



Naco Sanitary District

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NACO SANITARY DISTRICT RESOLUTION 5-19-23

RESOLUTION OF AFFIRMATION AND COMMITMENT TO INTERNATIONAL BOUNDARIES AND WATER COMMISSION TREATIES AND RECOMMENDATIONS, ENVIRONMENTAL PROTECTION AGENCY BORDER 2025 GOALS, REGIONAL TRANSBOUNDARY PROTECTION OF THE NACO-BISBEE SOLE SOURCE AQUIFER FOR BISBEE AND THE NACO PUEBLO, PARTNERSHIPS WITH COMMUNITY BASED ORGANIZATIONS FOR THE NACO COLONIA. LOCAL RECHARGE AND ENVIRONMENTAL MITIGATION OF THE TRANSBOUNDARY, SOLE SOURCE AQUIFER FOR LONG TERM WATER ADEQUACY.

Whereas in 1963, the United States International Boundaries and Water Commission (IBWC) recommended that a Sanitary District in Naco, Arizona be founded for the purpose of providing matching funds for Naco, Arizona; Naco, Sonora; the City of Bisbee with a regional wastewater treatment plant (WWTP) for all of the transboundary residents to prevent sewage system overflows on both sides of the border;

Whereas the Naco Sanitary District was incorporated on March 31, 1971 for regional wastewater treatment and sanitation as a Special Taxing District within the Naco Census Data Place;

Whereas in 1978, the Naco Sanitary District, the IBWC, the Environmental Protection Agency (EPA), the City of Bisbee, and Congressman Mo Udall cooperated and approved funding for a regional, binational wastewater treatment plant with a capacity for 20,000 residents;

Whereas in 1980, a regional wastewater treatment plant was built with EPA grant Grant No. C040174020; for three communities with long term recharging for the transboundary, sole source aquifer;

Whereas in 1987, the IBWC Minute 273 gave merit to regional connections between Naco, Sonora and Naco, Arizona WWTPs to prevent sewage system overflows;

Whereas in 1987, Naco and Bisbee residents petitioned the EPA to designate the Naco-Bisbee Aquifer as Sole Source;

Whereas in 1987, an EPA and USGS study determined that a spreading sulfate plume from a mine tailings concentrate pond had contaminated the Naco-Bisbee aquifer with sulfate levels above 250mg/l that had polluted local wells which became unusable for crops and drinking;

Whereas in 1988, the EPA designated the Naco-Bisbee Aquifer as the Naco-Bisbee Sole Source Aquifer, with highest priority under the Clean Water Act;

Whereas in 1995, the Cochise County Supervisors resolved to designate the Naco Census Data Place a colonia qualified for financial and environmental assistance under Federal and Arizona laws;

Whereas in 2000, the Naco Sanitary District agreed to connect emergency pipelines with OOMAPAS de Naco, Sonora to prevent sewage system overflows;

Whereas in 2003, the Naco Sanitary District downgraded their aquifer protection permit with ADEQ from a lagoon system built with an EPA grant for 20,000 residents, to an evaporation system for 1000 residents. This action reduced the capabilities for aquifer protection from the NSD WWTP by ninety percent, where the already built regional WWTP for three communities was downgraded from its original parameters, thereby decreasing its environmental and economic value to the regional communities;

Whereas in 2003, the City of Bisbee applied for a new WWTP with the Arizona Department of Economic Quality (ADEQ), Border Environment Cooperation Commission (BECC) and North American Development Bank (NADB), which would be built on top of the known sulfate plume;

Whereas in 2003, the City of Bisbee excluded the NSD WWTP as an alternative to their proposed WWTP since the NSD plant no longer had its as built capacity formerly approved by the City of Bisbee in 1978;

Whereas in 2006, the Bisbee WWTP plant began operations, which discharged effluent into the stormwater channel known as the Greenbush (Green Bush) Draw, which infiltrates onto NSD property, the Arizona Water Company property; Ladd Ranch property (without permission nor contracts with the City of Bisbee), two miles west from the discharge point on Naco Highway, creating continuing damage to NSD and Ladd Ranch property along Greenbush (Green Bush) Draw;

Whereas in 2018, Mr. Stephen Dey and Mr. Charles Behney submitted the Naco Community Wetlands Mitigation Plan of 2018, which proposed for the NSD to connect emergency pipelines to Naco, Sonora to prevent sewage system overflows, connect Bisbee effluent to the NSD WWTP to abate the damage to Greenbush (Green Bush) Draw and return to a regional plant concept of constructed wetlands; allow connections to Freeport McMoran to mitigate the spreading sulfate plume;

Whereas in 2019, the City of Bisbee and Cochise County entered into an agreement called the Bisbee Effluent Plan, which would pipe effluent from the transboundary, sole source aquifer sub-basin to an undetermined location to assure water adequacy near the San Pedro River, located outside and below the Naco-Bisbee Sole Source Aquifer;

Whereas the tailings concentrate plume now threatens Naco, Sonora municipal wells. The sulfates have forced the decommissioning of Naco, Arizona wells due to sulfate contamination, which continues to damage the transboundary, sole source aquifer; and

Whereas all of the regional wastewater treatment plants are in need of upgrades and renovations; which need binational cooperation for the protection of the transboundary, sole source aquifer shared by three communities;

NOW THEREFORE BE IT RESOLVED; BY THE NACO SANITARY DISTRICT BOARD, AS FOLLOWS:

SECTION 1. The Board of Directors of the Naco Sanitary District shall remain firmly committed to the protection of the transboundary Naco-Bisbee Sole Source Aquifer and its resident's need for clean drinking water. The NSD will make available its property, assets and inventory for the purposes of a binational, regional constructed wetlands for wastewater treatment, as approved by the binational community in past resolutions. The NSD requests that EPA, IBWC and ADEQ give priority to the Clean Water Act, IBWC treaties, aquifer protection permits, and form a task-force for the protection of the transboundary, Naco-Bisbee Sole Source Aquifer to prevent and mitigate further damage to the groundwater and surface waters shared by the binational communities.

SECTION 2. As a colonia, the Naco Sanitary District joins communities across the nation seeking environmental justice for our residents. The NSD affirms its support for the U.S.-Mexico Environmental Program: Border 2025; a five-year (2021-2025) binational effort designed to "Protect the environment and public health in the U.S.-Mexico border region for the long-term economic, cultural and social well-being of present and future generations, and acknowledge the importance of engaging with these groups in the long-term conservation of the environment". NSD requests that this implementation will be accomplished within the framework of the respective laws and regulations of the U.S. and Mexico. NSD supports the goals and mission of the IBWC, its mission is "to provide binational solutions to issues that arise during the application of United States - Mexico treaties regarding boundary demarcation, national ownership of waters, sanitation, water quality, and flood control in the border region."

SECTION 3. All of the Naco Sanitary District Board and staff shall affirm strong commitments to aquifer protection, binational cooperation, local recharge, and mitigation of the sulfate plume to preserve the culture and economy of our regional communities.

SECTION 4. The Naco Sanitary District makes available its good will, property and resources to Naco, Sonora and Bisbee, Arizona for wastewater treatment, stormwater management and aquifer protection under IBWC, EPA and ADEQ guidelines and best management practices. A regional constructed wetlands with a wildlife observation area and a recreational park is promoted for safety, sanitation and economic development.

SECTION 5. The Naco Sanitary District will cooperate and provide assistance to Community Based Organizations and the City of Bisbee for USDA Rural Assistance for grants and other funding.

SECTION 6. Our Congressional delegation is called upon to provide leadership and guidance for our transboundary, EPA designated sole source aquifer.

SECTION 7. Whereas it is necessary for the health and safety of the Naco Sanitary District that this resolution become immediately effective; this resolution shall be effective immediately upon its passage and adoption.

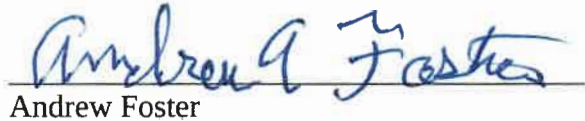
PASSED, ADOPTED; APPROVED BY THE BOARD OF DIRECTORS OF THE NACO SANITARY DISTRICT, ARIZONA SEPTEMBER 8, 2023.


Stephen T. Dey, Chair


Charles A. Behney, Vice Chair


Angelica Coronado, Secretary-Treasurer


Jesus Guerrero


Andrew Foster