

Good Neighbor Environmental Board (GNEB) Meeting

**March 10 - 11, 2009
U.S. Environmental Protection Agency (EPA) Conference Center
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA**

EXECUTIVE SUMMARY

TUESDAY, MARCH 10, 2009

Call to Order

Paul Ganster, Chair, Good Neighbor Environmental Board (GNEB)

Dr. Paul Ganster (Institute for Regional Studies of the Californias/International Programs, San Diego State University), GNEB Chair, called the meeting to order at 9:58 a.m. He thanked the participants for attending the meeting, and announced that the former Designated Federal Officer (DFO) for the GNEB, Ms. Elaine Koerner, was in attendance. He also introduced Ms. Nancy Sutley, Chair of the White House Council on Environmental Quality (CEQ). Dr. Ganster mentioned that Ms. Sutley has worked at EPA, both in Washington, DC, and in Region 9, and he noted that the CEQ will benefit from her experience.

Opening Remarks and General Discussion

Nancy Sutley, Chair, Council on Environmental Quality

Ms. Sutley stated that she served as a member of the GNEB from 2000 to 2004, representing the State of California, and she thanked the members for their service to the border region and the United States. She said that the President understands and appreciates the importance of public service, and thanked the members on his behalf. Ms. Sutley stated that the GNEB is unique in representing the views of the communities along the U.S.-Mexico border and the agencies at the local, state, and federal levels that manage and protect the environmental and natural resources in that region.

Ms. Sutley has had some discussion with Dr. Ganster and EPA staff regarding how the GNEB can best assist the President in identifying priorities along the U.S.-Mexico border. She stated that an advice letter to the President with some thoughts about priority issues and the resources and investments necessary to accomplish them, with more detailed recommendations on these issues in the next GNEB report, would be very useful. She noted that the letter is time sensitive, because environmental priorities will be decided in the near future, and both White House and EPA staff are interested in the GNEB's input on these decisions.

She commended the GNEB for detailing innovative and practical solutions on the ground in their Twelfth Report, noting that with shared water, land, and air, the solutions that are developed in border communities to help address, protect, and restore these resources are crucial. Ms. Sutley stressed that issues of climate change and energy currently are dominating the environmental landscape in Washington, DC, and will continue to do so. She asked that the Board members keep this in mind as they begin to discuss their next report. Ms. Sutley concluded her remarks by thanking the GNEB members and asking for their comments and questions.

Discussion

Dr. Ganster thanked Ms. Sutley and agreed that the Board members would welcome the chance to identify what they see as environmental priorities from the border perspective. GNEB member Mr. Stephen Niemeyer (Texas Commission on Environmental Quality [TCEQ]) noted that the Board should not wait for a formal advice letter to offer information to the President, because continued funding for border infrastructure is critical. EPA's Office of Water (OW) has only \$10-\$20 million in its current budget for the Border Environment Infrastructure Fund (BEIF), which used to be funded at \$100 million per year. He noted that \$600 million in water infrastructure needs have been identified; therefore, the needs are far greater than the current budget.

Board member Mr. John Wood (Commissioner, Cameron County, Texas) commented that water is and will continue to be a problem along the border, and former Secretary of Homeland Security Michael Chertoff's waiver of all environmental rules when beginning construction of the border fence created a problematic barrier for the migration of wildlife, including several species that already face challenges to their continued success and the threat of extinction due to environmental change. The environmental impact of the border wall has not been examined. Mr. Wood believes all further construction should halt until federal requirements for environmental assessments are met. He offered to provide the border perspective when responding to any questions Ms. Sutley might have on the topic. Board member Mr. Edward Elbrock (Malpai Borderlands Group) noted that in the Animas, New Mexico, region the border fence served more as a barrier to vehicles than to people, and area residents have responded positively to the fence. Board member Mr. Jerry Agan (Presidio County Judge) reiterated Mr. Wood's concern about the border wall. He mentioned that 8 miles of wall are being constructed in Presidio County, Texas, and the wall will be integrated into the levee in that area. Mr. Agan said he was not aware of any county commissioner on the border in favor of the fence being constructed without adequate environmental assessments. The Department of Homeland Security (DHS) has not listened to the concerns of either elected officials or the public regarding the effects of the fence on wildlife and ranches. Ms. Koerner commented that she is employed by the planning branch of the Border Patrol as a public lands liaison agent, and is working on cross-agency coordination with others, including Mr. Rick Schultz (here today representing the Department of the Interior). Ms. Sutley added that the border fence is of great concern to communities along the border, and acknowledged that it was a dramatic step to eliminate the environmental review.

Board member Mr. Gary Gillen (Gillen Pest Control), who has served on the GNEB for two terms, expressed concern that there has been very little feedback from the White House on whether the annual reports are helpful and how they are being used. Board members expend considerable effort on the reports, and the GNEB could be more effective if members received feedback on how the reports have been helpful and whether changes should be made to make the reports more useful. Ms. Sutley responded that this has been a continuing issue for the GNEB. In the future, the CEQ will respond to the reports and maintain communications with the Board. She stressed that CEQ and federal agencies value the GNEB's annual reports as an important source of information. Ms. Sutley thanked the GNEB members for their efforts and stated that she will spend more time with the Board in the future.

Welcoming Remarks

Rafael DeLeon, Director, EPA Office of Cooperative Environmental Management (OCEM)

Mr. Rafael DeLeon commented that both he and Mr. Mark Joyce (GNEB DFO) had been working closely with the CEQ over the past month. He thanked Mr. Gillen for his comments regarding feedback on the reports, adding that the GNEB has produced significant work in the past 3 to 4 years, and the lack of meaningful feedback has been problematic. He and Ms. Sutley have discussed having regular meetings, so he expects that communication will improve in the future.

Mr. DeLeon thanked Dr. Ganster and Mr. Joyce for their contributions even though we had an acting DFO for the Board for a few months. Several candidates have been identified to refill the position and Mr. DeLeon hopes that a new DFO will be selected by the next GNEB meeting. He thanked the Board members and resource specialists for their attendance and hard work.

Discussion

Dr. Ganster asked the GNEB members and meeting attendees to introduce themselves. Dr. Ganster stated that the annual report is a team effort and various members wrote different sections of it. He specifically thanked GNEB members Dr. Diane Austin (University of Arizona) and Ms. Ann Marie Wolf (Sonora Environmental Research Institute, Inc.) for organizing the work and creating a solid initial draft document. Mr. Niemeyer made it a point to emphasize that Ann Marie and Diane devoted a tremendous amount of time and energy to the report and absent their efforts, there would not have been a 12th report, and they deserved a tremendous amount of credit and thanks. Mr. DeLeon then thanked the members of his staff who worked on the report, and Mr. Joyce noted that various individuals drafted the case studies, and a contractor, SCG, was engaged to edit and produce the final document. Dr. Austin and Ms. Wolf showed an enormous level of dedication and produced a report that sets a very high standard for future reports.

Update on Activities at the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB)

Maria Elena Giner, Deputy General Manager, BECC

Ms. Giner stated that infrastructure improvement is the most basic element of sustainable development. The intent is to protect the environment and human health and to foster the development of economic opportunities and access to essentials for well-being of people in the border. A value-added result is capacity building. The current population in the U.S.-Mexico border region is 13 million and it continues to grow rapidly. Population growth is heavily influenced by migration spurred by social networks, access to infrastructure and services, and employment opportunities.

U.S.-Mexico border counties rank thirteenth in population with 6.7 million residents; rank fifteenth in growth, with a growth rate of 30 percent since 1990; rank second in terms of population under age 18; rank fifty-first in per capita income, excluding San Diego; rank second in incidence of tuberculosis; and rank third in deaths caused by hepatitis. In 19 border counties, the per capita income is less than \$21,000, and in 22 border counties, the unemployment rate is double the national average. Border counties in California, Arizona, New Mexico, and El Paso County do not meet attainment standards for at least one EPA air quality standard.

Approximately 90 percent of the border population resides in 14 paired trans-border communities. It is estimated that 132,000 pedestrians, 523,000 passenger vehicles, 12,000 commercial trucks, and 2,000 rail containers cross the border on any given day. In 2006, there were 250 million northbound crossings, 95 percent of which were day trips for retail purchases. This amounts to nearly \$50 billion in taxable retail sales, making retail the second-largest employer in U.S. border counties.

On the Mexican side of the border, the *maquiladora* industry creates growth for Mexico's middle class. Of the 2,300 *maquiladoras*, 90 percent trace their origin to U.S. firms. New companies have been established in the United States to meet the needs of the *maquiladora* industry across the border, resulting in rapid growth and industrialization, but this also has had a negative impact on the health and well-being of border residents.

A variety of mechanisms have been developed to manage border issues at the international, federal, state, and local levels. A U.S.-Mexico border environment cooperation agreement was signed in October 1993. The goal is to preserve, protect, and enhance the U.S.-Mexico border region. The NADB finances the

construction of projects certified by the BECC. A total of 152 projects, 75 in Mexico and 77 in the United States, were certified in the past 15 years, with a total investment of \$3.2 billion, benefitting 12 million people. NADB financed \$908 million for 119 of those projects in the areas of water and wastewater (76), water conservation (25), solid waste (17), air quality (9), and energy (2). Concerning the economic and socioeconomic impact in U.S. border communities, \$1 million invested in water and wastewater infrastructure during 10 years has resulted in \$11.1 million in private-sector investment, \$1.7 million in tax revenue, \$52.2 million in goods produced by the private sector, and 221 new jobs created.

BECC/NADB programs include: the U.S.-Mexico Border Program, an EPA-funded initiative for water and wastewater projects; the EPA-funded Border 2012 and Special Grants Program to address Border 2012 objectives; the Solid Waste Environmental Program, with NADB grants for municipal solid waste projects; the NADB Loan Programs for environmental construction projects; Technical Assistance Programs to provide grant assistance for project sponsors; and Institutional Capacity Building, which provides training to project sponsors.

The project certification criteria are concerned with general, human health and environment, technical, financial, public participation, and sustainable development requirements. Several project development steps and processes precede certification and financing, which are followed by project implementation, close-out, and facility operations, such as financial obligations and results monitoring.

The U.S.-Mexico Border Program provides assistance to communities in a 62-mile-wide zone north and south of the border; projects in Mexico must provide a side benefit for the United States. Funding is through: (1) the Project Development Assistance Program (PDAP), which is administered by BECC, and (2) the BEIF, administered by NADB. Since 2005, a prioritization process has replaced the original project selection on a first-come, first-served basis. As of December 31, 2008, \$544 million of funding from BEIF was approved and contracted for 73 projects; 83 percent of this amount has been disbursed. The accomplishments of the program in the Mexican border region include an increase in wastewater treatment coverage from 31 to 80 percent; the national average in Mexico is less than 35 percent. Certified BEIF projects provide the capacity to treat 300 million gallons per day of wastewater, equivalent to the wastewater discharge of 50 percent of the border population. The PDAP/BEIF total project needs for fiscal years (FY) 2009/2010 will be \$798 million (United States) and \$303 million (Mexico).

Other BECC/NADB programs include: (1) Renewable Energy and Energy Efficiency; (2) Diagnostics for Water/Wastewater, Solid Waste, and Paving Needs; (3) The Border Energy Program, which focuses on the six Mexican border states and targets the development and implementation of renewable energy and energy conservation; (4) the Border 2012 Program, under which a total of 28 projects have been completed and 52 are in progress. Despite constrained funds from the U.S.-Mexico Border Program, the BECC and NADB continue to increase their role in several environmental sectors. Bi-national efforts are required to address the challenges related to using renewable energy and efficient energy production. Continued U.S. federal and state investment is needed for EPA's U.S.-Mexico Border Program. A FY2009 budget of \$10 million is in the appropriation process; however, the program received more than 200 applications for FY2009/2010 with funding needs of more than \$1 billion.

Discussion

Mr. Gillen asked whether the 26 tribal nations within the 62-mile border region are eligible for funds. Ms. Giner confirmed that the tribal nations fall within BECC's scope and mandate, especially in Border 2012. BECC usually receives applications through the utilities that serve the tribes.

Board member Mr. Rafael Guerrero (U.S. Department of Agriculture [USDA]) asked whether BECC would be conducting watershed assessments. Ms. Giner responded that technical assistance grants are available only in the very limited amount of approximately \$500,000 per year. One of the grants was used to study storm runoff near the city of Presidio. In addition, BECC promotes paving initiatives as a good

way to incorporate watershed principles through reduction of erosion management and also decrease particulate matter pollution to reduce air pollution. Dr. Austin asked about BECC's efforts to integrate paving and water/wastewater projects. Ms. Giner explained that one condition for certifying paving projects is to have water and wastewater underground. Unfortunately, funds are insufficient to do comprehensive paving studies, and BECC has to focus on the most fundamental needs.

Mr. Enrique Manzanilla (EPA Region 9) asked if Ms. Giner had a graph in her presentation that showed U.S. investment on the U.S. side of the border. Ms. Giner responded that she did not have such a graph, but leveraging on the U.S. side is less than that in Mexico. For approximately every dollar spent, \$2 are received from other sources, such as state water development boards and other state sources.

In response to Board member Ms. Patti Krebs' (Industrial Environmental Association) question about infrastructure projects and border wastewater plans related to the drought situation in California, Ms. Giner stated that BECC has been examining some opportunities for reuse as it relates to effects on climate change and cost savings. States are not putting as much emphasis on reuse, however, as they are on energy.

Dr. Ganster asked what would prevent the use of scrap tires for rubberized asphalt (RA). Ms. Giner replied that BECC conducted a study on RA in Nogales, Sonora. RA would have cost twice as much to use as traditional asphalt, but it lasts longer. Unfortunately, with the few resources that communities have available, they have to resort to implementing cheaper short-term solutions. She noted that there has been a stronger interest in the use of concrete for roads. Ms. Lisa Almodovar (EPA Office of International Affairs) remarked that there were difficulties with an RA project under Border 2012 a few years ago. Mexico does not have the equipment needed to make crumb rubber, and it took so long to move the material over the border after it was processed in the United States that it was ruined.

Dr. Ganster requested information about energy efficiency in Mexican states in view of the export of substantial amounts of energy-inefficient used goods from the United States to Mexico. Ms. Giner mentioned a program with Mexico's Energy Department to examine refrigeration with which she was involved in the past. She pointed out that there is no strategy in place within each of the states; however, there is huge potential, and energy efficiency should be included in the initiatives.

Ms. Giner stated that she would be distributing fact sheets for the six Mexican states regarding their water and wastewater needs.

Overview of Current Activities Under the U.S.-Mexico Border 2012 Program

Lisa Almodovar, Mexico Border Team Leader, EPA Office of International Affairs, and Jose Garcia, U.S.-Mexico Border Program Specialist, EPA Region 9

Mr. Garcia presented some background information on the Border 2012 Program, which is a collaboration between the United States and Mexico to protect public health and the environment. The border region is approximately 2,000 miles long and 62.5 miles wide on both sides of the border. Within this area there are 10 U.S. and Mexican states, 15 pairs of sister cities, 25 U.S. counties, 25 Mexican municipalities, and 26 federally recognized tribes. There is a large range of biological, socioeconomic, and cultural diversity in this area. Half of the border population resides in sister cities. The border population is growing rapidly, linked to the industrial growth of *maquiladoras*. The projected population growth from 11.8 million in 2000 to 24 million in 2020 will create many challenges. An insufficient water and wastewater infrastructure threatens drinking water supplies and degrades watersheds. Increasing vehicle and industrial emissions threaten air quality in bi-national airsheds. Improper management of hazardous and solid wastes allows exposure to toxins and heavy metals. Incidence rates of infectious and non-communicable diseases (for example, tuberculosis and respiratory conditions) are above U.S. averages.

Border 2012 is a results-oriented program that takes a bottom-up approach; issues and projects are identified and implemented at the local level. The emphasis is on strong partnerships with all stakeholders, which include the 10 border states, 26 tribes, local governments, industry, Mexico's environmental agency SEMARNAT, EPA, BECC, NADB, universities, and community groups. Border 2012 has six guiding goals: (1) reduce water contamination; (2) reduce air pollution; (3) reduce land contamination with focus on cleanup of solid and hazardous waste and capacity building to prevent future contamination; (4) reduce pesticide exposure risks to families and especially children; (5) reduce exposure to accidental releases through planning, preparation, and capacity building; and (6) promote environmental stewardship.

Ms. Almodovar reported on the program's accomplishments in 2008. Safe drinking water reached 5,162 additional homes, and 31,686 homes were served with sewer systems. Diesel retrofits have been performed through diesel oxidation catalysts (DOCs) for 92 trucks, including school buses in El Paso, Texas. Approximately 14.5 tons of e-waste has been collected for recycling, and 681,650 scrap tires have been removed from tire piles. Six emergency response training exercises were conducted; 174 first responders were trained and received certification. In addition, a new joint contingency plan between the U.S. and Mexico for emergency preparedness was signed.

To establish future priorities, all partners and stakeholders were surveyed. The goal was not to search for new ideas, which would be difficult to realize in a bi-national program, but rather to focus on further exploring promising aspects of the existing program. Results then were evaluated to establish the following priorities at the national level for the period 2009 to 2010: increase access to drinking water and wastewater infrastructure; build greenhouse gas (GHG) information capacity and expand voluntary programs for the reduction of GHG emissions; develop institutional capacity to manage emerging wastes, including e-waste and used oil; develop pilot projects that reduce exposure to obsolete agricultural pesticides; conduct sister city bi-national emergency preparedness training and exercises; use the Toxics Release Inventory and Pollution Release and Transfer Registry tools to collect and report on industry pollutant releases; and better assist border industry to exceed compliance standards. There will be additional initiatives at the local level.

The ongoing work will incorporate: (1) the coordination and implementation of new objectives under the Border 2012 Mid-Course Refinement Document; (2) the response by the 2010 deadline to the Inspector General's audit evaluation that requested improvement in the areas of more quantifiable and measurable results, a strategic plan for the next 4 years, and more documentation; (3) the planning of the 2009 National Coordinators meeting in San Diego in October 2009; and the strategic planning of a future program beyond 2012. Support from the Board would be particularly appreciated for this area of future planning. For example, should Border 2012 continue with current initiatives, focus on new areas, or consider a combination of both? Such information should be made available as soon as possible so that Border 2012 can involve all the stakeholders. The Border 2012 staff also will investigate these questions at an upcoming meeting with the states. This presentation was followed by a video presentation on Border 2012 and environmental stewardship on both sides of the border. The video will be made available on the Border 2012 Web Site (<http://www.epa.gov/border2012/>), and copies will be distributed to partners. More information is available on the Web site.

Discussion

Mentioning recent dramatic budget cuts by the State of California, Mr. Dorsey (County of San Diego Department of Environmental Health) expressed concern that only three percent of household hazardous waste is being collected in California. He asked about initiatives for developing institutional capacities and new programs for waste on the U.S. side of the border, and whether obsolete pesticides would be collected. Ms. Almodovar responded that the initiatives will be conducted on both sides of the border and that efforts will be made to include pesticide collection. In cooperation with communities, Border 2012

conducts waste policy forums and two pilot programs to increase recycling. Mr. Manzanilla mentioned that obsolete pesticides have been collected in two areas on both sides of the border.

Dr. Austin observed that there seems to be a disconnect between Border 2012 funding and objectives; for example, communities that have conducted successful pilots have been asked to teach other communities about the technology but they need the resources to do so. Ms. Almodovar responded that Border 2012 pilots function to demonstrate, not sustain, useful initiatives. Communities must use their own resources to continue and/or expand the programs. Mr. Manzanilla added that Border 2012 is not a long-term funding source. It was suggested that some mechanism for continuing pilots should be incorporated into funding strategies when the pilot programs are funded. Perhaps BECC and NADB could get involved. Beyond that, it would be the responsibility of governmental authorities to incorporate funding. Board member Mr. Michael Dorsey asked how the video would be distributed. Ms. Almodovar responded that it will be loaded on the Border 2012 Web Site and presented at the National Coordinators Meeting. Board member Dr. Christopher Brown (New Mexico State University) suggested distributing it at the regional meetings of the Border 2012 task forces as well as sending it to local NPR affiliates, public television stations, and local clubs such as Rotary International.

Dr. Brown asked about a means to partner a broad concept of economic development with sustainable development. Ms. Giner commented that communities with infrastructure needs could reach out to BECC. She mentioned that BECC has been successful with building partnerships and has seen several opportunities funded through municipalities and the states, such as cement kilns, under Border 2012. These projects can go to the next step if communities take charge of them.

Dr. Ganster explained that the individuals who conducted the Inspector General's audit had problems understanding the border context and had difficulty quantifying capacity building. The audit projected a detached, Washington-centered viewpoint. Mr. Niemeyer concurred that the audit was biased.

Ms. Krebs urged standardization of baseline, reporting, formats, and protocols for GHG emissions from the outset so that money will not be wasted. She then asked whether Mexico will have a Toxics Release Inventory (TRI). Mr. Manzanilla answered that Mexico uses TRI when conducting and measuring stewardship programs; the reporting itself is not new, but it is being used differently. Ms. Krebs added that people must be trained in environmental management systems (EMS); the training her organization has conducted with EPA has been successful. Mr. Manzanilla explained that EPA will try to continue these programs, and TRI could be used to measure their effectiveness.

Dr. Austin noted that communities need to know where to turn for help in disseminating information on pilot projects. Ms. Almodovar remarked that the outreach and communication of the Border 2012 Program has not been very effective. Therefore, Border 2012 recently re-formed a communication task force, and she will bring these problems to the attention of that task force. Dr. Brown noted that effective outreach needs to be conducted at the local community level.

Mr. Manzanilla commented that the GNEB could provide advice on how EPA should utilize resources so that pilot projects could be sustained. Ms. Giner mentioned that lessons learned and feedback from workgroups and task forces should be considered. The development of the next goal will take several years, and this will be an important element for Border 2024. Dr. Ganster noted that the Southwest Consortium for Environmental Research and Policy (SCERP) is engaged in making quality projects sustainable. Why did certain projects work out well? Why were other good projects not successful? These are aspects worth considering.

Mr. Niemeyer asked, in terms of the GNEB's own outreach activities, if the press release on the Twelfth Report had been sent out in both Spanish and English. Mr. DeLeon said he contacted EPA's Office of Public Affairs to confirm that it had been distributed in both languages. He agreed to e-mail the Spanish

version of the press release to the Board members. Dr. Brown added that the GNEB has to evaluate ways to more effectively use the report. Dr. Ganster suggested addressing this issue at the business meeting.

Priorities from the 2008 Border Governors Conference

Stephen Niemeyer, Border Affairs Manager, Intergovernmental Relations Division/Border Affairs, TCEQ

The Border Governors Conference (BGC) has been held annually since 1980. At each conference, the governors issue a joint declaration or communiqué that is developed by subject matter experts from all 10 states. Work Tables focus on different subject areas and develop action plans to implement declarations and then report on their progress at the next BGC.

BGC representatives for each state meet annually to determine policy and the format of declarations. Work Tables present their declarations for vetting to the governors' representatives. Once approved by the governors' representatives, they become part of the consensus joint declaration. State Department and Secretaría de Relaciones Exteriores representatives also are involved in the vetting process.

In 1996, the Western Governors Association (WGA) was awarded a grant to host annual Ten State Retreats of the Secretaries/Commissioners of the 10 U.S.-Mexico Border States. At the November 1996 retreat, the environmental agencies agreed to meet annually, develop state-to-state strategic environmental plans, and work as a bloc on common issues. EPA, SEMARNAT, and the North American Commission for Environmental Cooperation representatives were invited to listen to the discussions and provide their input on the final day of the retreat.

In 1997, the BGC Environment Table agencies began planning to reorganize the U.S.-Mexico Border environmental program (Border XXI). In October 2001, the 10 states signed a declaration requesting a border plan based on regional work groups; the plan was approved by SEMARNAT Secretary Victor Lichtinger and EPA Administrator Christine Whitman. In June 2002, the parties agreed to form a bi-national committee consisting of representatives from U.S. and Mexican states, U.S. tribes, and EPA and SEMARNAT. This Committee produced the Border 2012 framework document.

The 2008 declarations included: (1) a statement urging both the United States and Mexico to establish rules to prevent the importation of scrap tires to Mexico; (2) a request that the Federal Governments allocate permanent and increasing budgets for the Solid Waste Environmental Programs (SWEP) and the BEIF and allow the BEIF to be used up to 300 kilometers from the border in Mexico; and (3) a request that the Federal Governments improve the hydrometric and climatological monitoring network in the border region.

A 2007 water declaration requires that the Water Table develop a definition of "extraordinary drought" for the Rio Grande basin within two years. This declaration will be presented to the two Federal Governments for their approval.

Another 2008 BGC declaration included combating marginalization in Mexican border municipalities and requesting federal funding to provide a better quality of life and to combat illiteracy, the building of unpaved roads, and the proliferation of housing lacking water, sewage disposal, and/or electricity.

The Strategic Action Plan for Competitive and Sustainable Development of the Border Region will be presented at the XXVII BGC. Medium- and long-term work plans will build upon previous BGC work in the areas of competitiveness, sustainability, and building green economies. In addition, the Governors have asked for an immediate action plan covering essential issues (e.g., financing, information, coordination, and liaison) and requiring the participation of the various Tables.

Discussion

Mr. Manzanilla stated that the Energy Work Table had put forth recommendations on energy efficiency, renewable energy, and the importance of continuing dialogue on energy infrastructure. Ms. Giner said that the BECC has begun documenting the energy sources for the six Mexican states under the third recommendation. Dr. Ganster noted that the BGC has had continuity problems in the past because of governor turnover and asked Mr. Niemeyer for his perspective on the future of the BGC. Mr. Niemeyer replied that a proposal recently was made to have a base institutional membership that would be responsible for the day-to-day activities of the BGC. Board member Ms. Allyson Siwik (Gila Resources Information Project) asked about the process for developing the strategic plan. Will public meetings be held in all of the states? Mr. Niemeyer said that he did not know. The strategic plan will be discussed at the upcoming Environment Table meeting; he will inquire about the development process. He also suggested that Ms. Siwik contact the New Mexico BGC representative.

General Discussion of the Good Neighbor Environmental Board's Thirteenth Report

Paul Ganster, Chair

Dr. Ganster indicated that ideas for the report had been circulated prior to the meeting, but he noted that Ms. Sutley made two suggestions: (1) preparation of an advice letter, to be delivered promptly, that lays out the priorities for the border environment, and (2) inclusion of more detail and analysis on the subjects in the advice letter in the Board's annual report. Dr. Ganster asked whether Board members agreed to this course of action or if they wanted to take another approach. Dr. Brown stated that with the new administration in place, the GNEB has an unusual opportunity to provide advice; he recommended that the Board move ahead boldly.

Mr. Gillen asked whether the GNEB was required to issue one report in March every year or if the Board had the freedom to issue a series of shorter reports throughout the year to present various topics to the administration. He agreed with Dr. Brown that this is an opportunity for the Board to show the administration what the GNEB has addressed. Mr. DeLeon responded that the law requires the Board to produce an annual report. Mr. Joyce added that although the GNEB has released its report in March in Washington, DC, for the past 6 or 7 years, previously the reports were released at various times depending on when they were completed. Dr. Ganster thought it was appropriate to release the report in Washington, DC, because it is a report to the President and Congress. It has been released in March because of the GNEB's meeting schedule and because Congress is in session.

Mr. Dorsey asked whether there had been any thought about tying the report to the government's fiscal year, which begins in October. Mr. Joyce explained that the government often operates under a continuing resolution beginning October 1, which may make it more difficult to produce. He also noted that the report receives the broadest coverage when it is released in a month during which few other reports are released. March is much better than October in that respect. Additionally, the report has to be published far enough in advance to be of use in the Congressional budget process. Mr. Manzanilla added that the FY2010 budget will be released in April, and all agencies will begin to discuss the 2011 budget in May or June.

Dr. Ganster noted that the schedule of the report's release has been the topic of prior discussions. The GNEB wants to increase publicity about the report, which takes a great deal of effort. The Board may want to revisit plans for disseminating the report to increase circulation and enhance its immediate impact. Dr. Austin stated that the main concern about the annual report is its timeliness. Perhaps a series of letters, to be included as appendices in the annual report but delivered in a timelier manner, would be of use. Dr. Ganster advised that letters require a large amount of work on the part of the staff and the Board in order to receive input from all members and schedule a conference call to achieve consensus. If a member raises a substantive issue following a conference call, the entire Board must be convened again. Mr. Joyce agreed that the process of producing advice letters can be both time consuming and costly.

Mr. Joyce commented that Ms. Sutley had requested something brief and timely from the Board as soon as possible. Mr. Niemeyer suggested that the GNEB create a list of its priorities, including those highlighted in the past. Board member Mr. Daniel Darrach (U.S. Department of State) advised that a report released in March 2010 probably would come too late to influence the new administration's policies, which most likely will be determined during the next 4 to 6 months. Ms. Wolf agreed that the letter should be drafted quickly; perhaps a series of lengthier letters could be drafted and compiled into the annual report. Dr. Ganster responded that Ms. Sutley had requested an advice letter be sent to her fairly soon and that the March 2010 report would add detail and substance to the recommendations. Dr. Austin added that the annual report also may inform the Border 2012 process: the priorities that the GNEB lists could be addressed by Border 2012 as well. Ms. Almodovar noted that administration priorities trickle down to EPA.

Mr. Wood commented that the GNEB should not lose track of issues in past reports that have not been addressed yet. Dr. Ganster agreed that reviewing prior reports would be an important part of the prioritization process for the advice letter. Mr. Joyce suggested that serious problems mentioned in previous reports can be included on the list. Dr. Ganster stressed that the Board's letter must be understandable on its own; in other words, the reader should not have to refer to a previous report to understand the Board's concerns and advice. Mr. Niemeyer agreed that the group should examine previous reports to determine which recommendations have not been addressed. He and Mr. Agan expressed concern that violence on the Mexican border will affect cross-border environmental policies.

Mr. Guerrero noted that some of the previous reports provided advice that would fit the missions of the Department of the Interior, USDA, and other federal agencies. Mr. Joyce commented that the authorizing language for the GNEB stated that the Board would provide advice to the President, Congress, EPA, and "other federal agencies as appropriate." When he and Mr. DeLeon met with Ms. Sutley, she indicated that she would be willing to take on the role of coordinating with other federal agencies as well as EPA. Mr. Guerrero added that these other agencies need to meet with Ms. Sutley to discuss policies that are in place and how the various agencies can work together better. Mr. DeLeon agreed, and offered that EPA would try to convene the agencies to examine the work that they are doing and the future work needed on border issues.

Dr. Ganster stated that the GNEB has agreed to proceed, as quickly as possible, with producing an advice letter that contains adequate detail about the Board's priorities to be useful to the new administration. This would mean having a solid draft approved within 2 months. Mr. Niemeyer commented that federal members would need to get approval from their respective agencies before signing on to the advice letter. Mr. Joyce pointed out that there are a number of agencies still lacking key political appointees; he thought the letter would have much more weight if all the federal members can sign on and endorse the recommendations.

Mr. Dorsey stated that the rest of the session should be used to agree on the details of the advice letter, which would also be addressing the topic of the Thirteenth Report. He agreed that it would be helpful to have the support of all the federal members, but acknowledged that it may not be possible within the short timeframe. Dr. Ganster agreed, and requested that the Board receive copies of all of the past reports to examine that afternoon.

Mr. Niemeyer suggested that the GNEB should begin by listing the issues of the border—for example, clean water, wastewater, emergency response and natural disaster, and the border fence and transborder environmental assessment. Mr. Dorsey wanted to stress emergency response. There must be emergency responders on both sides of the border, and this issue has not been resolved in all areas.

Ms. Krebs proposed that the Board identify emerging issues, ongoing priorities, and unresolved issues. Dr. Brown commented that the juncture of energy use, climate change, and sustainable development is an

issue the GNEB should examine. Mr. Paul Moinester (U.S. Department of Transportation) noted that there are two parts to climate change policy: mitigation of the results of climate change, and adaptation to the change in terms of behaviors that have smaller impacts. The border area already has numerous environmental problems, and these will be augmented by climate change. Receiving advice from the Board on reducing the impacts of climate change by a change in behaviors would be very useful; it is already a priority of President Obama's Administration.

Ms. Wolf suggested that the Board members break into small groups to discuss the various topics that may be included in the advice letter. Dr. Ganster suggested that the categories be broken down simply. There could be divisions in terms of media (e.g., air, water) that can be measured objectively, and other points related to human systems and administrative issues (e.g., violence, border fence, transborder environmental impact statement).

Dr. Austin asked to what extent climate change already has been taken into account in terms of water/wastewater infrastructure. Ms. Giner responded that one part of developing a water/wastewater project is to include rebuilding practices analysis, but the lack of institutional capacity and capital resources means that these practices often are not implemented. There are opportunities to reduce GHGs through water conservation and more efficient water use at the source, and through reducing energy consumption during wastewater treatment. An additional opportunity exists in mechanized systems to reduce emissions from methane generation from sludge.

Dr. Austin commented that, in terms of mitigation and adaptation, there has been limited focus on adaptation and water. If it is known that there will be less water in the system, thinking about these issues must move to a watershed level instead of the project-by-project approach. Mr. Manzanilla agreed that this is an important issue, noting that much will be tied to the evolution of transboundary environmental impact statements. For the past 2 years, EPA Region 9 has been asking for both mitigation and adaptation issues to be covered in environmental impact statements from coal-fired power plants in Nevada and [the Navajo Nation](#). This approach likely will be expanded under the new administration, and one venue for including both mitigation and adaptation policies would be the environmental impact statement done for federally authorized products. In addition, California is developing environmental impact guidelines for the California Environmental Quality Act guidelines.

Ms. Siwik suggested that the water supply should be examined based on various climate change scenarios, and noted that the Transboundary Aquifer Assessment Act may be helpful. A large planning function is needed, but there is a gap in data from the Mexican side of the border. Ms. Giner added that Mexico's National Water Commission (CONAGUA) is attempting to make aquifer data public. In addition, in terms of seeking funding, she said that BECC has had success in gaining U.S. funding by stressing that the program addresses fundamental needs such as water and wastewater on the border that do not exist in the rest of the United States. Ms. Mary Brandt (International Boundary and Water Commission [IBWC]) confirmed that the Transboundary Aquifer Assessment Act has passed through both houses of Congress, and a team that includes members of both sections of IBWC has been assembled under the auspices of the U.S. Geological Survey to begin an assessment. IBWC has had difficulty acquiring water data from Mexico for many years, and the formation of this new team is a positive development.

Mr. Niemeyer noted that many non-border residents have benefited from the North American Free Trade Agreement (NAFTA) at the expense of border residents; a previous GNEB report addressed this issue. Dr. Ganster added that it was addressed in the context of port congestion and pollution; border communities have suffered as a result of contaminant emissions from the slow movement of vehicles through ports of entry.

Dr. Brown suggested that the GNEB members separate into several workgroups to examine and list the recommendations made in each of the past reports. Dr. Ganster agreed, and noted that because there were

no public comments, the workgroups could meet to work on the list of recommendations and priority topics until 5:30 p.m. The GNEB members then broke into four groups to conduct this activity, and adjourned at 5:30 p.m.

WEDNESDAY, MARCH 11, 2009

Business Meeting

Paul Ganster, Chair, Good Neighbor Environmental Board (GNEB)

Approval of El Paso Meeting Minutes

Dr. Ganster asked the Board members to approve the El Paso meeting minutes. Dr. Brown commented that he had no major substantive comments and made only minor edits. Mr. Niemeyer noted that he had sent his comments to Ms. Ann-Marie Gantner (EPA OCEM). He added that he appreciated receiving the minutes ahead of time to review. The minutes were approved unanimously, pending minor edits. Ms. Gantner promised to send the revised minutes to the Board members.

Planning for the June Meeting and Options for the Fall Meeting

Mr. DeLeon asked the Board members for their thoughts on scheduling future GNEB meetings to coincide with the meetings of other groups working on similar issues. Examples he gave included the Border 2012 National Coordinators Meeting (NCM) and the National Advisory Committee/Governmental Advisory Committee (NAC/GAC) meetings. Board member Ms. Linda Lawson (U.S. Department of Transportation) said that she thought the GNEB should explore these synergies. She also mentioned some work underway on transportation and green efforts along the border and suggested that GNEB members may want to become involved in these efforts. Dr. Ganster expressed interest in participating and asked Ms. Lawson to keep GNEB members updated on this work. Mr. Niemeyer said that he thought overlapping with the NCM was a good idea, and the group discussed arranging the GNEB meeting around the NCM. Mr. Manzanilla indicated that the final days (Wednesday and Thursday) of the NCM would be the most relevant to the GNEB's work. Ms. Wolf said that she liked the idea of coordinating the meetings but asked how many GNEB members would actually attend the NCM. Approximately 10 to 15 Board members indicated that they would try to attend the NCM if the GNEB meeting were scheduled in proximity. Mr. DeLeon said that he would financially support Board members who were interested in attending the NCM, which is scheduled for October 27-29, 2009, in San Diego, California. Dr. Ganster noted that coordinating with the NCM would involve moving the GNEB's San Diego meeting to October. He suggested holding the June meeting in Tucson, Arizona. Mr. Niemeyer cautioned that the NCM meeting date was not yet finalized. He added that he would be interested in having a GNEB meeting in conjunction with a NAC/GAC meeting. Mr. DeLeon said that the NAC/GAC was considering changing its next meeting date to October. Mr. Manzanilla said that the NCM dates were not yet finalized but the dates should fall within a span of 30 days. He was 99.9 percent sure that the meeting would be held in San Diego. Dr. Ganster agreed to work with Board member Mr. Michael Connolly (Campo Kumeyaay Nation) to explore the possibility of scheduling the next GNEB meeting to coincide with the NCM; he will update the Board members on their progress. The date for the June meeting would remain June 10-11, 2009, and the new fall meeting dates would be October 26-27, 2009.

Community Outreach

Dr. Ganster encouraged the Board members to distribute the Twelfth Report widely, and he asked the Board members to share their past community outreach efforts with the rest of the group. He promised to send his PowerPoint presentation and all of the photos used in the Twelfth Report to the Board members. He also said that he is working on a Web site where Board members can access presentations and photos. Dr. Ganster indicated that, every year, he presents the latest GNEB report to the San Diego Association of

Governments' Binational Regional Opportunities Committee. Mr. Gillen said that in the past year he has given presentations to the Lions Club, a women's club, and two Rotary Clubs. Dr. Ganster added that the service clubs are excellent places to communicate with local-level community leaders. Mr. Wood said that he had presented the report to the Council of Governments, which is working on the international rail bridge. Mr. Niemeyer asked the Board members to consider giving presentations at the local chapters of organizations to which they belong.

Mr. DeLeon said that EPA's Office of Public Affairs has been working to increase awareness of the Agency's advisory committees. There is some concern, however, about creating confusion among the general public about EPA's work versus the work of its advisory committees. Mr. DeLeon worked with the Office of Public Affairs on the press advisory, which is now available on the Web. He suggested that Board members use the press advisory to draft letters to their local newspapers, which then could be sent to the newspapers along with a copy of the executive summary and a link to the full report.

Ms. Krebs noted that presentations given on the Tenth Report at the local EPA office in her area were very popular. Dr. Brown suggested that Board member Ms. Marissa Stone (New Mexico Environment Department) present at the Governor's office in Las Cruces, New Mexico; Ms. Stone said that she would be happy to do so. It was noted that the new report is not yet up on the Web, but it should be posted in the next few days.

Mr. Guerrero asked whether the regional offices could help spread the word about the report. Mr. DeLeon said that he and Mr. Mark Joyce would work with the Office of Public Affairs to determine if the report could be sent to the regional offices. Mr. Manzanilla said that Region 9 already has copies of the report and is in the process of distributing them; he added that Region 9 personnel are careful to explain that the report is the work of an advisory committee and not an EPA report. Dr. Ganster said that people are very receptive to receiving the report, and he urged Board members to request plenty of copies to distribute in their communities. Mr. DeLeon offered to provide as many copies of the report as needed. He also will work to distribute the report as widely as possible.

General Discussion of the Good Neighbor Environmental Board's Thirteenth Report (Continued)

Paul Ganster, Chair

Dr. Brown stated that he had compiled a summary from the previous day's workgroup discussions, and he had summaries from all the reports except the Fifth. He noted that the reports had improved over time in terms of generating a single page of recommendations. The early reports were expansive and free ranging.

Dr. Brown listed the GNEB report titles and the following suggestions for possible workgroups:

- ✧ Water Resources and Wastewater Management
- ✧ Environmental Issues and Institutions
- ✧ Air Quality and Transportation
- ✧ Environmental Health
- ✧ Environmental Protection and Security
- ✧ Natural Disasters and Emergency Response
- ✧ Energy and Climate Change Issues

Ms. Siwik asked whether the workgroups should consider emerging issues in each of these categories. Dr. Brown said that he had not considered that in his summary. He suggested that workgroups could examine his list of topics and determine what has not been addressed in those areas. The GNEB has discussed the juncture of energy, economy, and climate change; sustainable development; reducing fossil fuel use; and reducing GHGs.

Dr. Ganster added that the Board members should keep in mind the dynamic population growth in the border region when discussing its basic wastewater infrastructure. The border population doubles every 15 to 16 years in the Mexican region, which means that infrastructure sufficient for the current population will be inadequate in 20 years.

Ms. Wolf stated that she had examined the reports and identified the following comments and suggestions that the GNEB made through the years:

- ✧ Infrastructure needs and BEIF funding to cover them
- ✧ Borderwide watershed assessment process
- ✧ Alternative energy sources along the border (mentioned in at least three reports)
- ✧ Cooperation with all agencies along the border
- ✧ Consistent examination of sustainable development
- ✧ Involvement of all stakeholders and communities along the border
- ✧ Using an airshed-based approach for air quality issues along the border
- ✧ Planning for border emergency response

Mr. Agan commented that one problem with watershed assessments is that Mexican data are difficult to acquire. Dr. Ganster noted that he and Dr. Brown had developed their own data on the Tijuana River with Mexican university colleagues via remote sensing. There is an attempt to develop a bi-national plan for management of rivers, but it has encountered many barriers; however, enough progress has been made (such as that in the San Pedro watershed) to show that it is possible to move forward. Dr. Ganster has found, through work with CNA [CONAGUA], that Mexico now has a Freedom of Information Act equivalent, so the data are accessible; however, much of the information is old and has not been updated, so it is of little use. Mr. Niemeyer added that he had worked on the Eighth Report regarding the watershed and confirmed the difficulty in acquiring data from Mexico.

Mr. Gillen noted that BEIF funding had been discussed throughout his tenure on the Board and asked if there is a way for the GNEB to discuss the environmental benefits resulting from this funding. Dr. Ganster responded that, although Ms. Sutley had advised against asking for additional funds in the advice letter or report, in the case of the BEIF funding, it is necessary to attempt to reverse the decline in funding. This request, however, must be justified and related to human health effects. Mr. Gillen responded that the successful projects funded in the past and their beneficial effects on communities should be highlighted, noting that much more benefit could be realized with additional funding. Mr. Niemeyer agreed that BEIF funding is an integral border need.

Mr. Connolly noted that Mr. Niemeyer had stated in his presentation that the BGC recommended that eligibility for BEIF funding be increased from an area of 100 to 300 kilometers from the border. This would have an enormous effect on the amount of funding that would be requested. Mr. Niemeyer noted that currently residents within 100 kilometers of the border are eligible for grants, and those within 300 kilometers are eligible for loans; the Mexicans want the grants in Mexico extended to residents within 300 kilometers of the border, and the BGC agreed to this change. EPA, however, maintains that any Mexican project for which a grant is given must have a transboundary impact. Dr. Ganster agreed that a project must have a positive impact on U.S. residents for it to be funded by EPA, and Mr. Joyce added that this requirement is in the statutory language for the GNEB, which states that the Board should offer advice on environmental policies that contribute “to the betterment of those living in the United States.”

Mr. Niemeyer noted that the GNEB has opposed extending the grants past 100 kilometers in the past. Dr. Ganster suggested that some within Mexico believe that the border is a privileged area and receives a disproportionate share of funds. Mr. Manzanilla agreed that BEIF funding is limited, but that other sources of funding are available. Mexico receives World Bank and Inter-American Development Bank (IDB) loans. It is difficult to justify extending the BEIF funds further when there are disproportionately burdened places in the United States. The Sixth Report deals with this issue, and recommends only low-

interest loans for residents within 100 to 300 kilometers of the border. The GNEB must consider whether or not to change that recommendation. Dr. Brown thought that because there is more than \$1 billion of unmet need within 100 kilometers of the border, he would not support an expansion of that region. This is not due to a lack of compassion for those outside that zone, but the dynamic at the border and the Border Industrialization Program have grown from NAFTA and the *maquiladoras*, and the whole scenario focuses on those border counties and *municipios*. Therefore, Dr. Brown said he is comfortable with the smaller regional focus. Mr. Niemeyer agreed. Mr. Connolly added that 300 kilometers in Mexico would mean those within 300 kilometers in the United States, which includes the Los Angeles area, would be seeking aid as well, and this would require a significant increase in funding.

Dr. Ganster stated that the summary of the previous reports as well as Ms. Wolf's list would be helpful for preparing the advice letter. Some of the Board's requests relate directly to funding to provide services along the border, but a series of recommendations could urge better coordination of governments along and across the border, because some real structural issues are involved. This set of recommendations can be related to non-investment topics. Administrative restructuring and rearrangement of priorities might mean that existing resources may be adequate to address the problems. For example, border pollution hotspots at the source of entry may have inadequate infrastructure to move trucks and cars across the border quickly enough to prevent excessive pollution, but ports of entry are not operating at peak efficiency, either. The detrimental health effects of this problem are obvious. He mentioned a recent project that equipped individual vehicles to monitor the air quality in the cabins of the cars and found a tremendous spike in ozone and fine particulates in cars waiting in line to cross the border. Such exposure also has been linked to heart disease and other health issues. In this case, there is justification to seek funds to address the problem.

Dr. Austin suggested forming three or four workgroups to address Ms. Wolf's list of comments in relation to the topics Dr. Brown noted, and produce no more than two or three recommendations each. In addition, perhaps a group could address the next meeting date and location, because if the next meeting is to be in June in Nogales or Tucson, she and Ms. Wolf will need to begin planning it as soon as possible. Ms. Wolf agreed that a decision on the next meeting would have to be made before the current meeting was adjourned. Mr. Niemeyer supported Dr. Austin's idea to begin work on the advice letter. He suggested a one-page letter of recommendations with an attachment to give more details on them. Dr. Brown agreed that although the value of a one-page letter is known, Ms. Sutley will need some background on the recommendations. Dr. Ganster added that the letter should include enough detail to provide relevant examples.

Mr. Guerrero asked whether the GNEB could recommend that Ms. Sutley facilitate collaboration and cooperation among the federal agencies. Dr. Ganster agreed that this was a useful idea, and requested that Mr. Guerrero draft some language addressing this point.

Mr. Connolly suggested that, because the first GNEB report was released in 1995, that the Thirteenth Report's title could include "15-year reappraisal" or "15-year redirection" of border priorities.

Dr. Ganster recommended that Board members do their report outs first, and then the Board should break into groups to discuss recommendations for the next report.

Board Member Report Outs

Mr. Niemeyer informed the Board members that a copy of TCEQ's Border Initiative was included in their folders. It is divided into local, state, national, and international initiatives that will be conducted throughout the next year. The first initiative will be to define "extraordinary drought." The GNEB is mentioned in the report. Additionally, TCEQ met with EPA, and EPA will be conducting a pilot program on radio frequency identification (RFID) to track hazardous waste in Santa Teresa and El Paso. TCEQ has provided comments on this project.

Mr. Elbrock noted that the border fence is an important issue in his area. Contractors for the Border Patrol came into the area in October 2008, and wanted to have the fence completed by the end of December 2008. The Gray Ranch, however, contained 10 to 12 miles of property that the Border Patrol would have to cross to get to the border, and this ranch had the resources to slow the construction. The Border Patrol threatened to invoke eminent domain and move through the private property, but the Gray Ranch was prepared to bring a lawsuit to prevent this. Therefore, the contractors worked with the ranchers and the Malpai group on the Arizona side of the border. The Malpai group was able to negotiate to help mitigate the damage to the environment, but to the east, in the area of Antelope Wells, the residents did not have the power to negotiate and no environmental considerations were made when the fence was constructed. Installation of the fence in the Animas Valley and the San Bernardino Valley is a positive step, however, because it will stop crossborder illegal trafficking. Animas is approximately 30 miles north of the Mexican border; previously, if people crossed the border illegally, a high-speed chase through Animas ensued. The residents were concerned that children leaving school could be endangered by these chases, and there is hope that the fence has eliminated that threat.

Mr. Dorsey said he had given a presentation about the GNEB at the California Environmental Health Association Conference, and subsequently wrote an article for the group's publication. He offered to provide a copy to interested GNEB members. On March 20, 2009, he will give a presentation on the GNEB's Eleventh Report to the San Diego Association of Governments. Finally, the California Assembly Bill entitled "Environment: California and Mexico Border" was introduced on February 27, 2009, by Assemblyman Manuel Perez. This would create a New River Public Health Improvement Project, which would consist of sewage treatment, pollution prevention, casing and piping of the New River in Calexico, and the restoration and enhancement of the New River Channel to protect human health and the natural environment. The Bill would require that California EPA, the State Water Resources Control Board, and the Regional Water Quality Control Board work with the IBWC on this project, and would instruct those state agencies to seek federal funding for this project through EPA and other federal sources. Mr. Dorsey will be tracking this bill.

Mr. Manzanilla directed GNEB members to two items in their folders: a bulleted list of recent accomplishments: diesel truck retrofitting and the cleanup of the *Metales & Derivados*, a former lead smelter in Tijuana; a tracking system for hazardous waste; updates on emergency response; and Region 6's launch of an "Ecovida" program to promote environmental awareness in the El Paso/Ciudad Juarez region. Additionally, upcoming events are noted, including the request for proposals for Border 2012 projects and a GHG conference in Monterey to be held April 22-23, 2009. The second item is a chart of Border 2012 grants that were awarded last year, with fiscal year 2009 funds in the amount of \$1.7 million. Dr. Ganster asked what amount could have been awarded to worthwhile projects if more funding had been available. Mr. Manzanilla responded that he did not have that information but would send it to Dr. Ganster. EPA has been able to fund about 60 percent of the projects for the past several years. Mr. Garcia added that the biggest constraint is staffing for project management; many projects from previous years are still ongoing, so there are more than 100 being conducted. Mr. Manzanilla agreed that project management is becoming more burdensome, and the advice of the Board on how to improve the handling of these grants would be welcome. Dr. Ganster asked if BECC was handling the funds so that EPA can fund projects in Mexico directly. Mr. Manzanilla responded that BECC handles the funds and assists with project management, but that EPA and BECC are reaching their mutual threshold in terms of project management.

Dr. Brown stated that he is on the board of the Southwest Environmental Center, a local non-governmental environmental organization that has added the border fence to its repertoire of advocacy issues, specifically as it relates to reserve-type properties that are adjacent to the border. The fence is affecting one of the wetlands parks in El Paso. Additionally, his department at New Mexico State University (NMSU) received a grant from the National Geospatial-Intelligence Agency (NGA, formerly the Defense Mapping Agency in the Department of Defense). His department's task is to train students to

be geospatial analysts, specifically with an intent that they might work for NGA after graduation. The first group is going through the program, and when they have completed it, they will have a career counseling session with an NGA representative. Ms. Lawson mentioned the Joint Working Committee (JWC) for Bi-National Transportation on the U.S.-Mexico Border. In the past few years, the laboratory at NMSU has served as the consultant to conduct the geographic information systems (GIS) work for the JWC. That project is reaching completion, and in the summer, Dr. Brown will meet with a firm in Washington, DC, to consider an extension of this project in the future with the authorization of the Federal Highway Bill. The idea would be to build a Bi-national GIS Transportation Planning Center. Dr. Brown said he would like to discuss this with Ms. Lawson. Finally, Dr. Brown, along with colleagues at the University of New Mexico and Colorado State University, had proposed a bi-national science advisory effort to the IBWC to build on the initiatives of the Rio Grande and Rio Bravo Basin Summits that were convened in 2005. They had met with IBWC Commissioner Carlos Marin, and this issue was to be placed on the agenda of the commissioners' meetings, but because of the crash that took the lives of the two IBWC commissioners, no further action has been taken. Dr. Brown will approach U.S. IBWC Commissioner Bill Ruth to resume the discussion, and he will keep the GNEB informed on the topic.

Mr. Guerrero informed the GNEB that recent discussions between the Natural Resources Conservation Service (NRCS) and SEMARNAT (Mexico's federal environmental agency) have led to development of the Borderlands Ecological Restoration Plan, which will establish three conservation demonstration sites. NRCS is working with *CONAFOR* (Mexico's federal forest agency), and Mr. Guerrero is developing a borderlands ecological restoration plan that will be developing plant material centers along the border for the propagation, study, and dissemination of native grass and plant materials for ecosystem restoration in Mexico. This is a result of discussions and planning that have been conducted since 2005. In November 2008, the NRCS group traveled to Mexico to provide technical assistance on this project. Dr. Ganster noted that tribal groups along the border with relatives in Mexico would be helpful in this project, as they have a structure in place for use of those plant materials.

General Discussion of the Good Neighbor Environmental Board's Thirteenth Report (Continued)

Dr. Austin instructed the workgroups to examine the handouts from the previous day's breakout sessions on what already had been recommended in the various topics, but that the groups were not limited to these issues. The recommendations must be a consensus process, so Board members should keep that in mind when determining the priorities the GNEB should recommend for the new administration. Workgroups should list the priorities and any details necessary to understand them and consider Ms. Wolf's list: infrastructure needs, assessment processes, the need for alternatives, cooperation among agencies, sustainability, and involving stakeholders. The workgroups should specify the the priority for each issue, and provide highlights to make the case as to why it is a priority.

The GNEB members broke into workgroups to address these issues.

Workgroup Report Outs

Dr. Ganster instructed the workgroups to present their reports so the GNEB will have a list from each group. These lists will go to a committee that will draft the advice letter. The draft letter will be sent to Board members for comment as soon as possible.

Water Workgroup: Mr. Elbrock, Mr. Niemeyer, Mr. Wood, and Dr. Brown

The workgroup identified the following recommendations:

- ❖ Increase BEIF funding to \$100 million per year to address lack of adequate water and wastewater treatment infrastructure. This is 100 percent consistent with the enabling legislation.

- ✧ Fully fund the Transboundary Aquifer Assessment Act authorized at \$5 million per year for 10 years.
- ✧ Conduct a comprehensive bi-national watershed research and management effort, including a long-term 5-year water resources planning effort.
- ✧ Advance research into the spread and control of invasive aquatic species in border waterways.

Mr. Niemeyer stated that BEIF is intended for both sides of the border. The transboundary aquifer assessment was a recommendation from the first GNEB report that finally became law; it now needs to be funded. Mexico's CNA is mistrustful of the process, however. Dr. Ganster noted that an article appeared in Cuba's communist party newsletter calling the project a "gringo plot to steal Mexican water." California opted out of groundwater assessment because of the All American Canal issue, but Dr. Ganster hopes that the state will rejoin the effort. Dr. Brown responded that he would add language on exploring California's inclusion in the effort.

Air Workgroup: Ms. Siwik, Dr. Austin, Ms. Wolf, and Ms. Stone

The workgroup listed the following recommendations:

- ✧ Recognize transboundary airsheds and develop policies and enable solutions at the transboundary level.
- ✧ Conduct permanent long-term monitoring along the border to establish baseline conditions and monitor changes as emission reduction strategies are implemented so that progress can be tracked.
- ✧ Conduct joint planning and coordination for emission reduction strategies across jurisdictions and across the border, and make standards parallel across jurisdictions, recognizing the differences between the regions.
- ✧ Improve transboundary infrastructure to improve air quality: increase road paving, address congestion at border crossings by bolstering infrastructure and technology personnel and intensifying long-range planning and coordination at the bi-national, national, state, and local levels.
- ✧ Reexamine activities such as disturbing land, removing vegetation that produces dust, and activities that historically have been exempt from air quality regulations. Conditions should be examined in light of potentially increasing drought conditions.

Energy Workgroup: Mr. Connolly, Mr. Moinester, and Ms. Krebs

The workgroup listed the following statements and recommendations:

- ✧ Energy and climate change are interrelated and have unique aspects in the U.S.-Mexico border zone; the lack of gains in infrastructure to keep pace with the rapid growth of the border area continues to have a direct effect on the quality of life on both sides of the border.
- ✧ A hotter, drier climate affects and exacerbates already high levels of particulate matter emissions from unpaved roads and higher concentrations of constituents in drinking water.
- ✧ There is a continuing need for more and better-quality data on border greenhouse gas emissions, including establishment of valid border region baseline data.
- ✧ There is a need to provide support for renewable energy to offset greenhouse gas and criteria air pollutants.

- ✧ Development of border targets in greenhouse gas emission reductions, including transboundary cooperative programs and trading programs, is needed.
- ✧ Federal support for renewable energy markets should be increased.
- ✧ Cooperative projects in energy efficiency and border commercial, industrial, and institutional operations should be supported.
- ✧ Border transportation emissions reductions and distributed energy systems are needed.
- ✧ Mass transit and ride sharing programs should be promoted to reduce the impacts of vehicle emissions.

Emergency Response and Natural Disasters Workgroup: Mr. Dorsey, Mr. Gillen, and Mr. Agan

The workgroup listed the following recommendations and comments:

Undocumented Crossings

- ✧ Enhance communication and collaboration among security and environmental protection agencies on both sides of the border.
 - Strengthen communication and outreach to the public to enable greater interaction with appropriate land management agencies and DHS.
 - Establish an office within the relevant Federal Government agencies dedicated to analyzing and communicating the impacts of border security on the environment.
 - The Federal Government should identify communication gaps and place a liaison in the border states who would facilitate communication among security, borderland, and environmental management agencies.
- ✧ Strategically employ mixes of technology and personnel to meet those security and environmental needs.
 - When possible, use technology rather than road barriers to achieve security goals.
 - If additional security infrastructure is required, combine permanent vehicle barriers with ground-based radar and other technology as well as personnel to secure the border effectively while minimizing impact on the environment.

Hazardous Materials Crossings

- ✧ Increase the number of hazmat inspectors and establish specific hours for hazmat crossings.
 - Increase the number of inspectors to inspect for hazardous materials and hazardous waste and to ensure legal disposal as well as tracking of highly hazardous and sensitive materials. An update of the hazmat tracking database should be included.
- ✧ Resolve the liability issues for first responders and provide targeted support that meets local needs.
 - Liability insurance indemnification and movement of emergency response equipment and personnel across the border to enable an effective joint response on either side of the border during an emergency are needed.
 - Equipment and emergency training are needed on both sides of the border, particularly in small U.S. communities, Mexican communities, and U.S. tribes.

Natural Disasters

✧ Rural areas

- Develop common approaches to watershed management. In the rural areas and smaller towns, the sister city approach did not work because the water did not originate there. A statewide approach to watershed management must be taken. Management cannot occur only along the Rio Grande, because the rivers originate farther into Mexico and the United States. This also is the case with the arroyos in the United States. Additionally, 4 inches of rain 80 miles from the border will drain into the Rio Grande River with such force that it stops the River and causes the water to spread out behind it. This is not simply a problem for the sister cities.
- Public health issues along the border remain a problem in Texas, especially, because the state health department has cut back services. In rural border areas, most of the doctors are on the Mexican side, and the drugs come from the Mexican side as well. Additionally, the mosquito problem and inoculations must be addressed.

✧ Urban areas

- In Texas, the only zoning is in incorporated areas; county governments do not have zoning authority. In Presidio, without adequate septic facilities and water on a property, no electricity will be installed.

Mr. Niemeyer added that the issue of financial agreement on disaster response needs to be addressed.

Collaboration Workgroup: Mr. Garcia, Mr. Schultz, Mr. Manzanilla, and Mr. Guerrero

The workgroup listed the following recommendations:

- ✧ Ask CEQ to convene federal agencies that are part of this group, and add the Department of Energy, to report on FY 2008, 2009, and 2010 border budget requests.
- ✧ Request that CEQ ask federal agencies to report out on border collaborative mechanisms and how agencies can improve cross-agency collaboration to support GNEB priorities such as climate change and energy.
- ✧ The list of priorities generated by the GNEB should be distributed to all of these federal agencies and could be an impetus for discussion in terms of the CEQ asking the federal agencies how they are supporting these priorities.

Dr. Ganster responded that this approach might lead to some practical steps to bring about collaboration.

Closing Remarks

Paul Ganster, Chair, Good Neighbor Environmental Board (GNEB)

Dr. Ganster instructed the workgroups to provide their recommendations to Dr. Brown. Dr. Brown then will combine them, create an outline, and send it to Dr. Ganster by Friday, March 13, 2009. Drs. Ganster, Austin, and Brown, and Mr. Niemeyer will craft an initial draft of the advice letter based on these recommendations and distribute it to the entire Board when it is completed. Mr. DeLeon asked if there had been a decision on the GNEB's upcoming meetings. Dr. Ganster responded that the GNEB would meet in the San Diego area, tribal location pending, on June 10-11, 2009, and in the Tucson region, perhaps Sierra Vista, on September 24-25, 2009. The GNEB has not met in the Sierra Vista region before, and would be able to examine several versions of the border fence and groundwater recharge through artificial wetlands.

Mr. DeLeon thanked Dr. Ganster for his leadership, Mr. Ashcraft and Ms. Gantner for their work during the meeting, Ms. Jannell Young-Ancrum (EPA OCEM) for her efforts in planning the GNEB's meetings, and Mr. Joyce for his work as the DFO.

Dr. Ganster asked the drafting group to stay for a few minutes after the Board meeting to determine a schedule for the advice letter, and he then adjourned the meeting at 1:00 p.m.

Action Items

- ✧ GNEB (OCEM) will ensure it remains in communication with CEQ Chairm Ms. Sutley .
- ✧ The Border 2012 staff will post the video presentation about Border 2012 and environmental stewardship on both sides of the border on the Border 2012 Web Site.
- ✧ Ms. Almodovar will notify the Border 2012 communication task force that communities need their help in disseminating information.
- ✧ Mr. DeLeon will forward the Spanish version of the press release on the Twelfth Report to the GNEB members.
- ✧ Mr. Niemeyer will determine if public meetings on the BGC strategic plan will be held in all 10 states.
- ✧ Mr. DeLeon will assist in convening federal agencies to discuss the work they are conducting and the future work needed on border issues.
- ✧ Ms. Gantner will send the revised minutes from the El Paso GNEB meeting to all Board members.
- ✧ Board members should use the press advisory about the Twelfth Report to draft letters to their local newspapers.
- ✧ Mr. Guerrero will draft language asking Ms. Sutley to facilitate collaboration and cooperation among federal agencies.
- ✧ Mr. Dorsey will track the California Assembly bill on the California-Mexico environment.
- ✧ Mr. Manzanilla will determine how many Border 2012 grant applications were received versus the number funded in the past year and report this figure to the Board.
- ✧ Dr. Brown will approach U.S. IBWC Commissioner Ruth to resume the discussion of the initiatives developed at the Rio Grande and Rio Bravo Basin Summits.
- ✧ Dr. Brown will add language to the Water Workgroup's recommendations stating that California's inclusion in the transboundary aquifer assessment should be explored.
- ✧ Dr. Brown will combine the recommendations from all workgroups into an outline and send it to Dr. Ganster on Friday, March 13, 2009.
- ✧ Drs. Ganster, Brown, and Austin, and Mr. Niemeyer will craft an initial draft of the advice letter based on the outline and distribute it to the entire Board as soon as possible.

Good Neighbor Environmental Board (GNEB) Meeting

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U.S. ENVIRONMENTAL PROTECTION AGENCY



Good Neighbor Environmental Board

March 10-11, 2009

U.S. Environmental Protection Agency Conference Center
One Potomac Yard, 2777 S. Crystal Drive
Arlington, VA 22202

AGENDA

Tuesday, March 10, 2009

(9:00 a.m. Press Conference - Release of Twelfth Report of the Good Neighbor Environmental Board: "Innovative and Practical Approaches to Solving Border Environmental Problems")

9:30 a.m. **Registration**

10:00 **Meeting Begins**
Call to Order—Paul Ganster, Chair
 Good Neighbor Environmental Board

 Board Member Self Introductions

10:10 **Welcoming Remarks**
Rafael DeLeon, Director
 EPA Office of Cooperative Environmental Management (OCEM)

10:15 **Opening Remarks and General Discussion**

Nancy Sutley, Chair
 Council on Environmental Quality

11:00 **Break**

- 11:15 **Update on Activities at the Border Environment Cooperation Commission and the North American Development Bank**
- Maria-Elena Giner, Deputy General Manager
Border Environment Cooperative Commission
- 12:00 p.m. **Overview of Current Activities Under the U.S.-Mexico Border 2012 Program**
- Lisa Almodovar, Mexico Border Team Leader
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- 12:45 **Lunch**
- 2:00 **Priorities from the 2008 Border Governors Conference**
- Stephen Niemeyer, Border Affairs Manager
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- 2:45 **General Discussion of the Good Neighbor Environmental Board's 13th Report**
- Paul Ganster, Chair
- Board Members
- 3:30 **Break**
- 3:45 **General Discussion of the Good Neighbor Environmental Board's 13th Report (Continued)**
- 5:00 **Public Comments**
- 5:30 **Adjourn for the Day**

Wednesday, March 11, 2009

Business Meeting and Strategic Planning Session

- 8:00 a.m. **Registration**
- 8:30 **Business Meeting**
- Approval of Minutes from Last Meeting
 - Update on Planning for June 10-11, 2009 Meeting
 - Discussion of Options for Fall Meeting
- 9:15 **General Discussion of the Good Neighbor Environmental Board's 13th Report (Continued)**
- 10:30 **Break**
- 10:45 **General Discussion of the Good Neighbor Environmental Board's 13th Report (Continued)**
- 12:30 p.m. **Public Comments**
- 12:00 **Lunch**
- 2:00 **Board Member Report Outs**
- 3:00 **Adjourn**