

DUPLICATE ORIGINAL
INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Minute No. 295

September 19, 1996
Ciudad Juárez, Chihuahua

**RECOMMENDATIONS TO INCORPORATE INTO COMMISSION MINUTE NO 273,
THE PROJECT PROPOSED BY THE STATE OF SONORA
FOR CONVEYANCE AND TREATMENT OF NACO, SONORA SEWAGE
CERTIFIED BY THE BECC ON APRIL 30, 1996**

The Commission met at 2:00 p.m. on September 19, 1996 in the headquarters offices of the Mexican Section in Ciudad Juárez, Chihuahua to consider incorporating into International Boundary and Water Commission (IBWC) Minute No. 273, signed on March 19, 1987, the plans proposed by the State of Sonora and the Municipality of Naco to improve the wastewater sewage collection and treatment system that was constructed in 1987 by the State of Sonora pursuant to Minute No. 273.

The Commissioners referred to the obligation incurred by the Governments of the United States and Mexico in Article 3 of the 1944 Water Treaty to provide preferential attention to the solution of border sanitation problems and the implementation of this obligation through the IBWC by virtue of IBWC Minute No. 261, signed September 24, 1979, and applied for the case of Naco, Sonora in IBWC Minute No. 273. The Commissioners also referred to the United States - Mexico Agreement Establishing the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank) signed in Washington on November 16, 1993 and in Mexico City on November 18, 1993. They observed that Part I, Article III, Section 6 of that agreement establishes that the IBWC and the BECC will support one another. Finally the Commissioners made note of the cooperation on border environmental matters carried by the United States Environmental Protection Agency (EPA) and the Mexican Secretariat of Environment Natural Resources and Fisheries (SEMARNAP) under the United States - Mexico Agreement for Protection of the Environment along the Border signed August 14, 1983.

The Commissioners then noted that the Board of Directors of the BECC on April 30, 1996 certified a project presented by the State of Sonora and the Municipality of Naco for the reconstruction and of the eastside wastewater conveyance and treatment system and improvements to the water supply system in Naco, Sonora. They observed that the project would result in abandonment of the westside wastewater conveyance and treatment system, along with the associated reuse operations, established in Minute 273, to be operated and maintained as a dual system along with the eastside conveyance and lagoon system. The systems were established to prevent the discharge of Naco, Sonora wastewaters into natural drains that cross the boundary to threaten the contamination of the Bisbee, Arizona wellfield.

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The Commissioners reviewed the conceptual plans certified by the BECC. They observed that the operation and maintenance of the westside lagoon system in Naco, Sonora may be eliminated and yet continue to provide a solution the border sanitation problem with: a) the adequate reconstruction of the inflow collectors to the eastside lagoon system; b) the reconstruction of the eastside primary lagoons by dredging and reinforcing the embankments to provide treatment under standards in force in Mexico; c) the construction of a new pumping plant at that lagoon system to pump from those lagoons to storage lagoons; and d) the reconstruction and expansion of the existing eastside storage lagoons with the capacity and reuse arrangements necessary to ensure safe operating levels of these and the primary lagoons.

The Commissioners noted that under the leadership of the NADBank, a financial package has been developed to include a bank loan to the state of Sonora and the municipality of Naco and/or the operating agency to cover the total cost of the project. They also noted that the EPA is considering a grant contribution for the wastewater portion of the project up to an amount that would not be greater than the amount provided by Mexico of those required to complete the project.

Finally, both Commissioners established that in the context of a financial framework identified by the NADBank, the IBWC may provide to the NADBank, copies of reports as it may prepare for the two governments, in execution of Resolution 7 of Minute 273, to provide an opportunity for the NADBank to channel the grant funds, held in trust by the bank, through the IBWC so as to verify that the technical aspects of the project design and construction are such that the project continues to provide solution to this border sanitation problem.

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

1. Minute No. 273 is amended in Resolutions Nos. 1 and 2 with the following Resolution 1: The operation and maintenance of the westside lagoon system may be eliminated upon the following actions: a) the adequate reconstruction of the inflow collectors to the eastside lagoon system; b) the reconstruction of the eastside primary lagoons by dredging and reinforcing the embankments to provide treatment under standards in force in Mexico, c) the construction of a new pumping plant at that lagoon system to pump from those lagoons to storage lagoons; and d) the reconstruction and expansion of the existing eastside storage lagoons with the capacity and reuse arrangements necessary to ensure safe operating levels of these and the primary lagoons. Mexico will operate the system in a manner that will prevent the uncontrolled discharge of wastewaters across the international boundary in the Naco, Arizona - Naco, Sonora area, including those measured described above.

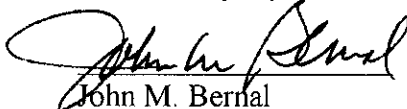
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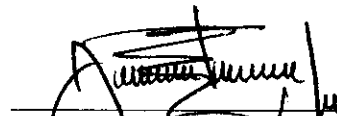
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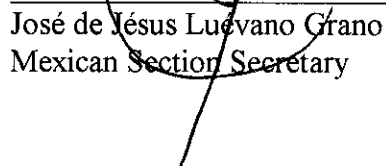
2. Recommendations Nos. 3- 9 of Minute No. 273 remain in force.
3. The IBWC, in execution of Resolution No. 7 of Minute 273 may provide to the NADBank, copies of reports as it may prepare for the two governments to provide an opportunity to the NADBank to channel the grant funds held in trust for execution of the project, through the IBWC so as to verify that the technical aspects of the project design and construction are such that the project continues to provide the solution to this border sanitation problem.
4. This Minute is subject to the specific approval of the two Governments.

The meeting adjourned.


John M. Bernal
United States Commissioner


Manuel R. Ybarra
United States Section Secretary


J. Arturo Herrera Solís
Mexican Commissioner


José de Jesús Luevano Grano
Mexican Section Secretary