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Folder Title:
U.S.-Mexico Border Water Pollution Act

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Honorable Thomas S. Foley
Speaker of the House
Washington, D.C. 20515

+ H. Gore

Dear Mr. Speaker:

I am pleased to transmit to you the Environmental Protection Agency's (EPA's) draft legislation, the "U.S.-Mexico Border Water Pollution Control Act." This bill would authorize funding of the construction of international wastewater treatment facilities in the vicinity of the international boundary between the United States and Mexico.

Specifically, this legislation would:

- * allow EPA to provide financial assistance through the International Boundary and Water Commission (or other Federal Agency or border state) for design and construction of Mexican border international wastewater facilities;
- * require that such treatment works be built in accordance with Clean Water Act guidelines;
- * require both a Mexican and affected U.S. State share;
- * allow EPA to provide financial assistance to any U.S. Border State and U.S. Colonias;
- * authorize to be appropriated \$80,000,000 for FY 1994.

The Office of Management and Budget advises us that there is no objection to the submission of this legislation to Congress and that enactment of such legislation would be in accord with the program of the President.

Sincerely yours,

Carol M. Browner

DRAFT*Draft # 285***LEGISLATIVE PROPOSAL:****Funding Authorization for U.S.-Mexico Border
Wastewater Treatment Facilities****Purpose:**

To authorize the funding of the construction of international wastewater treatment facilities and wastewater treatment facilities to serve U.S. Colonias to provide water pollution control in the vicinity of the international boundary between the United States and Mexico.

Rapid development has occurred in recent years along the U.S.-Mexico border. This has resulted in the discharge of untreated or inadequately treated domestic and industrial wastewater into surface water drainage systems which flow into the United States or form the international boundary between the U.S. and Mexico. Serious threats to the water environment as well as public health are documented in many locations along the border.

On February 25, 1992, the governments of the United States and Mexico adopted the "Integrated Environmental Plan for the Mexican-U.S. Border Area." The plan sets forth specific measures to be taken by both governments to restore and protect the environment along their common border. A key element in this regard is the commitment to construct international wastewater treatment facilities to protect U.S. border communities from the harmful effects of untreated or inadequately treated wastewaters originating in Mexico.

The proposed legislation would establish authority to appropriate funds for wastewater projects in the U.S. colonias and the U.S. share of international wastewater facility construction.

Proposed Legislation:

--- See Attachment ---

DRAFT**A BILL**

To authorize the funding of the construction of international wastewater treatment facilities and wastewater treatment facilities to serve U.S. Colonias to provide water pollution control in the vicinity of the international boundary between the United States and Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE:

This Act may be cited as the "U.S.-Mexico Border Water Pollution Control Act".

SEC. 2. PURPOSE.

The purpose of this Act is to protect the economy, public health, environment, surface water and water quality of the U.S.-Mexico border area which is endangered and is being polluted by raw or partially treated sewage.

SEC. 3. FINANCIAL ASSISTANCE FOR INTERNATIONAL WASTEWATER TREATMENT FACILITIES

Upon approval of the necessary plans and specifications, the Administrator is authorized to provide financial assistance to the Secretary of State, acting through the American Section of the International Boundary and Water Commission (hereinafter in this Act referred to as the "Commission"), or any other Federal agency or any other appropriate commission, or any U.S. Border State, or entity designated by the President, for planning, design and construction of high priority international wastewater facilities in the area of the Mexican border, to become available upon the successful conclusion of an appropriate minute of the International Boundary and Water Commission and an agreement with the affected U.S. border state of an appropriate state cost share. Such financial assistance shall be for construction of treatment works for the purposes of Section 2.

SEC. 4. OPERATION AND MAINTENANCE.

The Commission or such other agency, commission, or entity as may be designated under section 3 is authorized to operate and maintain any treatment works constructed under this Act in order to accomplish the purposes of this Act.

SEC. 5. APPROVAL OF PLANS.

Any international wastewater treatment facility for which financial assistance is provided under this Act shall be constructed in accordance with plans developed and approved by the Commission or such other agency, commission, or entity as may be designated under section 3, in consultation with the water pollution control agency of the affected State, and approved by the Administrator to meet the construction standards which would be applicable if such treatment works were being constructed under title II of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1281, et. seq.). Such plans shall include construction cost estimates and identify responsible parties and the appropriate allocation of costs associated with operating and maintaining the treatment works.

SEC. 6. FEDERAL SHARE.

Construction of international wastewater treatment facilities under section 3 shall be at full Federal expense less any cost paid by the affected U.S. State and less any costs paid by the Government of Mexico and other affected parties as a result of agreements negotiated in good faith with the United States.

SEC. 7. FINANCIAL ASSISTANCE TO U.S. COLONIAS

The Administrator is authorized to provide financial assistance to any U.S. Border State, or entity designated by the President for construction of treatment works in U.S. Colonias. "Colonias" are low-income U.S. communities, populated primarily by Hispanic residents, which are located along the U.S. - Mexico border, generally in unincorporated areas. These communities lack basic sanitation facilities such as safe drinking water, household plumbing and proper sewage disposal systems. The federal share of construction costs for grants to serve colonias shall be 50 percent to be matched by an equal amount of State funds from State sources.

SEC. 8. DEFINITIONS.

For the purpose of this section, the terms "construction" and "treatment works" have the meanings such terms have under section 212 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1292). Notwithstanding section 212 "Sewage" shall mean the spent or used water of a municipality which contains human waste and other dissolved and suspended matter. Sewage is derived principally from dwellings, commercial establishments, institutions and the like, but may include contributions from industries which discharge to the municipal collection system, as well as any ground water, surface water and stormwater which enter the system. An "International Wastewater Treatment Facility" is a facility that treats wastewater that originates in Mexico.

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SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the purposes of this Act \$80,000,000 for fiscal year 1994.