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## **State of Arizona Files Lawsuit against IBWC for Allowing Untreated Industrial Wastewater to Cross Border at Nogales**

PHOENIX (May 25, 2012) -- Arizona Department of Environmental Quality officials announced today that a lawsuit has been filed against the U.S. International Boundary and Water Commission (IBWC) for State permit and Clean Water Act violations caused by allowing untreated industrial wastewater to cross the Mexican border at Nogales into Arizona waterways.

The 11-count suit, filed today in Maricopa County Superior Court, states that the IBWC has failed to implement a program to keep industrial waste from entering domestic sewage, which has resulted in illegal levels of cadmium, cyanide, and ammonia nitrogen entering Arizona. ADEQ will ask the court to require that IBWC either implement a pretreatment program or install an industrial waste treatment system at the Nogales International Wastewater Treatment Plant in Rio Rico, north of Nogales.

Despite two previous Notices of Violation and a Compliance Order issued by ADEQ against IBWC, the federal agency has not achieved compliance and the violations continue. Since 2008, the IBWC has self-reported more than 100 violations of the cadmium, cyanide and ammonia nitrate standards set in its Arizona Pollutant Discharge Elimination System permit.

“These are serious violations that have largely been ignored by the IBWC,” said ADEQ Director Henry Darwin. “ADEQ has worked with our counterparts in Mexico to significantly reduce cadmium in the past, but IBWC has not continued our work and the problem has returned.”

Nogales Mayor Arturo Garino also said he was pleased that the State of Arizona has taken action in court.

“The city of Nogales has attempted for years to have the International Boundary and Water Commission take responsibility for the flood waters and the raw sewage from Mexico that flow through the middle of Nogales,” Mayor Garino said. “I am pleased that the Governor’s office along with the Arizona Department of Environmental Quality have also recognized the issue and are taking steps necessary to bring this international issue with devastating health and safety effects to the attention of the federal government.”

Stormwater flows into Arizona beneath the international boundary to Nogales Wash, a concrete channel which conveys the water to the Santa Cruz River. About three feet beneath the wash is the International Outflow Interceptor (IOI), a pipeline which moves raw sewage and untreated industrial wastewater to the Nogales, Ariz., treatment plant. The raw sewage is treated before it is released into the Santa Cruz River but the plant has no equipment to remove the heavy metals in the industrial wastewater.

Because of the system's age and high water flows from Mexico, the Nogales Wash and IOI had major failures every year from 2007 until 2011, some of which impacted the Santa Cruz River.

ADEQ will also ask the Court to require IBWC to perform an engineering study to rehabilitate the Nogales Wash and the IOI and also perform the work needed to complete the rehabilitation.