

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7-2003-0031

REQUESTING THE UNITED STATES FEDERAL GOVERNMENT
TO EXPEDITE EFFORTS TO ABATE NEW RIVER POLLUTION FROM MEXICO

- WHEREAS, the New River flows northward from Mexicali, Mexico into Imperial County and is notorious for exceptionally high concentrations of biological, chemical, and industrial pollutants that have been unmitigated for decades; and
- WHEREAS, efforts over the past forty years to eliminate raw sewage spills, industrial discharges, animal waste, and dumping into the New River in Mexicali, continue to yield unsatisfactory results and expose residents of the United States to dangerous public health risks; and
- WHEREAS, approximately twelve million gallons per day of raw sewage currently are discharged into the New River from the Nutrimex, Principal and Soledad sewage collectors, and Pumping Plant No. 5; and
- WHEREAS, up to five million gallons per day of raw sewage are spilled into the New River due to malfunctions in Mexicali's sewage collection system; and
- WHEREAS, raw sewage contains industrial wastes from maquiladoras established under the auspices of the North America Free Trade Agreement; and
- WHEREAS, Mexicali has no effective program or equipment to satisfactorily respond to raw sewage or other spills; and
- WHEREAS, the California Legislature, this Regional Board, the Imperial County Health Officer, and Imperial County cities declared pollution in the New River at the International Border an emergency situation; and
- WHEREAS, the United States Government, primarily through the United States Environmental Protection Agency but also through the United States Section of the International Boundary and Water Commission, North American Development Bank, and Border Environment Cooperation Commission, has responsibility and authority for resolving water pollution issues with Mexico; and
- WHEREAS, the United States Environmental Protection Agency is the lead Federal agency for New River sanitation projects at the International Border; and
- WHEREAS, the United States Environmental Protection Agency has proposed actions that will not eliminate most raw sewage discharges to the New River in a reasonable time frame; and
- WHEREAS, the Government of the United States does not consider immediate corrective action to mitigate or eliminate New River pollution a high priority, as evidenced by ongoing contamination to the River, and actions or inactions of the United States Environmental Protection Agency; and
- WHEREAS, failure of the United States Environmental Protection Agency and United States Section of the International Boundary and Water Commission to expeditiously correct New River pollution at the International Border is an environmental injustice to the City of Calexico, and undermines the authority of the United States President to negotiate trade

agreements that protect the environment, the power of the Environmental Protection Agency to implement laws and regulations, the objectives of the Salton Sea Reclamation Act of 1998 to restore the Salton Sea, and California's ability to protect water resources.

NOW THEREFORE BE IT RESOLVED, that the Colorado River Basin Regional Board insists that:

1. The Governments of the United States and Mexico immediately declare New River pollution at the International Border an emergency demanding immediate corrective action.
2. The Governments of the United States and Mexico immediately reduce risks to public health by eliminating discharges of raw sewage and untreated industrial wastes to the New River in Mexico.
3. The Governments of the United States and Mexico immediately institute an effective program to respond to emergency spills of raw sewage or untreated industrial waste, including acquisition and use of equipment to reroute spills.
4. The United States Government achieves significant progress toward eliminating public health hazards from the New River in Calexico within one year.
5. If progress is not accomplished within one year, the United States Government should make appropriate management and organizational changes to agencies and departments charged with the responsibility of correcting New River pollution at the International Border until the desired results are achieved and public health is protected.

The California Regional Water Quality Control Board, Colorado River Basin Region, adopted this resolution at its regular meeting on May 7, 2003.

PHIL GRUENBERG
Executive Officer

Date