

Southeast Arizona Citizens Forum
Tubac Community Center
Tubac, Arizona
September 21, 2017
*Tentative Meeting Notes

Board Members in Attendance:

John Light, USIBWC Nogales Area Operations Manager and Citizens Forum Co-Chair
Rosanna Gabaldon, Arizona State Rep – LD2 and Citizens Forum Co-Chair
Marty Jakle, Friends of the Santa Cruz
Ben Lomeli, U.S. Bureau of Land Management and Friends of the Santa Cruz River
Luis Ramirez, Ramirez Advisors Inter-National, LLC.
Amanda Stone, Arizona Department of Environmental Quality
Christopher Teal, U.S. Consulate

USIBWC Staff in Attendance:

Rebecca Rizzuti
Jose Nuñez
Lorenzo Ortiz
Alison Lamb

MXIBWC Staff in Attendance:

Jesus Quintanar
Jose Sergovia

Members of the Public in Attendance:

Judy Lynn, Arizona Department of Emergency and Military Affairs (AZDEMA)
Ruben Reyes, Congressman Grijalva's Office
Julie Katsel, Senator Flakes Office
Frank Felix, City of Nogales
Sherry Sass, Friends of the Santa Cruz River
Jackson Jenkins, Pima County Regional Wastewater Reclamation Department
Roxanne Linsley, Arizona Department of Environmental Quality (ADEQ)
Randy Heiss, Southeast Arizona Governments Organization (SEAGO)
Claire Zugmeyer, Sonoran Institute
Amanda Smith, Sonoran Institute
Karon Leigh
Nancy Valentine Holub
Emily Ellis, Arizona Daily Star
Jaeho Shim, University of Arizona
Kathy Campana, Campana Realty
Ron Compana, Rio Rico
Joel Mora, Arcadis
Pixie Green, Resident of Tubac
Jesus Valdez, Santa Cruz County
Leonard Fontes, Santa Cruz County
Charlene Westgate
Rich and Nancy Bohman
Guillermo Valencia, Greater Nogales Santa Cruz County Port Authority
Rafael Carranza, Arizona Republic
Arturo Gabaldon, Community Water Company

Austin, Global Change Media
Mark Hotz Global Change Media
Cristina Encinew
Alex Lim
Brian Vandervoet, Vandervoet and Associates
Kathy Vandervoet, Tubac Villager
Scott Vandervoet

There were about 20 – 25 others there who did not sign in.

Welcoming Remarks:

At 5:00 pm Mr. John Light, Co-Chair, convened the Citizens Forum meeting and called it to order. Mr. Light went over the purpose of the board, which is to promote the exchange of information between the United States International Boundary and Water Commission and the community regarding Commission projects and related activities in Pima, Cochise and Santa Cruz County. Would like to begin the meeting with introductions, Board members first and then audience attendees. Mr. Light then introduced the first presenter, Ms. Amanda Stone.

Presentation One: Small Water Systems Fund – Expansion of Authorized Uses (HB2094) – Amanda Stone, Chief Policy and Legislative Affairs Officer, Arizona Department of Environmental Quality.

Ms. Stone began her presentation by stating that she would keep it short as she knew everyone wanted to hear the presentations by IBWC personnel. Ms. Stone began her presentation by stating how excited she was for this bill being passed. In partnership with the Arizona Corporation Commission (ACC) and the Water Infrastructure Finance Authority (WIFA), Arizona Department of Environmental Quality (ADEQ) now has the authority to provide grants for small water companies to maintain healthy and reliable water for their customers. Currently there are 1,515 total public water systems. Approximately 52% are non-Arizona Corporation Commission regulated. Of the 1,515 systems, 1,448 are small water systems, meaning that they serve less than 10,000 people.

In early 2017, 72 of the small drinking water systems were delivering water above a Maximum Contaminate Level or Action Level Exceedance for Lead and Copper. Prior to House Bill 2094, only two (2) were eligible for the Small Water Systems Fund grants. Small water systems lack customer base to finance upgrades (ex: Tacna Water, Tombstone, Cochise College Water Park, etc.). Now that HB2094 has been signed into law, there are so many more opportunities available.

Examples:

- 1) Expanded use – repair, replace or upgrade water infrastructure.
- 2) ADEQ working closing with WIFA in providing emergency and non-emergency grants. It expands eligibility to include owners of small drinking water systems and enhances checks and balances to ensure public benefit. The next steps are that the ACC/ADEQ/WIFA will be developing the following tools:
 - Financial Needs Assessment
 - Risk assessment/ranking
 - Procurement pool – simplified for small systems
 - Operation and Maintenance requirements
 - Distribute the remaining funds and pursue additional funding for FY19.

There are now only 35 Public Water Systems that are delivering water above a Maximum Contaminate Level (MCL) or Action Level Exceedance (ALE). Of those, 22 systems are now eligible for Small Water System Fund (SWSF) grants.

At the end of her presentation Ms. Stone stated there are 286 small water systems in the border region, and only 9 are currently servicing water above the MCL and are now eligible for grants. Ms. Stone provided the following link for anyone who wanted further information:

<http://www.azdeq.gov/programs/water-quality-programs/safe-drinking-water>

Q) When you said border region, what do you mean?

A) Area within 100 kilometers.

Mr. Light thanked Ms. Stone for her presentation and then introduced Ms. Sherry Sass from Friends of the Santa Cruz River who has a short video to present.

Presentation Two: Flirting with Disaster, video presentation – Sherry Sass, President, Friends of the Santa Cruz River:

Ms. Sass shared the video - which can be seen on YouTube or at <http://friendsofsantacruzriver.org/> The video addresses concerns with the IOI sewer pipe and the Nogales Wash. After the video was shown, Ms. Sass had the following comments:

As you are all aware, we had a decent monsoon season in July which resulted in the broken/exposed IOI sewer pipe. The efforts to fix that breach are going to be discussed in a later presentation. Our concern is that it is going to happen again. The best way to prevent this is to move the sewer pipe out of the Nogales Wash because this situation with the bi-national cities is only going to get worse. We are hoping that this video will open the dialog with federal officials and put in legislation to at least start the process to having a federal presence to resolve this issue.

Q) Has there been a resolution for who is financially or regulatory responsible for finding the solution?

A) No, the problem is the physical pipe on our side of the border is owned by the City of Nogales, the sewage is mostly Mexican: 75% – 90% comes from Mexico. The wash there is a whole web of ownership as I understand it, the railroad, the landowners, and the city. It needs effort from more than one agency I suspect to deal with this.

A) Mr. Nuñez stated that the presentation that Rebecca Rizzuti is going to give will address this concern.

Mr. Light thanked Ms. Sass for sharing the video. Mr. Light introduced Ms. Rebecca Rizzuti, Assistant Attorney from the USIBWC, El Paso office for the next presentation.

Presentation Three: Nogales International Sanitation Project: History and Overview: Rebecca Rizzuti, Assistant Attorney, USIBWC

Ms. Rizzuti began her presentation by explaining the IBWC was formed in its present organization in a 1944 Water Treaty titled *Utilization of Water of the Colorado and Tijuana Rivers and of the Rio Grande*. We work in conjunction with the Mexican Section of the Commission to implement certain treaties between the U. S. and Mexico. She explained what the treaty protocol is.

Ms. Rizzuti discussed the background and history of the Nogales Sanitation Project. The study was initiated in 1943 and construction was authorized in a 1947 Appropriations Act. There were certain conditions on federal participation, such as the City agreed to furnish lands at no cost, to take over operations and maintenance and relieve the U.S. Government of all liability of the project. The City took over operation and maintenance in 1951. In 1953, USIBWC negotiated Minute 206 which stated Mexico would reimburse the City for their use of the Project based on flows, and that's how it operated until about 1996. The project consisted of 7,200 feet of sewer pipeline in Mexico; 8,146 feet (1.5 miles) of sewer pipeline in the U. S. and the treatment plant which was 1.5 miles north of the border and had a 1.6

million gallon per day (mgd) treatment capacity. In 1965 the City requested IBWC negotiate an agreement to enlarge the capacity of the plant and that the plant be relocated to a site north of the City limits.

Ms. Rizzuti went over the components of the international project, including discussing Minute 227, a 1967 agreement for enlargement and relocation of the treatment plant. The plant was moved north of the City of Nogales, AZ at the request of the City of Nogales, AZ. In regard to the International Outfall Interceptor sewer pipe (IOI) – ownership of the IOI is the subject of current litigation, and currently no order has been issued giving the USIBWC ownership of the IOI. The City claims that the USIBWC owns 78% of the IOI and the USIBWC contends that the City owns 100% of the IOI and that the City has operations and maintenance responsibilities of the IOI.

Ms. Rizzuti explained the USIBWC's Emergency Authority that is border wide – also noting that we do not have a separate fund solely for emergencies, noting that any monies used come out of our mission-critical projects fund along the border and is put towards these emergencies. So, whenever we use this authority, which is rarely, another project along the border is not getting fully funded. She went on to further explain the USIBWC's position on the IOI, dating back to 1967 and the relocation of the original plant. Ms. Rizzuti also had copies of the City's agreement with Union Pacific Railroad regarding the right-of-way at the area of Manhole 89 and stated if anyone wanted a copy she would be happy to provide them one. One of the obstacles USIBWC has in trying to do repairs at Manhole 89 is that we don't have rights to the right-of-way; the City has the rights. Ms. Rizzuti said her colleague will discuss this, and one of the things that has taken USIBWC some time is getting an agreement in place with Union Pacific Railroad that will allow USIBWC to enter the area and do this work.

Q) What was the capacity of the original plant?

A) I believe that the original capacity was 6 mgd. The current capacity is 14.74. Every plant is designed to treat more, the current plant is rated at 17.2 mgd for treatment capacity.

Q) The current flow from Mexico is 10 million gallons?

A) There is capacity to treat everything coming in.

Q) If the plant was expanded at the original site, we wouldn't be negotiating ownership, etc., correct?

A) Yes, that is correct.

Q) You're saying that the Commission is still responsible for the 1.5 miles of pipeline plus the responsibilities of the current plant in Rio Rico?

A) Yes, and in 1996 we took on operating the plant.

Q) In 1969 when the City contractually agreed to take care of this, what was the population of Nogales, Sonora?

A) I don't know.

Q) If the legislation that is currently in Congress, do you have any idea of what would happen if this was passed?

A) I don't really know all of the details, but I think it absolves the City of costs to any infrastructure improvements which would mean that the USIBWC would have those responsibilities, what is unclear to me is if the USIBWC were given ownership of the IOI, what would we charge for connections and conveyance? How do we start to manage a municipal system since that is not our mission. That is something that is not addressed there, and a lot of steps would have to be taken – should that legislation be enacted.

Q) If the funding for the emergency repairs were taken from “mission critical” functions, what is considered mission critical?

A) Dams, river levees, other treatment plants. We also have a wastewater treatment plant in San Ysidro CA that treats 100% sewage from Mexico.

Q) Who owns the effluent?

A) Mexico and the United States.

Q) Have the permits been submitted to the railroad?

A) Yes – that is part of Mr. Nunez’s presentation.

Q) Is there any way to get a copy of your presentation? There is a lot of information that I was not aware of that is really good information.

A) We usually post them on our website.

Presentation Four: Rehabilitation Improvements for the Nogales Trunkline and International Outfall Interceptor (IOI) Jose Nuñez, Principal Engineer, USIBWC

Mr. Nuñez began his presentation by explaining the purpose of the rehab project. Number one is to rehab an almost 50-year-old sewer line that has reached its useful life. To avert a spill or leakage that could affect the health and safety of the communities of Ambos Nogales as well as downstream communities along the wash and the Santa Cruz River, and finally to repair any existing structural damage. The sewer line has 99 manholes within its alignment and ranges in size between 24 inches and 42 inches in diameter. Mr. Nuñez showed some photos of the current pipe deterioration and inflow and infiltration.

In January of 2015, the USIBWC entered into a cost-share agreement with the City of Nogales, AZ for the design of rehab improvements to the pipeline. We had \$750,000 and agreed to go up to that amount and that the City would pay 23% of anything over that. Right now, we have exceeded by \$16,000 over the \$750,000 and we are still waiting on reimbursement from the City. In May of 2015, the USIBWC awarded an engineering design contract to AECOM/URS. The project is divided into five (5) phases, so each phase will have its own separate sets of plans and specifications. The rehabilitation will utilize the cured in place pipe (CIPP) process. Using this process, there will be little or no disruption to the existing ground conditions. The process basically consists of a resin-filled polyester felt tube (liner) that is inserted into an existing pipe. A vacuum process is used to evenly distribute the resin. The liner is then inflated and thermally cured in place using either hot water, steam or UV. I have some examples of what this will look like if anyone would like to see them.

Phase one consists of the area between Manholes 85 thru 99. Phase two consists of areas between Manholes 1 thru 37. Phase three will consist of areas between Manholes 37 and 51. Phase four is between Manholes 51 and 66. The final phase will be between Manholes 66 and 85. The rehab process will address operational defects such as current accumulation of debris, groundwater inflow and infiltration, and root intrusion in both the manholes and the pipeline throughout the sewer line. It must be noted that vegetation along the pipeline route must be managed in order to avoid future root intrusion. Rehab will also address structural defects including corrosion, cracks, and wall penetrations. Mr. Nuñez described the project description and the design work schedule, noting that the design for Phase 1 is currently complete. The agency is anticipating the design for Phases two through five should be completed by the end of 2017. As a result of our focus on the emergency repairs to Manhole 89, we got behind on reviewing the plans and specs for rehabilitation of the IOI.

Questions:

Q) Of the five phases, how much money do you have on hand to pay for it?

A) Last time I checked we had between \$10 and \$15 million dollars.

Q) How many of the phases will that cover?

A) It runs between \$6-8 million dollars per phase. In order for us to start construction, we need to enter into a cost share agreement with the City. The last time we met with the City, they really didn't want to talk numbers until they found out what is going to happen with the legislation that was introduced.

Mr. Lomeli stated that it makes perfect sense to use the CIPP in the sections where we have exfiltration of raw sewage, but we are talking here about public safety/public health, it does not make sense that we would do that with the rest of the pipe that needs to be taken out of the wash. We need to get that pipeline out of that wash. The CIPP is not going to provide any additional structural protection.

A) Yes, it does provide structural protection. The liner has the same strength as it would be going in and replacing the pipe. It could last 100 years. This liner has been tested under different conditions and has performed better than what we have now.

Q) So you're telling me this liner is going to protect us against floods, erosion, etc.

A). Yes.

Q) Is the cured in place pipe going to work?

A) Yes, it is very strong, as strong as replacing the pipe itself, with less harm to the area.

Q) Will you tell the community how long this project will take once the cost sharing is figured out and the bids are awarded?

A) As far as construction is concerned, once the project gets awarded, we are talking about a year, year and a half. Most likely it will be done in different phases.

Q) Will this project be affected by you appealing to the courts?

A) It doesn't necessarily have to impact the project. Our Commissioner prefers this project gets done as soon as possible. We have the design and money in hand. We just need to have a cost share agreement and contracts awarded.

Q) You are saying this is a long-term solution, not just a short-term fix?

A) This has been used in the industry for almost 50 years. It's a lot cheaper and you reach your objective. The end result would be the same as using regular pipe.

Q) Whose responsibility is it to take care of the trees that are causing issues with the pipe?

A) It really depends – the City claims their responsibility is only within the City limits – there is also a large amount of trees outside the City limits, that becomes the responsibility of either the County or private property owners.

Q) This will reduce the capacity of the pipe?

A) It will not decrease, it will make up for it in velocity. The liner is smoother than a regular pipe, therefore, the flows should travel faster.

Q) It is my understanding that this process will produce styrene gas. What are you going to do to prevent this from happening in higher populated areas?

A) This process is used in major cities, so I think if it was a big hazard, no one would be using it.

Q) Can we reach out to Pima County and see how they are dealing with it?

A) Pima County gave a presentation on CIPP technology to the CF 12/15/16 and reported great success with CIPP technology. We have already done this.

Presentation Five: Emergency Repairs to Manhole 89 – Jose Nuñez, Principal Engineer, USIBWC

On July 25, 2017, the City of Nogales notified the USIBWC of the damage at Manhole 89 stating that the manhole was dislodged due to recent heavy rainfall.

On July 26, the USIBWC started participating in the daily Santa Cruz County Emergency Operations Center (EOC) briefings (as this was the first time we were invited) and on July 27 confirmed that partial breach of Manhole 89 was spilling sewage into the Nogales Wash.

On July 28, the USIBWC contracted with KE&G Construction out of Tucson, Arizona to install a bypass and perform repairs. USIBWC had personnel onsite to coordinate with KE&G and the installation of the sewer bypass was started.

On August 2nd, the bypass system was operational and the spill was contained. Closed-circuit television (CCTV) inspection of the IOI was performed to identify damages. USIBWC met with the United States Army Corps. of Engineers and the City of Nogales to discuss assistance with the bank stabilization behind Manhole 89.

On August 4th, the City of Nogales plugged contributing sewer lateral at Manholes 97 and 88 and KE&G proposed options for repairs which included addressing the challenges for access to the work site. USIBWC issued a notice to proceed to KE&G to procure replacement pipe and precast manhole on August 8th. At this time, the USIBWC continued to review the implications of constructing a diversion channel and shoring.

On August 9th, the pipeline plug at Manhole 89 failed due to debris in the sewage flows which caused a brief sewage spill. The plug was adjusted and re-inflated.

August 11th, a backup pipeline plug was installed at Manhole 86 and on August 15, the USIBWC sent a letter requesting assistance from the City of Nogales and Santa Cruz County to build a diversion channel and shoring for bank stabilization.

On August 17, a conference call was held with USIBWC, City of Nogales, Santa Cruz County and Arizona Department of Emergency and Military Affairs (AZDEMA) to discuss requested assistance and state cost-sharing assistance.

August 22nd, the USIBWC started reviewing the alternate option of relocating Manhole 89 in order to avoid the need for diversion and shoring.

On August 23rd, the City of Nogales notified the USIBWC that despite the state's offer to pay 75% of the cost, they would not be providing any assistance at all, and on the 24th of August Santa Cruz County also notified the USIBWC that they also would not be providing any assistance and KE&G notified the USIBWC that the alternate option of moving the manhole would still require diversion and shoring.

On August 25th, USIBWC investigated National Environmental Policy Act (NEPA) requirements under

emergency orders and started coordinating with Union Pacific Railroad for a permit to work within their right-of-way, beyond the City of Nogales IOI easement.

August 28th, KE&G was sent a notice to proceed with the plan to construct a diversion channel and procuring design/materials for shoring.

On August 30th, the USIBWC gathered City of Nogales IOI easement information and contact information for private property to request a right of entry agreement and the State of Arizona asked the County if it would participate in a partnership with the U.S. Army Corp of Engineers for the permanent bank protection adjacent to the manhole repair at no cost whatsoever to the County, and on September 1st, the County declined, stating that there is no current emergency that places the health and safety of our citizens in imminent danger and on the 19th of September they notified the USIBWC that they will no longer support the emergency repair work and will reopen Old Tucson Road on October 1. This will directly impact the emergency bypass pipeline. That pretty much gives you the timeline of when the USIBWC was notified up until this point. Mr. Nuñez discussed the bypass system and some of the damages that were found, including misaligned joints, infiltration, the structure was dislodged and shifting. This was most likely caused by erosion around risers due to debris. The Wash bank is significantly eroded and riprap protection degraded. Mr. Nuñez discussed some of the challenges of the project including high flow, lack of county and city participation, requiring right of entry agreement. The current schedule is to start construction on October 2 with an estimated completion date of October 27.

Questions:

Q) You were talking about the Corp of Engineers were willing to do the shoring but they would need a local sponsor. What exactly is a local sponsor?

A) A non-federal agency

Q) Why wouldn't the City do that? What would their reason be?

A) The City's response was this was outside the City Limits.

Q) What does a sponsor have to do?

A) Basically, just take over maintenance once the project is finished.

Q) When you're talking about shoring, could that just not be riprap?

A) No, when talking about shoring, we are talking about some type of wall, it needs to be solid.

Q) Who is supposed to take care of or remove the trees?

A) The City says they are only responsible to the City Limits.

It was noted that the County Manager, Jennifer St. John was in attendance, and a few audience members had a few questions for her.

Q) It sounds like this was a public health emergency, and with the health department, emergency services, etc., perhaps you can tell us why the County didn't participate?

A) Thank you all for coming out and attending this meeting. As you can see this needs a lot of cooperation, and I don't really want to get into who did what, who didn't do what. We feel that we had a very successful project - on the parts that we were involved in and that we did what the county could do legally. I'd be happy to talk to you all at a different time, I don't want to get into a he said/she said. Again, we felt like we did what we could legally do for the health and safety of the residents. I am willing to speak to anyone after the meeting if they would like.

Mr. Nuñez stated that a letter was also sent to the City of Nogales informing them that Manhole 86 and 87 were facing the same issues as Manhole 89.

The Corp of Engineers is still willing to come in and do the permanent bank protection; but again, they need a sponsor in order to do so.

Q) Can we discuss what is going on in Naco, AZ?

A) The next Citizens Forum meeting will be held in Cochise County and I'm sure that the topic will be discussed at that meeting.

Amanda Smith from The Sonoran Institute announced that they are having a public meeting at 6:00 pm on November 16, same location as this meeting – topic will be the Input on the Santa Cruz River.

Public Comment:

You mentioned that there is no place in the treaty that specifically mentions Nogales, but does in regards to waterways. Doesn't that include the flooding in the Nogales Wash?

Q) No

Concerns that the line with the brand-new lining in it won't be able to handle the growth in sewage from Nogales Sonora as the population increases.

Ms. Gabaldon stated that it is very important to keep these conversations going, and continue to look forward to finding solutions to these issues that are affecting us here locally.

How do we make this happen? It seems that nobody wants to work together, all you hear is it's not my job, or they didn't do this? We need to keep this on the front burner.

Board Discussion/Suggested future agenda items:

Next meeting to be held in Cochise County. It was determined by the Board that since the meeting went later than anticipated, they requested that future agenda suggestions and a possible location be emailed to each other and decided at a later date.

Meeting adjourned.

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