

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

**RESOLUTION NO. R7-2012-0022**

**SUPPORTING THE ASSEMBLY BILL 1079 TECHNICAL ADVISORY COMMITTEE'S  
STRATEGIC PLAN FOR THE NEW RIVER IMPROVEMENT PROJECT**

- WHEREAS,** The New River, which traverses the international border between Mexicali, Mexico, and Imperial County, California, United States, poses an imminent and severe threat to the public health of residents of the city of Calexico, California, and adjacent communities in Imperial County; and
- WHEREAS,** Since the 1940s, the New River has been a significant pollution and human health problem, primarily because of extremely high concentrations of fecal coliforms and nuisance odors; and
- WHEREAS,** The New River is listed as a water quality impaired water body by the U.S. Environmental Protection Agency pursuant to Section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)) due to low dissolved oxygen and the presence of pesticides, nutrients, pathogens, sediment, selenium, toxaphene, toxicity, trash, and other pollutants; and
- WHEREAS,** The New River is a major contributor of pollution to the Salton Sea, and failure to address water quality problems in the New River also hinders the ability of the state of California to implement laws and programs designed to restore and protect this important environmental and wildlife habitat resource and ecosystem; and
- WHEREAS,** The New River condition in this border area is also an aesthetic nuisance for the city of Calexico residents and has historically inhibited the city's socio-economic well-being and growth; and
- WHEREAS,** Assembly Bill (AB) 1079 (sponsored by Assemblyman V. Manuel Perez), enacted into law in 2009 and codified in Public Resources Code section 71103.5 (added by Stats. 2009, ch. 382, § 1), directs the California-Mexico Border Relations Council (CMBRC) to develop a Strategic Plan for the New River to study, monitor, remediate and enhance the New River's water quality to protect human health, and develop a river parkway suitable for public use and enjoyment. Creation of a river parkway in Calexico is also specified in federal legislation as part of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub.L. No. 109-59 (August 10, 2005) 119 Stat. 1144); and
- WHEREAS,** AB 1079 further requires the Strategic Plan to quantify water quality impairments and their threat to public health, identify and prioritize actions to protect public health, meet water quality objectives and other environmental goals, identify funding sources, and identify public agency roles and responsibilities for implementation; and

**WHEREAS,** The CMBRC is chaired by the California Secretary for Environmental Protection, who appointed the New River Improvement Project Technical Advisory Committee (TAC) in 2010 to assist with the preparation of the Strategic Plan; and

**WHEREAS,** The TAC conducted multiple community outreach events to seek public input into the preparation of the Strategic Plan, including public meetings in the cities of Calexico, Brawley, and El Centro in February 2011; and

**WHEREAS,** The TAC met on over thirty different occasions to prepare a draft Strategic Plan, which identifies structural and non-structural controls to address the river's impairments, including trash screening and wastewater disinfection infrastructure in the city of Calexico area to address the threat that the New River poses to human health and wetlands downstream from the city of Calexico area to address other impairments; and

**WHEREAS,** The TAC also conducted a Technical Peer Review Workshop in September 2011 in the city of Calexico, where experts from academia and the private and public sectors evaluated key strategic actions that the TAC identified and recommended be part of the Strategic Plan, including the disinfection infrastructure for the city and the wetlands downstream from the city; and the peer reviewers concurred with the TAC's recommendations; and

**WHEREAS,** Following the above-mentioned Workshop, the TAC conducted additional public meetings in the cities of Calexico, Brawley, and El Centro to provide the public with additional opportunities to comment on the TAC's key recommendations; and subsequently, the TAC finalized a Draft Strategic Plan pursuant to the requirements of AB 1079 and submitted it to the California Environmental Protection Agency on December 22, 2011, for consideration of adoption by the CMBRC; and

**WHEREAS,** Addressing the threat that the New River poses to human health is a Strategic Goal for the Regional Water Quality Control Board (Regional Water Board), and

**WHEREAS,** The TAC's Draft Strategic Plan contains a series of comprehensive measures that, if implemented, would ensure attainment of this Strategic Goal and the New River's beneficial uses; and

**WHEREAS,** The Regional Water Board staff presented the TAC's Draft Strategic Plan to the Regional Water Board during a public workshop on January 19, 2012, for review and discussion.

**NOW THEREFORE BE IT RESOLVED** that:

1. The Regional Water Board respectfully urges the California-Mexico Border Relations Council to adopt the Draft Strategic Plan prepared by its TAC.

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2. The Regional Water Board respectfully recommends that in its Final Strategic Plan, the California-Mexico Border Relations Council prioritize for implementation the structural and non-structural actions identified by the TAC for the city of Calexico area and the wetlands downstream from the city.
3. The Executive Officer is directed to submit a copy of this Resolution to the California Environmental Protection Agency, State Water Resources Control Board, U.S. International Boundary and Water Commission, and U.S. Environmental Protection Agency.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin, on March 15, 2012.

  
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ROBERT PERDUE  
Executive Officer