UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

The Honorable John McCain
United States Senate
Russell Senate Office Building, SR-218
Washington, DC 20510-0303

The Honorable Jeff Flake
United States Senate
Russell Senate Office Building, SR-413
Washington, DC 20510-0305

The Honorable Martha McSally
U.S. House of Representatives
510 Cannon House Office Building
Washington, DC 20515-0302

Dear Senator McCain, Senator Flake, and Congresswoman McSally:

Thank you for your letter dated September 21, 2017, regarding transboundary flows of raw sewage from Naco, Sonora, Mexico into Arizona. We share your concerns about the consequences of transboundary flows in the Arizona-Sonora border region. We have an extensive history of action to minimize transboundary flows and improve water quality in the Santa Cruz and San Pedro River watersheds, and we remain committed to these goals. Following please find our response to your specific questions; we'd also be pleased to brief your offices.

What responsibility does the EPA have in the monitoring and mitigation of such spills?

The 1983 La Paz Agreement affords EPA a coordinating role on transboundary environmental issues along the U.S.-Mexico border. The U.S.-Mexico Border Environmental Program (known as Border 2020) serves as the framework to engage U.S. and Mexican jurisdictions on transboundary pollution issues. EPA has worked closely with the Arizona Department of Environmental Quality (ADEQ), the International Boundary and Water Commission (IBWC), the North American Development Bank (NADB), and Arizona/Sonora Border 2020 water task force members on the Naco spill.

Congress appropriates funding for EPA to construct drinking water and wastewater infrastructure projects on both sides of the border. All EPA-funded projects in Mexico must result in a benefit to the United States, and all EPA funding must be matched by Mexico. In the Santa Cruz River and San Pedro River watersheds, we have provided over $100 million for the planning, design and construction of six major infrastructure projects. Congressional appropriations do not permit us to divert this long-term water infrastructure funding for emergency situations, including sewage spills.

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How long has the EPA been aware of the effluent spill in Naco, Arizona, and Bisbee, Arizona? What steps have been taken by the EPA to resolve this issue in the many years that the spill has breached Arizona's borders?

EPA invested approximately $1 million in the late 1990's to construct the wastewater treatment plant in Naco, Sonora. Due to poor maintenance and a lack of technical capacity in Mexico, Naco's wastewater treatment plant has increasingly suffered equipment failures in recent years. The most recent spill, which began in July and is described more fully below, was caused by a broken pump at the treatment plant and the absence of a backup pump/system.

To rehabilitate the treatment plant, Naco, Sonora recently applied for additional EPA infrastructure funding. With NADB, which administers our border water infrastructure funding, we are reviewing infrastructure projects proposed as part of our most recent solicitation. We will make funding decisions in February 2018. Although funding for EPA's border water infrastructure program has declined sharply from historical levels and FY18 funding is uncertain, minimizing transboundary flows of raw sewage from Mexico remains our top priority.

What steps has the EPA taken to assist the community in their rehabilitation of the impacted areas? Has the EPA worked with other relevant agencies or conducted internal investigations to study the public health, safety, and economic implications of this spill?

In July 2017, wastewater from the Naco, Sonora treatment plant began flowing across the border onto private property in Arizona via a wash tributary to the San Pedro River. We learned of the situation in early September. Since then, we have engaged with binational, federal, state and local agencies to strengthen response to the spill. The IBWC loaned a pump to Naco, Sonora to temporarily replace the broken pump, and a permanent replacement has since been installed. ADEQ has taken swift on-the-ground action to remedy this emergency. We have engaged with the NADB to allocate $10,000 to defray costs of emergency repairs. As noted above, EPA and NADB are evaluating a proposed upgrade to the Naco, Sonora wastewater treatment plant to reduce future upsets and transboundary flows. Nonetheless, all local systems could do much more regarding preventative maintenance, while the federal government may fund capital costs. We are working with our binational partners on options to exert greater leverage on local systems in Mexico to fund and conduct a greater level of routine and preventative maintenance.

I hope that this information is responsive to your concerns. If we can be of further assistance, please call me at (415) 972-3572 or refer staff to our Congressional Liaison, Brent Maier, at (415) 947-4256 or maier.brent@epa.gov.

Sincerely yours,

Alexis Strauss 6 October 2017

Alexis Strauss
Acting Regional Administrator

cc: Edward Drusina, U.S. Commissioner, IBWC
Misael Cabrera, Director, ADEQ
Alex Hinojosa, Acting Managing Director, NADB