

Good Neighbor Environmental Board (GNEB)

January 8, 2009

1:00-3:30 p.m.

Final Teleconference Summary

Mr. Mark Joyce, U.S. Environmental Protection Agency (EPA), Designated Federal Officer, GNEB, thanked Board members for their work on the draft for the Twelfth Report to the President and Congress, especially Dr. Diane Austin and Ms. Ann Marie Wolf. Mr. Joyce apologized for the collapsed time frame but noted that an effort must be made to finalize the Report by Friday, January 16, 2008. The next GNEB meeting will be held in March, and there will be great opportunity to engage the new administration and draw attention to issues that the Board has been interested in for years.

Dr. Paul Ganster, Chair, GNEB, reminded members that the Board operates by consensus; therefore, if any issues arise in which consensus cannot be reached, they should be discussed during the teleconference or afterward. The Board must discuss the preliminary matter, particularly the recommendations, which have attracted a number of suggestions and comments. Following this, the GNEB should examine the rest of the text, including the front matter, executive summary, discussion of context, and case studies; he asked members to raise substantive issues and concrete suggestions rather than focusing on copy editing changes. It should be possible for the contractor, Ms. Mary Spock of the Scientific Consulting Group, Inc., to compile the copy editing changes, and he did not want to devote time to issues more related to style than substance during the call. Before the end of the call, the Board should discuss how to proceed. Depending on the issues raised, the Report could be passed to Ms. Spock to prepare a new draft, or it might be necessary to convene small subcommittees to examine specific sections.

Dr. Ganster noted that some Board members believe that there is a need to take the sections at the end of each case study and group them together in an appendix, perhaps labeled "For More Information." This change in structure would make for a cleaner report and allow for a better flow of text.

Discussion of the Recommendations

Dr. Ganster noted that he had drafted the recommendations and had tried to respond to the fact that the Board is a federal committee. The Board advises the federal government, and therefore it is important to think about the government's role. Some very helpful suggestions had been made regarding how to improve the first section.

Ms. Linda Lawson, U.S. Department of Transportation, had submitted comments on the first section. She noted that of the nine case studies, only one listed EPA as the key partner. Nevertheless, the recommendations are focused on improving EPA programs and providing them with more funding. In the current draft, there is a disconnect between the recommendations and the case studies, and it is important to link them.

Mr. Stephen Niemeyer, Texas Commission on Environmental Quality, asked Ms. Lawson whether she recommended that the Board list EPA in all of the case studies. Ms. Lawson's

concern is that the draft does not contain the substance to support what the Board's message about funding. The question is the overall purpose of the report. She had believed that the Board was going to investigate innovative activities in the field, highlight them, and encourage additional, similar activities. Mr. Joyce said that Ms. Lawson's impression of the overall purpose of the report was correct, but the purpose of featuring the case studies was to describe how the lessons learned from these projects will enable the development of better approaches to environmental problems in the future.

Dr. Ganster wrote the recommendations based on the fact that the case studies illustrate interesting interactions among various stakeholders and the effectiveness of Border 2012 in bringing stakeholders together; that is why he noted that added resources to support the process would be very useful. He wanted to emphasize the important convening role that the Border 2012 process had played in several of the cases studied.

Dr. Ganster noted that in discussions with others on the Board, questions had been raised about whether the word "innovation" belonged in the title. The use of this word might not be apt because many of the projects are not particularly innovative, even though they are practical, on-the-ground efforts that seem to be producing results. Mr. Michael Dorsey, San Diego Department of Environmental Health, suggested that given that this report would be issued during the new administration, which supports clean technologies, perhaps using the term "clean technologies" in the recommendations and the title might be useful. Dr. Christopher Brown, New Mexico State University, stated that he believed that the case studies were highly innovative, even though some of them were not necessarily high-technology. He thought that perhaps the thesis statement in the Introduction could be strengthened, but overall he was comfortable with the idea of saying that the case studies were innovative. Ms. Lawson agreed that with the exception of the scrap tire case study, most of the case studies were innovative, but she did not believe that the Board's recommendations addressed that issue. Dr. Ganster said that part of the concern about the use of the term "innovative" stems from the fact that the technologies described were not necessarily innovative; instead, it was their application and the collaborative efforts involving them that could be described as innovative.

Dr. Carlos Rincón, EPA Region 6, pointed out that EPA is a stakeholder in each of the case studies, and it may be necessary to mention EPA as a key partner in each instance. This will indicate that the approaches described in the case studies can serve as positive examples for other projects in which EPA plays a role.

Dr. Brown said that one way to strengthen the recommendations would be to mention the importance of Border 2012 coordination as a "Point to Consider" in all instances in which it is applicable. This would make the linkage between the case studies and the recommendations at the beginning of the report clearer. Ms. Lawson agreed but expressed concern that the Report should not simply call for more funding for EPA programs; this would be undesirable in the current tight funding climate for domestic programs. Instead, the Report should make more specific and substantive recommendations similar to those made in past Reports.

Dr. Ganster asked whether the Board wanted to be specific about the amount of funds devoted to Border 2012 in different years or whether it would be better to avoid specific mentions of

money. It was noted that for those in the border region, there was a large increase in funding in the post-North American Free Trade Agreement (NAFTA) period, but that funding later dropped drastically despite increased needs. Ms. Lawson said that it would be reasonable to make a statement of fact about funding in the Introduction, but funding should not be the focus of the Report.

Ms. Lawson suggested that the results of the case studies could be more accessible if they were pulled out and put in the key messages point at the beginning of the Report or in a box for each case study. When reading the case studies, she had found it difficult to determine the results without reviewing the cases in great detail; other readers might have the same problem. Dr. Ganster agreed that this was a good suggestion. He proposed adjusting the recommendations to state something such as: “These case studies demonstrate that organizational and coordination efforts of federal agencies have been very effective in mobilizing participation on all levels and that continued support of this in the future would pay big dividends.” Such a statement would illustrate how energy in the border has been mobilized through Border 2012 and other efforts, including some at the state level, and investment in such approaches brings big benefits.

Ms. Allyson Siwik, Gila Resources Information Project, suggested that the topic of fostering markets could be added to the recommendations, as it cuts across several case studies. This concept also would fit with the new administration, especially in terms of renewable energy and the need to foster robust markets to obtain increased renewable energy generation capacity in the border region. If this geographic area is optimal for solar or wind energy, it is important to determine whether federal level regulations or tax incentives could strengthen the market. The same could apply to some of the issues related to materials reuse. Dr. Ganster agreed that facilitating this growth is a very appropriate role for the federal government.

Mr. Enrique Manzanilla, EPA Region 9, noted that the Board must remember that an element in all of these case studies is community mobilization—the bottom-up approach. Mr. Manzanilla added that the recommendations should indicate lessons learned from the case studies in terms of what works and therefore needs continued support. What legal, financial, structural, and coordination impediments could be addressed that would facilitate more of these types of projects? Some of these lessons will identify some impediments, such as the legal impediment to transboundary emissions trading in Paso del Norte in terms of federal law and state law in the three border states other than Texas. Mr. Manzanilla agreed that the Board should highlight these considerations, including impediments, and develop recommendations around key, core elements that have been learned from these case studies.

Mr. Hans Huth, Arizona Department of Environmental Quality, who was standing in for Board member Ms. Susan Keith, provided some perspective on impediments based on his experience working on the biodiesel project in Sonora and in Arizona. The projects are relatively small and without much funding, but when other municipalities learn about them, they become very interested in learning about the technology and perhaps applying it in their own communities. There is no formal mechanism for transferring the knowledge base from the project participants to other stakeholders that might be interested in adopting the technologies. The GNEB and EPA could provide a way to document formally how to make biodiesel, fibercrete, and so on by

creating a document on the subjects by encapsulating what has been learned so that it can be shared throughout the broader border community.

Dr. Ganster asked Ms. Lawson, Dr. Brown, and Mr. Manzanilla to send him their specific suggestions for changes in the recommendations by mid-afternoon on Friday, January 9, 2009, after which he would rework the recommendations and send a revised draft to all Board members by Wednesday, January 14, 2009. Ms. Siwik and Mr. Niemeyer also volunteered to be involved in this effort.

Discussion of the Executive Summary

Dr. Ganster said that the Executive Summary would need to be rewritten as the Board reworked the rest of the Report, and there would be little value in spending time on it during the call.

Discussion of the Introduction and Border Context Sections

Dr. Ganster asked Board members for their comments on the Introduction and Border Context sections. Ms. Lawson said that pages 1 through 11 need heavy-handed editing. Dr. Ganster said that Ms. Spock would provide the editing, and he and other Board members who wished to be involved would review the text as well. Mr. Niemeyer noted that many points made in the Introduction also have been discussed in previous Board Reports; he suggested that it might make sense to refer to those previous Reports. Ms. Sally Spener, International Boundary and Water Commission, said that she would like some language about the roles of Ciudad Juárez and Fort Bliss in the Kay Bailey Hutchison Desalination Plant project to be clarified; she considers this an important correction but not a substantive change. Dr. Brown said that he would like to insert a thesis statement into the Introduction; his understanding was that this Report was to provide a discussion of innovative approaches to pollution prevention in the U.S.-Mexico borderlands that promote environmental protection and protect the welfare of border residents. The current opening sentences do not make that case strongly enough. Dr. Ganster asked Dr. Brown to provide an opening statement in line with his proposal.

Mr. Niemeyer said that several lines about the Rio Grande implied that there would always be drought in this area, which is not accurate. He noted that he had sent a comment about this point and wanted to make sure that it was being addressed.

Board members discussed possible ways to acknowledge the contributions of the late Mr. Carlos Marin to the Board's work. Several members suggested putting an "In Memory Of" box near the front of the Report. Dr. Brown asked whether it would be appropriate to dedicate the Report to Dr. Marin, in recognition of his important work in the Border community. Board members agreed that such a dedication would be appropriate, and a suggestion was made to include his photograph as well. Ms. Lisa Almodovar, EPA, drew the Board's attention to another Report that included a dedication in memory of a deceased member and suggested that the format used in that Report might be appropriate.

Ms. Lawson noted that she would provide some corrected language for the discussion of tire recycling.

Dr. Brown stated that the discussions of case studies and case highlights on pages 4 and 5, with their accompanying tables, were confusing. He suggested that there should be a paragraph that explains the difference between case studies and case highlights. Dr. Ganster said that Ms. Spock could provide suggestions on how best to do this. Dr. Austin, University of Arizona, said that given the time crunch, sections had just been inserted into a framework in this part of the Report under the assumption that editing would occur later. Mr. Joyce said that he understood that Ms. Spock would be undertaking the types of changes just discussed in consultation with key Board members, and Dr. Ganster agreed that the changes would be made in this manner.

Discussion of Case Studies

The Board discussed the schedule and mechanism for comments and changes regarding the case studies. All members with comments should send them to the group and Ms. Spock by close of business Friday, January 9, 2009. Ms. Spock will deal with editorial comments and send a list of substantive issues to Dr. Austin and Ms. Wolf. Dr. Austin noted that she would be able to identify many of the substantive issues from the comments submitted on Friday, and she and Ms. Wolf should receive copies of all comments that Board members send to Ms. Spock. The goal is to send a revised version of the case studies to all Board members by close of business Wednesday, January 14, 2009, so that it can be discussed in the conference call on Friday, January 16, 2009. If the recommendations are complete by January 14, 2009, Ms. Spock will incorporate it into the draft so that Board members can review the complete working draft of the document before the conference call.

Dr. Austin said that for all case studies, she and Ms. Wolf needed help regarding contact information for key partners and information about funding. She noted that a decision had been made to not include dollar amounts of funding in the case studies; however, information about funding sources is needed. In all cases, key partners and funders should be mentioned; if they are overlooked, the Report could receive a negative reaction. Dr. Ganster commented that the many participants involved in each project tend to see their own roles as being the most important, so it may be hard identify key people; this is one rationale for putting this information in an appendix. Ms. Siwik noted that some of the case studies mentioned both organizations and individuals' names as key partners, whereas others mentioned organizations only and asked whether the Board should be consistent. Dr. Austin noted that in some cases including the names provided important information, particularly for large organizations such as EPA. In other instances, however, no information on individuals' names was available, and given the timeframe, it would not be possible to obtain this information. Ms. Siwik said that if names were used, the possibility of omitting someone important could become a concern.

Dr. Ganster suggested mentioning institutions that participated and then saying "and others." He noted that some of the case studies involved a large numbers of participants, including federal, state, and local agencies; nongovernmental organizations; and universities. It would be worthwhile to include contact information for the principal institutional representatives so that if readers are interested in a topic, they could get in touch with these individuals. Mr. Niemeyer suggested putting contact information for individuals at the various organizations into an appendix. Dr. Ganster proposed listing the main partners involved and referring people to

institutions or the projects' own Web sites. Dr. Austin said that for large organizations, it would be helpful to indicate the relevant subunit (e.g., Region 9 at EPA). She also noted that because the projects discussed in the case studies are relatively new, many do not have Web sites or even an official report on the project to which readers could be directed. Mr. Joyce pointed out that it had been mentioned earlier that to make the text flow better, the material on key partners, contact information, and references would be placed in an appendix in the back of the Report. Dr. Ganster agreed but acknowledged that it might not be possible to get contact information for every case study.

Dr. Ganster asked for discussion of the content of the case studies, in particular ideas for language to tie the case studies back to the Introduction or recommendations.

Mr. Joyce asked whether all Board members had seen Judge Jerry Agan's comments about outdated information in the Ojinaga highlight. Mr. Joyce reminded Board members of the need for accuracy to preserve the Board's credibility. Ms. Spener proposed that the Ojinaga case study should be deleted from the Report. Dr. Brown said that he had just found out before the conference call that the trees mentioned in the case grew to a harvestable extent, but they could not be harvested because of a lack of money. He suggested either deleting or modifying the discussion of this case. Dr. Ganster said that he had visited this site, as perhaps other Board members have, and that it had created a substantial forest on a flood plain and was preventing dust circulation. He asked whether discussion of the project really needed to be deleted. Dr. Rincón said that the project had been only partially successful and did not reach the goal of commercial benefits, and the trees are not in place currently. The Board decided to eliminate the case highlight from the Report.

Dr. Ganster asked for comments on the fibrous concrete case study. Dr. Austin said that she had received very useful, specific comments on this case from Ms. Spener. Dr. Brown said that it should be mentioned that this and other case studies relied on Border 2012. A note of that should be included in the Points to Consider, thus strengthening the link back to the recommendations. Dr. Ganster said that some technical questions had been raised about this case study, and these would be directed to Dr. Austin.

With regard to the scrap tire cleanup case study, Ms. Siwik said that she had been fact checking; she already had sent some of her comments to Dr. Ganster and would be sending additional comments, none of which would change the conclusions of the case study. Dr. Ganster asked whether Ms. Siwik had been able to determine what happened to the tire bales in Deming. Ms. Siwik said that some were used in reclamation of an old landfill, and some were used in a New Mexico Department of Transportation erosion control project. The tire bales were not used for the amphitheater. Mr. Manzanilla said that his group might have some comments on this case study, but they were not likely to be very substantive.

Dr. Ganster asked if there were comments on the text box titled, "Innovation in Conserving Resources: Upper San Pedro Partnership." There were no comments.

Dr. Ganster then asked for comments on the Kay Bailey Hutchison Desalinization Plant case study. He noted that a number of specific comments had been sent regarding this case study.

Ms. Spener said that some of the comments were hers, and there were no major issues, but she had clarified the italicized description. She explained that the plant was not designed to reduce the arid region's dependence on groundwater; in fact, it is a project that uses groundwater. She wanted to rephrase the description to indicate that the intent of the project was to augment existing water supplies and protect fresh groundwater supplies from brackish water intrusion. Ms. Spener said that she would send a correction about the population of Fort Bliss to Ms. Spock. Dr. Ganster expressed concern that the participation of Ciudad Juárez in the case may have been exaggerated. Ms. Spener said that she had rephrased a sentence in the Introduction to clarify that Ciudad Juárez was involved in the initial studies to characterize the transboundary aquifer in the region, but the desalinization project itself was developed by the water utilities in Fort Bliss. Ms. Spener said that the language used in the case study was taken directly from the El Paso Water Utilities Web Site, but she questioned whether that language may have exaggerated the role of Ciudad Juárez. The project would have some ancillary benefit for Ciudad Juárez, however, because that community has been dealing with a serious problem of brackish water intrusion into the aquifer.

With regard to the Imperial Wetlands case study, Dr. Ganster said that the major issue is that although the wetlands are quite successful at removing certain pollutants, selenium accumulates in the sediments and eventually the food chain. Some language has been added to point out that the selenium issue will need to be addressed in the future. Dr. Ganster asked whether the added language was sufficient to address any concerns. Mr. Manzanilla responded that EPA staff had raised selenium as an issue, and he would forward Dr. Ganster some additional language that would further clarify that wastewater has different characteristics than river water, giving selenium as an example, and there are special considerations in the design and monitoring of wetlands used to treat river water. Ms. Spener commented that research near the New River Wetlands also raised selenium as an issue, and this was mentioned in the first draft of the text. Therefore, the people involved are certainly aware that the bioaccumulation of selenium is a concern. Dr. Ganster asked whether the Alamo River contributes to the wetlands. Ms. Spener said that an earlier draft of the text had indicated that for the Imperial Wetland, the source water is entirely agricultural drainage from the Alamo River, but the Brawley Wetland treats water from the New River. Mr. Niemeyer said that the regional water quality control board should have definitive information. Ms. Spener agreed to contact this board to determine whether the origin of the water for the Imperial Wetland is the Alamo River or whether it is agricultural drainage from another source.

Dr. Ganster suggested that the section on the Campo Kumeyaay Wind Project could benefit from additional contextual information on border energy issues, and he would try to add that information during the next week. Dr. Austin asked Mr. Joyce or Ms. Ann Marie Gantner to send Mr. Mike Connolly the text of the current draft of this section to review, particularly highlighting the framework. Mr. Joyce agreed to send Mr. Connolly the draft but cautioned that Mr. Connolly might be difficult to reach.

Dr. Ganster asked for comments on the text box on the CETYS University master's degree program. There were no comments.

The Board then discussed the case study on emissions trading in Paso del Norte. Dr. Ganster said that some corrections had come in, but overall the case study appeared to be in acceptable condition. Mr. Niemeyer said that he had clarified some issues in this case study, including the fact that despite the efforts made, El Paso Electric never actually sought credits. Board members agreed that including this information was important to the credibility of the case study. Dr. Austin said that the slowness of getting the brick kilns constructed might explain in part why the utility chose not to seek credits; sufficient credits may have been available from other sources. Mr. Huth noted that some of the kilns were destroyed in flooding in 2006. Mr. Manzanilla said that he would provide comments about emissions trading not being allowed under the federal Clean Air Act or state law in three of the border states. He also noted that the summary referred briefly to water in addition to air issues. He said that if water was to be mentioned, more context relating to it would be desirable. Dr. Ganster suggested that perhaps the recommendation should say that an appropriate role for the federal government is to facilitate the transboundary emissions trading process for all areas along the border. Mr. Manzanilla said that it would be necessary to go into greater depth than that because the problem involves statutory, technical, and bilateral impediments rather than facilitation. Although the concept of transboundary emissions trading is sound, the hurdles to its implementation are significant. Dr. Ganster suggested that the Report should identify the impediments to be clearer about its recommendation. Mr. Manzanilla offered to look for information from additional analyses on emissions trading.

Dr. Ganster stated that the text box on the Joint Advisory Committee (JAC) for the Improvement of Air Quality in the Paso del Norte Air Basin had been well vetted and asked Board members whether they had any further comments. Ms. Siwik said that she had one sentence to add at the end about the idea of using the JAC model in other places along the border and for other media. She agreed to send this addition to Dr. Ganster.

Dr. Ganster asked for comments on the Community Assist of Southern Arizona (CASA) case study and brought up the use of the term *promotora*, which is the feminine of *promotor*. In common language, *promotora* often is used because most of the trained community volunteers are women, but men are involved as well. Dr. Ganster said that this issue had been raised in a previous Report and that he would see how the situation had been handled in that instance. Board members did not have any other comments on the CASA case study.

Dr. Ganster asked for comments on the text box on spray guns. There were no comments.

With regard to the waste biodiesel case study, Dr. Ganster reported that there had been input from several sources. Mr. Huth said that he had incorporated portions of a summary that the Arizona Department of Environmental Quality had prepared into Dr. Austin's summary, and he would forward that material to Dr. Ganster and Ms. Spock by the end of the day. Mr. Huth said that the changes had not altered the length of the section significantly; they consist of updated data, a figure that provides information on carbon dioxide offset, and acknowledgments of stakeholders. Mr. Huth and Dr. Austin discussed the inclusion of information on monetary amounts of donations and future events; they agreed that it was important to keep the case studies consistent in their handling of these items.

Other Sections

The Board decided to include a copy of the November advice letter on cross-border emergency response in the Report, but there would not be time to prepare a business section of the type included in previous Reports.

Logistics

The Board decided that e-mails regarding changes in the Report should be sent to everyone, including Ms. Spock, except in instances where the message is directed to one specific person. Mr. José Garcia of EPA and Ms. Almodovar were added to the e-mail list. Ms. Gantner will e-mail members Ms. Spock's contact information; remind them to send comments to all, including Ms. Spock and Dr. Ganster; and provide information on the schedule for submitting comments for the benefit of those who had not participated in the conference call. Dr. Ganster mentioned that although the Board greatly values the input of resource people, ultimately, it is the Board members who must come to consensus.

Action Items

- Ms. Lawson, Dr. Brown, Mr. Manzanilla, Mr. Niemeyer, and Ms. Siwik will send their specific suggestions pertaining to the recommendations to Dr. Ganster by noon on Friday, January 9, 2009. Dr. Ganster will then incorporate their suggestions into the recommendations with the goal of sending a revised version of the recommendations to Ms. Spock by Wednesday, January 14, 2009, so that she can combine them with the revised case studies and send the document to the entire Board for review before the conference call on Friday, January 16, 2009.
- Dr. Brown will provide Dr. Ganster with a suggested introductory statement.
- Ms. Lawson will provide corrected language for the discussion of tire recycling.
- Board members with comments on the case studies will send them to the group by close of business Friday, January 9, 2009. Ms. Spock then will address the editorial issues and compile a list of substantive issues, which she will send to Dr. Ganster, Dr. Austin, and Ms. Wolf on Monday, January 12. Board members should copy Dr. Austin and Ms. Wolf when sending comments to Ms. Spock so that they can get a head start on answering substantive questions. Ms. Spock will send the revised version of the case studies to the Board for review on Wednesday, January 14, 2009, in preparation for the January 16, 2009, conference call.
- Ms. Siwik will send additional comments on the tire cleanup case study to Dr. Ganster.
- Mr. Manzanilla will send additional language regarding the selenium issue in the Imperial Wetlands to Dr. Ganster.

- Ms. Spener will contact the regional water quality control board to determine whether the origin of the water for the Imperial Wetlands is the Alamo River or agricultural drainage from another source.
- Dr. Ganster will add additional contextual information on border energy issues to the Campo Kumeyaay Wind Project case study.
- Mr. Joyce will attempt to contact Mr. Connolly to ask him to review the current draft of the Campo Kumeyaay Wind Project case study, with an emphasis on the discussion of the framework.
- Mr. Manzanilla will provide comments for the Paso del Norte case study about emissions trading restrictions under the federal Clean Air Act or state law in three of the border states. He also will seek additional analyses of the impact of emissions trading.
- Ms. Siwik will send Dr. Ganster an additional sentence for the text box on the JAC for the Improvement of Air Quality in the Paso del Norte Air Basin.
- Dr. Ganster will examine prior Reports to determine the customary use of *promotor* or *promotora*.
- Mr. Huth will forward to Dr. Ganster and Ms. Spock a summary of the information his agency had submitted to Dr. Austin for her review and approval, as well as information from a report by his agency that he had incorporated into Ms. Austin's draft on waste-based biodiesel.
- Ms. Gantner will send Ms. Spock's contact information to all members, remind all members of the deadlines for submitting comments, and ask everyone to send copies of their e-mails to all, including Ms. Spock.

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PARTICIPANTS

NONGOVERNMENTAL, STATE, LOCAL, OR TRIBAL MEMBERS

Chair

Paul Ganster, Ph.D.

Director
Institute for Regional Studies of the Californias
Associate Director, International Programs
San Diego State University
5500 Campanile Drive, AL-377
San Diego, CA 92182-4403
Telephone: 619-594-5423
E-mail: pganster@mail.sdsu.edu

Diane Austin, Ph.D.

Associate Research Anthropologist
Bureau of Applied Research in Anthropology
University of Arizona
316 Anthropology Building
P.O. Box 210030
Tucson, AZ 85721-0030
Telephone: 520-626-3879
E-mail: daustin@email.arizona.edu

Christopher P. Brown, Ph.D.

Associate Professor of Geography
Director of the Spatial Applications Research
Center
Department of Geography, MSC MAP
New Mexico State University
P.O. Box 30001
Las Cruces, NM 88003-8001
Telephone: 575-646-1892
E-mail: brownchr@nmsu.edu

Michael P. Dorsey

Chief
Community Health Division
County of San Diego
San Diego Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217
Telephone: 619-338-2395
E-mail: michael.dorsey@sdcounty.ca.gov

Edward Elbrock

Malpai Borderlands Group
P.O. Box 25
Animas, NM 88020
Telephone: 575-548-2270
E-mail: elbrock@vtc.net

Gary Gillen

President
Gillen Pest Control
1012 Morton Street
Richmond, TX 77469
Telephone: 281-342-6969
E-mail: gary@gillenpestcontrol.com

Hans Huth (*substitute for Susan Keith*)

Border Programs Coordinator
Southern Regional Office
Arizona Department of Environmental Quality
400 W. Congress, Suite 433
Tucson, AZ 85701
Telephone: 520-628-6711
E-mail: huth.hans@azdeq.gov

Stephen M. Niemeyer, P.E.

Border Affairs Manager
Intergovernmental Relations
Texas Commission on Environmental Quality
MC-121, P.O. Box 13087
Austin, TX 78711-3087
Telephone: 512-239-3606
E-mail: sniemeye@tceq.state.tx.us

Allyson Siwik

Executive Director
Gila Resources Information Project
305A N. Cooper Street
Silver City, NM 88061
Telephone: 505-388-4350
E-mail: asiwik@zianet.com

Marissa Stone
Communications Director
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505
E-mail: marissa.stone@state.nm.us

Ann Marie A. Wolf
President
Sonora Environmental Research Institute, Inc.
3202 E. Grant Road
Tucson, AZ 85716
Telephone: 505-827-0314
E-mail: aawolf@seriaz.org

FEDERAL MEMBERS

Department of State
Daniel D. Darrach
Coordinator
U.S.-Mexico Border Affairs
U.S. Department of State, WHA/MEX
2201 C Street, NW, Room 4258
Washington, DC 20520
Telephone: 202-647-8529
E-mail: darrachdd@state.gov

Department of Transportation
Linda L. Lawson
Director
Safety, Energy and the Environment
U.S. Department of Transportation
1200 New Jersey Avenue, SE, Room W84310
Washington, DC 20590
Telephone: 202-366-4416
E-mail: linda.lawson@dot.gov

DESIGNATED FEDERAL OFFICER

Mark Joyce
Designated Federal Officer
Good Neighbor Environmental Board
U.S. Environmental Protection Agency
Office of Cooperative Environmental
Management
1200 Pennsylvania Avenue, NW
Mail Code: 1601-M
Washington, DC 20460
Telephone: 202-564-2130
E-mail: joyce.mark@epa.gov

RESOURCE SPECIALISTS

Lisa Almodovar
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code: 2650R
Washington, DC 20460
Telephone: 202-564-6401
E-mail: almodovar.lisa@epa.gov

Rafael Guerrero
Natural Resource Manager
Natural Resources Conservation Service
U.S. Department of Agriculture
501 W Felix
Building 23
Fort Worth, TX 76115
Telephone: 817-509-3490
E-mail: rafael.guerrero@ftw.usda.gov

Christina Machion Quilaqueo

Program Analyst
U.S. Department of Housing and Urban
Development
451 Seventh Street, SW, Room 8112
Washington, DC 20410
Telephone: 202-708-0770
E-mail: *christina.machionquilaqueo@hud.gov*

Enrique Manzanilla

Director
Communities and Ecosystems Division
Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street (CED-1)
San Francisco, CA 94105
Telephone: 415-972-3843
E-mail: *manzanilla.enrique@epa.gov*

Sally Spener

Public Affairs Officer
International Boundary and Water Commission
4171 N. Mesa, Suite C-100
El Paso, TX 79902
Telephone: 915-832-4175
E-mail: *sallyspener@ibwc.gov*

EPA Regional Office Contacts

Region 9

Alhelí Baños-Keener
U.S.-Mexico Border Specialist
Region 9
U.S. Environmental Protection Agency
610 W. Ash Street, Suite 905
San Diego, CA 92101
Telephone: 619-235-4767
E-mail: *banos.alheli@epa.gov*

Region 6 Border

Carlos Rincón, Ph.D.
Border Office Director
Region 6
U.S. Environmental Protection Agency
4050 Rio Bravo, Suite 100
El Paso, TX 79902
Telephone: 915-533-7273
E-mail: *rincon.carlos@epa.gov*

OTHER PARTICIPANTS

Ann Marie Gantner

Contractor Intern from The Washington Center
U.S. Environmental Protection Agency
Office of Cooperative Environmental
Management
1200 Pennsylvania Avenue, NW
Mail Code: 1601-M
Washington, DC 20460
Telephone: 202-564-4330
E-mail: *gantner.ann-marie@epamail.epa.gov*

CONTRACTOR SUPPORT

Mary Spock

Writer/Editor
The Scientific Consulting Group, Inc.
656 Quince Orchard Road, Suite 210
Gaithersburg, MD 20878
Telephone: 301-670-4990
E-mail: *mospock@scgcorp.com*

These minutes are an accurate description of the matters discussed during this meeting.

Paul Ganster
Chair
Good Neighbor Environmental Board

The Good Neighbor Environmental Board was created by the Enterprise for the Americas Initiative Act of 1992. The board is responsible for providing advice to the President and Congress on environmental and infrastructure issues and needs within the states contiguous to Mexico. The findings and recommendations of the Board do not represent the views of the Agency, and this document does not represent information approved or disseminated by the Environmental Protection Agency.