

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SENATE CONCURRENT MEMORIAL 1012

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO ENACT THE NOGALES WASTEWATER FAIRNESS
ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, Naco, Arizona and Naco, Sonora are sister cities on either
4 side of the United States-Mexico border; and

5 Whereas, the Naco, Sonora wastewater treatment facility is located
6 adjacent to the international border and was last upgraded two decades
7 ago; and

8 Whereas, the Naco, Sonora wastewater treatment facility has not been
9 adequately maintained and, as a result, regularly exceeds capacity during
10 periods of equipment maintenance, rain or other events that interrupt
11 normal operations; and

12 Whereas, exceedances of capacity have resulted in intermittent flows
13 of untreated wastewater for years from the surface discharge point in
14 Naco, Sonora across the international boundary onto public and private
15 property in and adjacent to Naco, Arizona; and

16 Whereas, as stated in Minute No. 273 titled Recommendations for the
17 Solution of the Border Sanitation Problem at Naco, Arizona-Naco, Sonora,
18 which was executed by the United States and Mexico sections of the
19 International Boundary and Water Commission, the "Commissioners observed
20 that the border sanitation problem in the Naco, Arizona-Naco, Sonora area
21 results from the Naco, Sonora wastewater collection, treatment and
22 disposal system into the natural drainage courses that flow northward
23 across the international boundary"; and

24 Whereas, also according to Minute No. 273, the "Commissioners
25 further observed that because of the topography, the natural drainage
26 traverses a wellfield area which provides the municipal water supply for
27 the City of Bisbee, Arizona"; and

28 Whereas, Minute No. 273 also references Article 3 of the 1944 Treaty
29 on the Utilization of the Water of the Colorado and Tijuana Rivers and of
30 the Rio Grande, which stipulates that the two Governments "agree to give
31 preferential attention to the solution of all border sanitation
32 problems"; and

33 Whereas, the International Outfall Interceptor is the binational
34 sewage pipe that conveys wastewater from Sonora and Arizona to the Nogales
35 International Wastewater Treatment Plant; and

36 Whereas, the United States International Boundary and Water
37 Commission and the City of Nogales are co-owners of the Nogales
38 International Wastewater Treatment Plant, which provides treatment of
39 sewage for both Nogales, Arizona and Nogales, Sonora; and

40 Whereas, legislation has been introduced in the United States Senate
41 and United States House of Representatives to direct the United States
42 section of the International Boundary and Water Commission to charge
43 Nogales, Arizona an equitable proportion of the costs for operating and
44 maintaining the Nogales sanitation project based on the average daily
45 volume of wastewater originating from Nogales; and

1 Whereas, the proposed legislation declares that Nogales is not
2 obligated to contribute any capital costs of repairing or upgrading the
3 project; and

4 Whereas, Arizonans who reside near the Arizona - Mexico border are
5 concerned about the quality of drinking water because of previous
6 international sewage disasters.

7 Wherefore your memorialist, the Senate of the State of Arizona, the House
8 of Representatives concurring, prays:

9 1. That the United States Congress act to address the border
10 sanitation problems that have resulted from the inadequate maintenance of
11 the Naco, Sonora wastewater treatment facility.

12 2. That the United States Congress enact the Nogales Wastewater
13 Fairness Act as a necessary first step in reaching a comprehensive
14 solution to ongoing border sewage complications of the Arizona border.

15 3. That the Secretary of State of the State of Arizona transmit
16 copies of this Memorial to the President of the United States Senate, the
17 Speaker of the United States House of Representatives and each Member of
18 Congress from the State of Arizona.

PASSED THE HOUSE APRIL 5, 2018

PASSED THE SENATE APRIL 9, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2018

Passed the House April 5, 20 18,

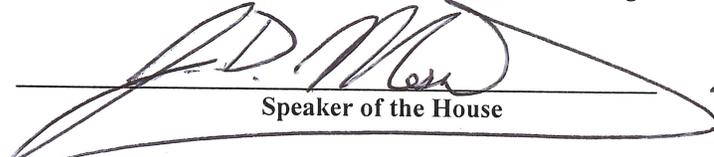
Passed the Senate February 27, 20 18,

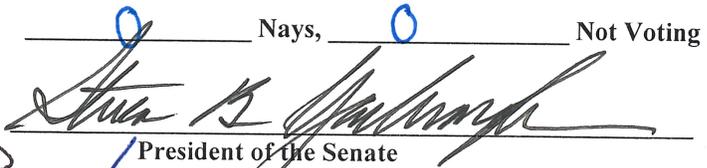
by the following vote: 59 Ayes,

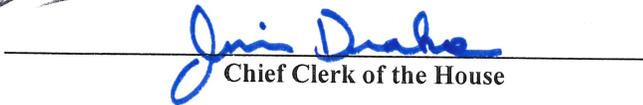
by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

S.C.M. 1012

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State
this _____ day of _____, 20 _____,
at _____ o'clock _____ M.

Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 9, 20 18

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting



President of the Senate

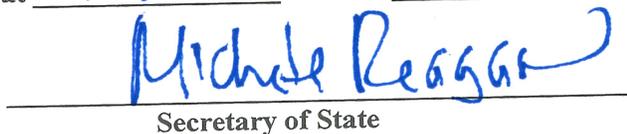


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Resolution received by the Secretary of State
this 9 day of April, 20 18

at 4:56 o'clock P. M.



Secretary of State

S.C.M. 1012