980, and that Mexico's share of the cost of their construction is to be \$887,800.00 (Eight hundred eighty-seven thousand eight hundred dollars) United States Currency, as recommended by the Principal Engineers in their Joint Report.

The Commission considered that because of recent urban expansion at Nogales, Arizona it could be in the interest of the United States to relocate the treatment plant farther north. The Commission agreed, however, that Mexico's share of the construction cost of enlarging the international sewage treatment facilities should not be changed if the United States for domestic reasons constructs the enlarged treatment plant north of the present site.

Lastly, the Commission agreed that Mexico may dispose of a part or of all the Nogales, Sonora sewage in its own territory when it may so consider it advisable.

The Commission thereupon adopted the following resolution, subject to the approval of the two Governments:

1. The "Joint Report of the Principal Engineers Concerning the Necessity for Enlarging the International Facilities for the Treatment of the Sewage of Nogales, Arizona and Nogales, Sonora" is approved.
2. That as soon as practical, the United States proceed to prepare the design of the works required for enlargement of the existing facilities in accordance with the requirements and general plans indicated in the Joint Report in reference.
3. That as soon as practical the United States construct the works referred to in paragraph 2 of the resolution of this Minute and that Mexico contribute the amount of \$887,800.00 (Eight hundred eighty-seven thousand eight hundred dollars) United States Currency to defray Mexico's share of the cost of construction.
4. That sixty (60) days prior to starting of construction, the Government of Mexico establish in a bank in the United States to be approved by the United States Commissioner an irrevocable credit in favor of the United States Commissioner in the amount of \$887,800.00 (Eight hundred eighty-seven thousand eight hundred dollars) United States Currency, for payment of Mexico's share of the construction costs to which this Minute refers. The United States Commissioner or his authorized representative will draw monthly against the credit thus established, with the counter-signature of the Mexican Commissioner or his designated representative, in such amount as the Commission may agree upon, to cover Mexico's share of the expenditures made on construction of the works during the preceding month. The United States Commissioner will notify the Mexican Commissioner at least sixty (60) days in advance, of the date for establishment of the credit.
5. That the same bases of operation and maintenance, and of distribution of operation and maintenance costs between the two countries outlined in Minute No. 206 of January 13, 1958 be continued in force for the international facilities after they are enlarged, in the understanding that Mexico shall have no responsibility for the operation and maintenance costs of the section of the sewer line from the site of the existing plant to the site of the new enlarged plant if the latter is constructed farther north.
6. That the design, construction, and operation and maintenance of the enlarged facilities be performed by or through the United States Section under the supervision of the Commission.
7. Mexico may dispose of a part or of all the Nogales, Sonora sewage in its own territory when it may so consider it advisable.

3. It is further understood and agreed that this Minute requires the specific approval of the two Governments.

The meeting then adjourned.

(signed) J. F. Friedkin
Commissioner of the United States

(signed) D. Herrera J.
Commissioner of Mexico

(signed) Louis F. Blanchard (signed) Fernando Rivas S.
Secretary of the United States Section Secretary of the Mexican Section