



CALEXICO NEW RIVER COMMITTEE

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ACTION ALERT * ACTION ALERT * ACTION ALERT

**Please Support SB 387 (Ducheny) to Clean Up the New River and
Protect Human Health and the Environment
Bill to be Heard in Senate Natural Resources & Water Committee on
March 29, 2005**

March 22, 2005

For More Information Contact:

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On behalf of the [Calexico New River Committee](#), and other community-based organizations, we ask for your support on SB 387 (Ducheny), which will be heard in the Senate Natural Resources and Wildlife Committee on March 29, 2005. We have attached the bill language (as it will be presented and amended in Committee) to this Alert.

The Calexico New River Committee was established in 2001 and is dedicated to eliminating the negative impact of the New River in Calexico and the rest of the Imperial County. The purpose of SB 387 is very straightforward: to create authorization in state law to fund a comprehensive project within California to protect human health and the environment in Calexico and surrounding areas, and to set the stage for more comprehensive bi-national remediation efforts in the future.

SB 387 is the next logical step in an effort that spans over 50 years of work to clean up the New River as it flows through the City of Calexico. Often referred to as the most polluted river in the United States, the New River originates near Mexicali, Mexico, and flows across into the United States through the City of Calexico and regions of the Imperial County, California before discharging into the Salton Sea.

Flows in the Calexico New River carry urban runoff, untreated and partially treated municipal sewage, untreated and partially treated industrial waste, and agricultural runoff. Although caused by a complex international situation, primarily the citizens of Calexico and the undocumented workers attempting to cross into the United States by floating or swimming in the river experience the impact of the New River pollution. The public threat to these individuals and those living in the areas is unacceptable.

The New River water has been found to contain bacteria and viruses known to cause human disease including streptococcus, tuberculosis, encephalitis, arbovirus, polio, cholera, hepatitis, and typhoid. Further testing of fish collected near the border has revealed abnormally high levels of PCBs and mercury (CRWQCB, 1998). New River pollution also stifles economic development in the Calexico area. The area along the river has a noxious odor and is undeveloped. It is likely to remain undeveloped until a solution is found.

Although some sewage treatment is provided in Mexico, the New River routinely and substantially exceeds water quality standards for fecal coliforms, dissolved oxygen, a number of industrial chemical constituents, sewage solids, and trash. Sometimes animal carcasses are visible in the New River as it crosses into the United States.

The California Regional Water Quality Control Board (CRWQCB) and the Imperial County Health Department have identified and posted the New River as a public health hazard. A report (*US EPA, February 28, 1998) evaluating New River pollution stated, "The New River poses a potential public health hazard because area residents could be exposed to fecal streptococci, and other pathogens through contact with contaminated surface water and foam." A severe health hazard is also caused each day when over 100 undocumented workers swim and float down the New River in the hopes of reaching the United States.

Efforts to address the problem of New River pollution have been underway for decades, but have been frustrated by a number of factors:

- Mexico has encased the New River for five miles immediately south of the international border, to protect its citizens from exposure and has instituted and continues to plan for and make improvements to its sewage collection and wastewater treatment systems, but its success has been limited by a lack of funding, the need to address higher priorities, and by explosive population and industrial growth within Mexicali.
- Mexico has been protective of its sovereignty, and at times has turned down offers of United States backed grants of low interest loans to build expanded sewage collection and wastewater treatment facilities within Mexico.

- The State of California legislature has not authorized funding for the New River projects within the United States, stating that it is an international problem, and, therefore, negotiating a solution is the responsibility of the United States federal government

The purpose of SB 387 is very straightforward: to create authorization in state law to fund a comprehensive project within California to protect human health and the environment in Calexico and surrounding areas, and to set the stage for more comprehensive bi-national remediation efforts in the future. This project includes:

- The installation of an automatic bar screen (to remove trash) at the border.
- A channel transition/diversion structure to send design flood river flows directly into the culverts and direct design normal river flows into the bar screen.
- A monitoring station for tow and baseline water quality.
- Cleaning of the river bottom and of the contaminated soil.
- Construction of about 3.5 miles of a double box culvert capable of handling 1500 cfs to contain the rerouted New River where it flows through the developed area of Calexico, including overflow provisions.
- Construction, as necessary, of an energy dissipater at the end of the culverts to insure erosion protection of the natural streamlined channel downstream of the culvert.
- Construction of a wastewater polishing system (e.g., polishing ponds) at the end of the box culverts, North of Highway 98, to provide treatment of residual pollution from Mexico.
- Construct, North of Highway 98, wetlands for additional treatment.
- Create an open space for recreational facilities such as walking/running trails and a soccer/baseball field in the area along the existing river channel.
- Improve New River habitat efforts, such as native vegetation and restored or artificial wetlands, developed in cooperation with fish and wildlife agencies, to mitigate adverse impacts of constructing the improvements.

In addition to including all of the items and features identified above, an optional phase 2 would assist in ensuring that discharges of wastes from Mexico do not violate U.S. EPA approved Pathogen Total Maximum Daily Load (TMDL) for the New River, and includes two other major components:

- The necessary flow diversion facilities (i.e., hydraulic structures, pumping and piping) to capture the average flows from International Drain (i.e., capture the effluent from the wastewater lagoons in Mexicali) and route them to the existing Calexico Wastewater Treatment Plant (WWTP); and
- Construction of disinfection facilities at the WWTP to disinfect the International Drain flows prior to discharge to the New River.

SB 387 creates unambiguous authority to deal with a very specific legal concern that gets at the ambiguous nature of the New River itself: it is really a “river” or is it actually an open-air sewer? Regardless of whether it is a river or a sewer, we need to treat it as an urgent and long-neglected human health problem and address it by providing for a comprehensive remediation effort within

California, including its encasement, which is the way we treat all sewage flows in California through urban areas.

We acknowledge that New River pollution control and water quality enhancement measures may vary as it flows north to the Salton Sea, and that certain natural wetlands treatment systems make sense as the River leaves Calexico and enters open country and agricultural areas. We look forward to working with all concerned stakeholders – and the State of California – to finally solve this vexing pollution problem in Imperial County.

Please lend your organization’s name to this effort and write a letter to the Senate Natural Resources Committee in support of the bill. Letters should be addressed to:

The Honorable Sheila Kuehl, Chairwoman
Senate Natural Resources and Water Committee
Room 407, State Capitol
Sacramento, CA 95814

If you are able, please FAX your letter to the Committee by Friday March 25th to 916/323-2232.

Thank you.



Pablo Orozco
Executive Director

SB 387 (Ducheny)
As it will be amended and heard in Committee:

SEC. 2. Section 7043 of the Water Code is amended to read:

7043. (a) No act authorized in this chapter shall prevent the use or enlargement of any natural channel for municipal purposes or for use in connection with any artificial system of drainage, irrigation, *sewage treatment and pollution prevention*, or flood control which *that* does not cause the flow of water in the channel at the intake of the canal to be less than the quantity of water the owners and appropriators have the right to divert into the intake.

(b) *As used in this section, “use or enlargement of any natural channel for municipal purposes” shall include the encasement and piping of the New River through the City of Calexico to protect human health and the natural environment.*

SEC. 3. The Legislature finds and declares that, because of the unique circumstances applicable only to the City of Calexico and the New River in Imperial County, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.