

For immediate release
April 8, 2004

AGREEMENT REACHED OVER OPERATING COSTS OF THE NOGALES INTERNATIONAL WASTEWATER TREATMENT PLANT

The United States Section of the International Boundary and Water Commission, United States and Mexico (USIBWC), and the City of Nogales, Arizona have reached agreement to settle a two-year dispute over operation and maintenance costs for the Nogales International Wastewater Treatment Plant (NIWTP). The agreement sets the stage for dismissal of claims that the United States filed against the City of Nogales in U.S. District Court.

“It is in everyone’s best interest to find ways to resolve disputes out of the courtroom,” said U.S. Commissioner Arturo Q. Duran. “I believe in building partnerships with state and local government and I’m pleased we were able to work together to resolve this issue.” Commissioner Duran also expressed his appreciation for the leadership shown by the City of Nogales in bringing the matter to resolution.

In January of 2004, City Manager Lee Maness met with Duran, just two weeks after the Commissioner assumed his duties at the USIBWC. The meeting set the stage for subsequent negotiations, which led to the agreement.

The USIBWC had filed suit against the City of Nogales in 2003 after the parties failed to reach agreement on how much the City should contribute toward operation and maintenance costs of the NIWTP. The City of Nogales then filed a counter claim, which it later withdrew. The plant, which is owned by the USIBWC and the City of Nogales, treats sewage from Nogales, Arizona and Nogales, Sonora. The USIBWC operates the plant. At issue was the City’s fair and equitable share of operation and maintenance costs.

The settlement agreement prescribes a formula for determining the City’s share of costs. The Nogales City Council approved the settlement agreement on April 7. In the settlement, the USIBWC agrees to ask the court to drop the lawsuit based on the understandings of the agreement.

Now that the two parties have reached resolution on operation and maintenance costs, they can give greater focus to developing an agreement to upgrade the NIWTP to provide more effective treatment of wastewater. The USIBWC and City of Nogales are currently participating in mediation with the State of Arizona, EPA, the Border Environment Cooperation Commission, and the North American Development Bank to determine the best option for upgrading the plant.

For more information:

Sally Spener
915-832-4175
sallyspener@ibwc.state.gov