

SOUTHEAST ARIZONA CITIZENS FORUM

March 31, 2016

Rio Rico, AZ

***Tentative Meeting Notes**

Board Members in Attendance:

Martin Jakle, Friends for the Santa Cruz River (FOSCR)
Amanda Stone, Arizona Department of Environmental Quality
Elizondo Antonio Lee Jacobs, City of Nogales
Ann Marie Wolf, Sonora Environmental Research Institute Inc.
Ben Lomeli, Friends for the Santa Cruz River
Christopher Teal, US Department of State – US Consul General in Nogales, Sonora
Rosanna Gabaldon, Arizona State Representative
Luis Ramirez, Ramirez Advisors Inter-national, LLC
John Light, Nogales Area Operations Manager and Citizens Forum, Co-Chair - USIBWC

USIBWC Staff in Attendance:

Sally Spener, Secretary
Lorenzo Ortiz, Assistant Area Operations Manager
Alison Lamb, Administrative Services Clerk
John Light, Nogales Area Operations Manager

Approximately 20 members of the public in attendance.

Welcoming Remarks:

At 4:12pm John Light convened the Citizens Forum meeting. He began with a short background on himself and welcomed and introduced himself and asks the board and public attendees to introduce themselves. Invited Sally Spener to present the first presentation.

Presentation One: HISTORY AND PROJECTS OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION– Sally Spener, USIBWC Secretary:

Sally Spener presented the USIBWC mission Statement; *The International Boundary and Water Commission, United States and Mexico, is responsible for applying the boundary and water treaties between the two countries and settling differences that arise in their application.* She also provided an overview of The Early Boundary Commission. In 1848, the border was placed wrongly because an old map was used. The U.S. railroad needed the affected land, so there was a new treaty in 1853 with the Gadsden Purchase that expanded U.S. territory and created a new boundary. The 1884 treaty states what happens when the rivers move, causing the boundary to shift. We officially trace our history to 1889 with establishment of the International Boundary Commission (IBC) to resolve boundary disputes caused by shifts in the boundary rivers.

Ms. Spener went on to discuss Boundary Monuments that demarcate the U.S.-Mexico border. Monuments were placed within line of sight (does not mean has to be seen by the human eye, but for surveys). Monuments today are made of iron or masonry and were just piles of rocks in the past. IBWC is the agency that officially makes the determination of international boundary and is responsible for boundary demarcation at bridges and ports of entry. The organization got into the water business about

100 years ago with the Convention of 1906 relating to delivery of Rio Grande water to Mexico at Ciudad Juarez.

Ms. Spener also summarized the water treaties:

- The Convention of 1933- stabilized the boundary in the El Paso-Juarez Valley, straightened the Rio Grande and put in flood control levees in both countries.
- The 1944 Water Treaty- established modern-day International Boundary and Water Commission. This is where the organization really started, headquarters is located in El Paso, TX and the Commissioner is a presidential appointee. Officially, the US representatives speak English and the Mexican representatives speak Spanish.
- 1944 Water Treaty – Rio Grande - U.S. receives 1/3 of the waters arriving in the Rio Grande from 6 Mexican tributaries. Mexico delivers water to the U.S. from Ft. Quitman to Gulf. The Treaty authorized construction of up to three storage dams on Rio Grande; only 2 were built. Water Accounting Division accounts for the national ownership of waters using automated and manual systems.
- 1944 Water Treaty – Colorado River - The US has always met its obligation to deliver Colorado River water to Mexico – 1.5 million acre-feet per year. With the drought happening with the Colorado River, there is a significant possibility that in 2018 the amount of water will need to be reduced. Each treaty has water shortage terms in the event of extraordinary drought.
 - Chamizal Convention – 1963 treaty settled a boundary dispute at El Paso-Cd. Juarez and relocated Rio Grande in a concrete-lined channel.
- The Boundary Treaty of 1970 – Defines the international boundary as the middle of the channel of greatest average width over its length. The IBWC can move the river back if it ever shifts. IBWC is the official agency that determines where the border is and can actually be called to court to testify as to the location of the boundary if questions arise. There are also prohibitions on construction of works in the floodplain that would obstruct or deflect water flow because this could exacerbate flooding or cause the river channel to move, affecting the international boundary..

Ms. Spener went on to explain Sanitation and Flood Control. The field offices handle sanitation, there three international wastewater treatment plants – Nogales (handles sewage from both countries), South Bay (located in San Diego but treats Mexican water to U.S. standards), Nuevo Laredo (Mexican sewage treated to US standards). Raw sewage was discharged into the river before the plants. Only water quality wording in the 1944 Treaty authorizes Commission to give “preferential attention to the solution of all border sanitation problems.”

International Dams: The Amistad and Falcon Dams on the Rio Grande are used for water storage, hydroelectric power, flood control, and recreation.

Flood Control – There are 4 Flood Control Projects – Tijuana River, Upper Rio Grande, Presidio, and Lower Rio Grande; IBWC has extensive flood control levees. The level of protection provided by the flood control projects is internationally determined. In recent years, the USIBWC is reviewing the flood control projects from an environmental perspective to manage them in a way that considers the environment (habitat restoration, solid waste removal). The Commission in 2014 did a project to provide environmental flow to the Colorado River Delta. USIBWC maintains flood control levees; tracks flow, and operate diversion dams in coordination with Mexico.

The presentation ended with questions and comments.

Sally Spener went on to turn the meeting over to John Light for his presentation.

Presentation Two – United States Section International Boundary & Water Commission, Nogales Field Office, John Light, Area Operations Manager, USIBWC

Mr. Light began with a diagram outlining IBWC Field Offices and Projects. The Nogales Field Office Jurisdiction runs along the U.S./Mexico Boundary from the New Mexico Border to Lukeville, AZ; this is 229 miles of boundary jurisdiction. USIBWC has been involved with the Nogales area since the establishment of Monuments. In the 1930's the USIBWC oversaw the construction of the Nogales Wash tunnels and concrete-lined portion of the Nogales Wash. In the late 1960's and early 1970's the USIBWC worked with the City of Nogales to relocate the Nogales International Wastewater Treatment Plant (NIWTP) to its current location in Rio Rico and also built a new sewer pipe, the International Outfall Interceptor (IOI), from the international border to the new treatment facility. In 1990 a field office was established in Rio Rico at the NIWTP to oversee the construction of the upgrade to the NIWTP and to perform other field office functions.

Mr. Light went on to explain Nogales Field Office Mission: to solve issues at lowest level possible but escalate issues that need to be solved by higher authority (i.e. fence encroachments, sewage that flows into US from Mexico in Nogales); reimbursements for Nogales water problems.

Mr. Light presented the history, challenges and success of Nogales International Wastewater Treatment Plant (NIWTP). Construction of NIWTP upgrade funded by a grant from the U.S. Environmental Protection Agency through the Border Environment Cooperation Commission. The treated effluent is discharged into the Santa Cruz River. Mexico did not financially contribute to the upgrade to the Nogales International Wastewater Treatment Plant – deemed not necessary for Mexico since it was upgraded to meet new U.S. treatment requirements. The plant can handle 28 million gallons per day at top capacity but when it is that high it reduces the quality because it is working harder. The original plant built in 1950s, located in downtown Nogales, AZ was relocated to Rio Rico in 1972, capacity was increased. In 1992 the NIWTP capacity and treatment technology were upgraded.

In 2009 technology was upgraded and capacity reduced. Plant technology was upgraded to a Biological Nutrient Removal process (BNR). BNR converts ammonia to harmless Nitrogen gas. Very little chemicals are present though, at non-detect levels, there is hardly any ammonia in the water (it is toxic for fish). There are different types of treatment plants and this one is Biological. The plant is currently using UV light instead of chlorine for disinfection and this is effective.

NIWTP Challenges –BNR facilities are very expensive to operate and maintain. BNR is an advanced treatment technology which requires highly skilled personnel to operate and the process is much more sensitive to influent flow makeup. NIWTP is a biological process and unable to treat contaminants such as metals entering the facility, this results in a pass through with the contaminants ending up in the effluent or the biosolids.

NIWTP Success- ammonia has been essentially eliminated from the NIWTP effluent. CBOD and TSS indicate how dirty the water is and there have been increases of fish in the river, which means it is pretty clean. Turbidity levels (water clarity) has significantly improved.

Nogales Wash – it has a natural flow, built by USIBWC in 1930s with WPA funds, ownership transferred to City of Nogales, Arizona. Nogales is at the bottom of the valley – everything runs through lowest point of the city. Biological monitoring program for fugitive sewage flows (expansion for monitoring of other parameters being explored). Several samples for fugitive sewage flows are included in report distributed once a week.

Fugitive Flows – seemed to happen every day in the past but over the years it has been much better but it does still happen. Chlorine is used to disinfect but the ultimate goal is to eliminate it. Chlorine is used by Mexico to disinfect fugitive flows when they occur; although not ideal, it is effective.

In closing, Mr. Light went on to explain Monuments Maintenance – there are 96 monuments in this jurisdiction (82 are iron and 14 are masonry; all from the 1800's). Masonry monuments have graffiti from the past and maintenance needs to be done to fill in bullet holes and clean graffiti. Education is used to spread information, especially about encroachment (people think that the fence is the border but that isn't true). The USIBWC places demarcation indicators at each Port of Entry (POE). POEs are offset from the International Boundary by as much as 100 yards (Mariposa POE), but the demarcation is still the official dividing line between Mexico and the United States.

Presentation ended and the meeting was opened for questions.

Comments: Steroids are harmful and hurt the fish but UV breaks that down. The upgrade meant a lot to Rio Rico and the quality of Life. The less chemicals put in, the less to take out.

Questions: Does sanitation follow guidelines? Answer: No guidelines in treaty but the Minutes state what to do – treatment plant needs to meet standards for Clean Water Act once treated

Questions: Disinfection Station – what happened? Answer: OOMAPAS (the Nogales, Sonora utility) does chlorination; used to be in US. Permits were obtained to dispose of sludge in landfills and there was 1 farmer who wanted to take the sludge for a price but it was cheaper to have the sludge disposed in a landfill.

Public Comments:

David Garcia, Tohono O'Odham tribal member: A rancher put up a fence on March 3rd near the border between Mexico and Arizona. On March 4th, the Native tribe that lives on both sides of the border took down the fence. On March 16th, the rancher then put up a steel fence. The Tribe went to the Mexican Consulate to try and solve the problem and asked who owned the land? Is the rancher able to put up that fence so close to the border? The fence is preventing tribal members living in Mexico from entering the US Indian reservation in Arizona for medical care.

Answer: The tribe will send a letter to USIBWC Secretary Sally Spener with specifics to see if USIBWC can help. The Commission only has limited jurisdiction but might be able to help. She gave the gentleman her card so they can connect and attempt to rectify the situation. Engineer Quintanar from the Mexican Section of the Commission indicated a field trip could be taken to the site.

Questions: A study done by IBWC made recommendations to repair the IOI; by 2016, it was expected to be out to bid. What are the advancements? Answer: A design for the IOI is 90% complete. IBWC is working with City of Nogales, Arizona to put into the design the needed easements.

Comment: Flash flooding is a large concern for the community. Agency is involved in flood issues but it needs to have a better warning system; maybe a possible presentation at the next meeting with CILA and USIBWC need to be involved in talking together and working to find a suitable solution for developing a better flood warning system.

Presentation Three Southeast Arizona Citizens Forum New Board Orientation- Sally Spener, USIBWC Secretary:

Sally Spener presented the background on the Citizens Forum and expectations of board members. USIBWC established the first Citizens Forum Board in 1999 in El Paso, TX-Las Cruces, NM. Program expanded in early 2000s to:

- USIBWC CF in San Diego County
- Colorado River CF in Yuma and Imperial Counties
- Southeast Arizona CF
- Lower Rio Grande CF (TX)

Mexican Section established its own Citizens Forum program in 2014. The purpose of the Southeast Arizona Citizens Forum is to promote the exchange of information with the USIBWC and the community about Commission projects and related activities in Pima, Cochise, and Santa Cruz Counties. The Citizens Forum is not a Federal Advisory Committee – there is no majority rule but we work by consensus. Meetings are open to public. There are emails sent out for reminders and information is posted on the Citizens Forum web page (http://www.ibwc.gov/Citizens_Forum/CF_SE_AZ.html) . All Board members are volunteers and receive no reimbursement of expenses. Board members are expected to attend all meetings. Members are encouraged to help share what is happening with their organizations. Wide range of issues are discussed – flood, watershed, environment, etc. The board has eight community board members plus a USIBWC Area Operations Manager.

There are two co-chairs – help determine agenda items and chair the meetings. Three people applied to be Co-Chair. The board unanimously elected Rosanna Gabaldon as Co-Chair. USIBWC Area Operations Manager John Light will be the other Co-Chair.

New board went on to establish meeting dates and location. The meetings will happen the 3rd Thursday of every 3rd Month – June 16, 2016 at Sierra Vista, September 15, 2016 at Douglas, City Hall, December 15, 2016 at Santa Cruz County – probably Sahuarita City Hall from 5:00PM-7:00PM – except in March 2017 – will happen on a Friday

Field Trips and Tours were suggested, tour of Los Alisos Wastewater Treatment Plant in Mexico and the Nogales International Wastewater Treatment Plant in Rio Rico, AZ (both sides of the border). Could potentially look at the stormwater detention facilities. Suggested date of Friday, April 29th .

Certificates were given out to new board members for their commitment and participation for the 2016-2017 terms.

Board Orientation/Discussion adjourned at 6:44PM

*Meeting notes are tentative and summarize in draft the contents and discussion of Citizens Forum Meetings. While these notes are intended to provide a general overview of Citizens Forum Meetings, they may not necessarily be accurate or complete, and may not be representative of USIBWC policy or positions.