

[Border 2012 Summary of Comments](#)

**Border 2012: U.S.-Mexico Environmental Program
Public Meeting**

Alpine, Texas

November 7, 2002 • 6:00 pm
Summary of Public Comments and Questions

1. [unidentified speaker]: What is the La Paz agreement?

Bill Luthens: It's an agreement to work cooperatively on environmental issues between Mexico and the United States.

2. [unidentified speaker]: Why the sudden change from Border 21? This is an offshoot of Border 21.

Bill Luthens: The original Border 21 was planned to last five years. It has been expired for a couple years, but we've been operating as if it were still in place. The changes aren't that great. They are designed to put more focus on local participation and local decision making.

3. Does it still involve the 62.5 miles into Mexico and 62.5 miles into the United States or does it follow 150 miles into the United States?

Bill Luthens: A hundred kilometers, but I wouldn't say that those are necessarily hard boundaries. If you're looking at a problem and you can't solve the problem by focusing entirely within the hundred kilometers, we would expect that the work groups might bring in partners that can help get to the source of a problem.

4. I was in Las Cruces when the NADBANK gave Juarez x-million dollars for a black water project, a processing plant. What was the percentage of black water still being released after the plant was completed?

Bill Luthens: I don't know the answer to that question. Archie, do you know?

Archie: Well I can tell you that there were some operational problems early on. The amount of material being moved into the plant was more than anticipated, so it overwhelmed the facility. I don't know the percentage, but I know there is some black water being discharged with the treated water. So there are some additional steps that they're working on now. That has created some odor problems in El Paso. I think 15-20% of the water is not being processed, and it's being reentrained with the effluent from the plant. But they are currently working on it.

5. [unidentified speaker]: From what I've heard and read so far, this is going to be more of a local environmental activity than it will be state and federal. Is that correct?

Bill Luthens: The idea here is that we all get together and work on it, so the regional work groups are designed to bring more local influence to the process of identifying priorities and then bringing in state and federal government to help with the resources and things of that nature.

6. [unidentified speaker]: Our experience here has been that the local voice is paid no attention in the last six years when it comes to any environmental issue. So we would like to be able to comply with NEPA in that respect, that state and local governments have the final authority to make the final decisions.

Bill Luthens: This process is not changing any existing laws. But what it may do is bring the people who need to work with NEPA into a closer working group.

7. [unidentified speaker]: I would like to know if the EPA will give more consideration to psychological impacts, not just physical.

Bill Luthens: In the joint advisory committee I work on we have physicians and health department people that work with us on those things and they're part of the process. And if there's an issue, they help in that targeting and priority setting process.

8. [unidentified speaker]: My question relates to our sister city in this area, which is Ojinaga. Are they going to be eligible for substantial NADBANK loans for water quality and air quality? We do have a local air quality group that is active in this area. We have been working with the high school students in Ojinaga. What about grants? Are they going to be available to NGOs?

Bill Luthens: Money is always an issue. Victor Valenzuela gave a good example of taking a small amount of money and starting a project that generated more interest that brought in more partners that brought in more money. We're always interested in projects of that nature.

9. [unidentified speaker]: How much money is allocated by EPA for air quality and water improvement in this area?

Bill Luthens: Some of it gets appropriated directly by congress. Generally between \$50 and \$100 million per year for water and wastewater infrastructure along the border, and two to ten million dollars per year for air quality projects. We also get about a million dollars a year from the office of international activities. That is to help build partnerships and give small grants to NGOs and

communities. That really helps build the relationships and build the stakeholder groups.

10. [unidentified speaker]: [off microphone]...In this past month we have been working in Ojinaga. They have three air monitors down there. We have had a program here at the Alpine high school. We are an active group and our whole purpose is to promote awareness of our air quality in this area. As you know the Big Bend Park was listed just last spring as one of the most threatened of our national parks because of air quality. We're working on that trying to promote awareness.

[break]

11. Curtis Shrader, City Manager, City of Marfa: I am familiar with Border 21. It was not a bottom-up approach. It was a bottom down, ram-it-down-your-throat approach. One of the things that I noticed in the summary is that it says this is going to be a bottom-up, grassroots, local participation, and in many respects locally led project. As a city official, the environment is important to us. But we also have to balance that concern for the environment with other concerns for our economy, for our history, for our culture. I think it is important not to get too focused on the environmental factors. There are other factors that make our communities what they are.

Another difference I noticed is that this is a ten-year program instead of five years. It also has built in evaluation mechanisms so that if something isn't working there are ways to correct that so that it does work. There are a lot of key words in here about cooperation, public participation and the achievement of concrete results. Another thing I like about it is the decentralization of the decision-making process and putting it in the hands of primarily local and regional work groups. I also like the fact that one of those meetings was here in Alpine.

I also like the emphasis on capacity building. In the rural areas of the border, that's the main thing that we lack: the capacity to see things through to fruition. There's also an emphasis on stewardship and sustainability. I also like the emphasis on using good, scientific data. There's also an emphasis on infrastructure, and as a city official, a lot of the issues that we deal with on a day-to-day basis are infrastructure. Rural communities have a very limited tax base. Another thing I like is the smaller, regional focus.

The only downside that I see is that I have a lot of confidence in the progress that we make on the U.S. side. Unfortunately I don't have that same level of confidence that the same thing is going to happen on the Mexican side. There are a lot of examples over the years where that hasn't happened. And that's a lot of the reason why we're still dealing with upstream or downwind problems with regard to water pollution, etc., because our neighbors are not as far along as we

are on some of these things. So my only big concern is assurances that our Mexican counterparts are going to be as diligent and progressive with this program as we are on this side.

Bill Luthens: Where I have been most involved, which is in air quality in El Paso/Juarez, we have begun to see improvements. One thing we can do through these work groups is figure out how we can contribute, through things like market incentives, on ways to bring about improvement on the other side of the border.

12. Pete SMIKE, Big Bend Green Party: One thing that concerns me is the population growth in the border and the need for energy. I'd like to see if it would be possible to put a very strong emphasis on sustainable energy production, such as solar and wind power. These are two things that we have in great abundance down here and they're essentially cheap to build and maintain and you can put them just about anywhere along the border where there's wind or sun, which is just about everywhere. In environmentally sensitive regions like the Big Bend, where we have a lot of trade goods going through from NAFTA and so forth, it would be a real good thing to look at some of the rail lines that are set up instead of using trucks.

Bill Luthens: Two excellent points. You've got a local interest in the air issues and the energy issue. And yet there's still going to be an air policy forum and that particular issue is one that we're not going to be able to work on without the Department of Energy and the State Department and others. That's a big federal-to-federal issue.

Transportation is a big issue for a lot of border communities with crossings and diesel trucks. The United States government has passed standards for cleaner diesel burning engines, but it's going to take longer to come to pass in Mexico. There are a lot of technological improvements that can help move traffic across the border faster.

13. Joe Thompson, member of local tri-county, binational, Chihuahua/Big Bend air quality group, an NGO: We have currently been working with high school students in Alpine and Ojinaga. The major concern that we have with air quality is health. Along with health comes visibility. Recently one of the astronomers at MacDonald observatory has been trying to determine what has been deteriorating the visibility quality. Currently it seems that when there is a lot of wind from the southeast, he gets a lot of particulate matter in his collectors. Carbon one and carbon two in Piedras Negras are one of the main sources in this area as well as the other cities in Southeast Texas and the northeastern sections of Mexico. There are also one or more coal fired plants using heavy content sulfur fuel, sulfur coal. The coal from Mexico is high in sulfur content. That's part of our problem.

Our major sister city here is Ojinaga. They have some major problems. Water quality is one of them, because the major water supply from the Rio Grande does

not come from El Paso. The majority of the water in the Rio Grande comes from the Rio Conchas, which comes out of Mexico.

We as an NGO are seeking additional seed money to continue our projects with the local students and with the students from Mexico. The port of entry at Presidio is planning on a minimum of 100 trucks per day and possibly 200 when the road is completed in Mexico. The Department of Transportation has inspectors there to make sure the trucks meet U.S. standards, but when we start having 100 trucks a day, two inspectors aren't going to be enough and the port of entry is not going to be big enough to handle that.

Bill Luthens: On visibility, we'll be back in a couple months to present the results of the Bravo study, in which we released tracers from sources in East Texas and representative of carbon one and carbon two.

14. Diane Lacey, county commissioner, Jeff Davis County, president of Davis Mountains Trans Pecos Heritage Association: We represent over thirteen and a half million acres of private property. What we really need is a ninety-day extension of the comment period to properly comment. This proposal brings up a lot of issues and we really need more time.

The plan specifies the protection of public health and the environment as the goals, yet you completely ignore the massive illegal alien invasion of the United States, mostly directly across our deserts, our national parks, our national forests and our riparian areas. These border areas are being completely trashed by the sheer numbers of illegal aliens storming through those areas. They scatter trash, human feces, empty plastic water jugs. It's an enormous problem and we don't see it addressed in this plan. Do you have anything to address that problem?

Bill Luthens: Not specifically, you're right, and it's a comment that we've heard before. To the extent that it becomes an environmental problem, that's the kind of issue that a local group like this can target and try to bring in the partners and the resources to do that.

Diane Lacey: Just by the numbers, it creates a huge health risk, and bringing in infectious diseases and things. The document says, "to reduce public health risks and preserve and restore the natural environment consistent with the principles of sustainable development." What are those principles and where can they be found?

Bill Luthens: The idea here is that when we undertake projects that we're looking into the future at how it's going to live beyond the short term that we're working on it.

Diane Lacey: That's rather vague. I've seen the term "sustainable development" in other things, like the UN Agenda 21, and it's very specific. There are a lot of

vague terms and some of the terminology may mean different things to different people and until those terms can be clarified specifically, it's opening the door to a lot of misconception. How do you intend to reduce public health risks and who is going to establish the list of risks? What does the "natural environment" mean, and restore it to what condition? What is the standard to be used? Some of those things need to be clarified.

Bill Luthens: Public health risks is another perfect issue to look at locally. It may be waste tire piles. The most important local issue might be dengue fever from mosquitoes, and it might be something else somewhere else along the border. Those are the kind of things that we hope the local groups will help identify and set up the priorities on how to deal with those, along with local health officials.

Diane Lacey: What is the cost in each of the border counties in the United States? What is the cost in each of the governmental entities in Mexico? And who is going to supervise that risk reduction and environmental restoration? Who is going to determine when it is done satisfactorily?

Bill Luthens: Are you going to join one of our work groups? You're going to get to help make that decision. We've set up certain environmental indicators that we're trying to achieve broadly across the border. The United States and Mexico both have environmental standards that are measurable numbers that we want to attain. But local work groups may establish their own goals and their own way of measuring that.

Diane Lacey: And the costs on the U.S. side and the Mexico side. Who will pay for all of this? Are we going to be each sharing in the cost 50/50 or are we going to be assuming the cost for the Mexico side, or what?

Bill Luthens: Our congress appropriates money for border projects. Mexico's government also does. It's not as much as ours. I don't know what it will be three years from now or four years from now. We mentioned earlier situations in which U.S. companies actually pay for pollution reduction in Mexico through market incentives.

Diane Lacey: So you don't have any firm agreement with Mexico on funding?

Bill Luthens: It's difficult to answer that question because what we're trying to do is create a framework. I don't know what projects we'll be working on in the future.

Diane Lacey: You're talking about a bottom-up approach for setting priorities and making decisions through partnerships with governments, including the tribal governments. What about private landowners and local citizens? And are there any safeguards or protection of private property rights in this proposal? Especially

with source of water. Texas values its private property rights and words like, “federal monitoring and controls” give us concern.

Carlos Rivera: I want to refer back to the presentation Victor Valenzuela made. It is a bottom-up approach to identify the issues and identify ways to attack those. We look forward to having private landowners as part of our task forces and regional work groups to identify the issues and work on plans to resolve them.

Bill Luthens: I would fully expect them to be participants in the work groups as equal partners.

Diane Lacey: So you think there might be some opportunity for protection of private property rights in implementing this plan?

Bill Luthens: Yes.

Diane Lacey: Good. So your organizational structure from the bottom-up would be at the county level, or what do you have in mind?

Bill Luthens: Again, we haven’t defined it. We’ve defined four regional work groups, and one of the regional work groups involves Texas, New Mexico and Chihuahua. That’s still a big area. What I would envision is that working in the regional work group, there may be task forces. The idea is that local issues will receive more focus in smaller, regional groups compared to large, border-wide groups. We’re seeking comment on that tonight, how we can make it even better.

Victor Valenzuela: The task forces are an integral part of the work groups. The group that you represent has a vested stake in this program, if they are addressing issues that are of concern to you. So the task force you form out of the organization that already exists would want to become part of the process to make sure any concerns you have are addressed as soon as this regional program starts to develop.

Diane Lacey: We just mainly want to make sure there is some form of protection for private property rights in Texas along this border area. Because we know in the past that sometimes the rural areas get overshadowed by the urban areas with their concerns. We just want to make sure they are taken into account.

Carlos Rivera: A lot of important issues have been raised tonight, and one of the challenges of the task forces and the regional work groups is going to be to prioritize those.

15. Brian Kelly, Trans Pecos Protection Group: This sounds like a silly question, but I wonder if you could define the environment. What is the environment? What does it include? The atmosphere? The surface of the earth?

How is this process going to work? Like the NEPA process? Is this a purpose and need meeting or is this just a scouting mission? Are we going to have environmental assessment, etc.? Who has final authority? The EPA in Washington?

Anything local we have done in the last six years always ends up in a black hole. We never see any record of it in any environmental document. We've looked at about fifty-six of them and analyzed them. This is the kind of thing we are concerned. We can go out and do all these things and be a part of it, but nothing ever comes of it. We have a hard time talking with violators of the environmental policy act because all we get from them is their public relations people. They don't know anything about the environment nor the laws. We're just blocked anywhere we go at the local level. Our local governments do nothing. According to them, the State of Texas constitution doesn't allow them to pass any environmental laws without the approval of the state. As far we're concerned, the TNRCC got a hold of a lot of what the EPA was doing in Texas and buried it. They have the authority, but they don't exercise it. Who has the authority? Who do we go to when none of what we tell you is ever used or considered?

Bill Luthens: Who has the authority depends on what we're looking at. In some cases the federal government has the authority. Siting issues are often important. Those are local issues and they have the local authority to decide on zoning issues. That's why it's important these regional work groups be built from the bottom up and they include all levels of government, so almost any issue that arises, there is somebody sitting at the table who does have the authority.

16. Brian Kelly: Is it possible that EPA could a way that the State of Texas can remove the restrictions that dictate that counties cannot write any environmental laws?

Bill Luthens: In my experience, counties and cities can write environmental laws in certain cases. It just depends on the situation. One thing I want to be clear about is that we're trying to build a program that isn't trying to create new authorities or expand mandate, but to bring people together to solve problems.

17. Tom Nance, City Manager, City of Presidio: I think money is the bottom line to all environmental issues. I think we have a regional issue that we all agree is going to be important, which is a big pile of trucks rumbling through the city of Presidio into this entire region. I've recently been involved with the BECC and the NADBANK. I have mixed feelings about the BECC and the NADBANK. I know they're funded through EPA. I'm elated for the city of Ojinaga that they've gotten funding for a sewer project.

The city of Presidio had been working with the BECC for five years. We were at about 87% capacity of our sewer plant when we started with the BECC to get certification, and this year we just couldn't wait any more. We hit 95%. We had

some peak flows that overflowed the banks of our ponds. USDA Rural Development has a program that also funds sewer systems. On this side of the border, we have options. I know that BECC had planned \$4.4 million dollars to go into a treatment plant for the city of Presidio. We worked with some engineers from the World Health Organization and others. We came up with a better plan. And I would love to use that \$4.4 million to do some dust eradication and do some paving in Presidio.

I don't know that EPA addresses those issues. But those are big issues in this area. If we can build some system to keep those trucks from going through Marfa, which is not going to receive any benefit from it, while Presidio will. But Presidio will also be negatively affected if we don't get some roads paved. To build some kind of system to route that traffic away from Marfa and away from Alpine up to interstate 10 I think would be an environmental issue. But I don't believe that EPA is addressing the dust and the other health problems. Currently, because fuel is cheaper on this side a lot of the Mexican trucks are coming over and buying their fuel on this side, which is great for our economy. Unemployment in Presidio has gone down from 40% to 29%. We're very happy about that. But we're expecting the first train to come in within the next few months. They're going to be offloading those trains in Presidio. And those trucks are going to be coming through now. When the highway comes through from Chihuahua to Presidio, it's going to be more. I think 200 trucks per day is a low estimation of the number of trucks coming through the area. And I believe dust and all the other elements relating to trucks-- I mean everything from truck stops to brake fluid, maintenance on the trucks, emissions from the trucks and the dust. We already have tremendous respiratory health problems in Presidio. I would like to see EPA address those. I don't want paving projects to go through the BECC and the NADBANK. I would like to see them go through some other entity where we could see them within our lifetime. I would like to see EPA assist local entities in addressing dust eradication. These are some of the lowest income areas in the nation. So let's talk money here and that will take care of environmental problems.

Bill Luthens: Dust suppression has been something that EPA has not put a lot of attention to, but it is something that more recently we've started to put more attention to. It is a health problem. We have been interested in paving projects as air quality improvement projects. I understand your frustration with BECC and NADBANK, but as part of their mandate expansion they are currently looking at some paving projects as environmental projects they could fund. We've had situations in Juarez/El Paso in which companies that were required to pay environmental fines were allowed to pay those fines by paving in Juarez.

18. Tom Nance: BECC and NADBANK are an entity of last resort for water and wastewater, which is great in Mexico. But on this side we have USDA Rural Development that can finance it. USDA can finance anything BECC and NADBANK can't. Why can't we cut off some of that money and use it for other

things that will help the environment, preferably not through BECC and NADBANK, but maybe through the Department of Transportation? That is a recommendation I am making.

19. [unidentified speaker]: I think that since we are in a rural area, we feel like we don't have the clout that the metropolitans have and we are closer to our problems probably than people who live in big cities. To have you all come down and let us voice our opinion and our woes, we appreciate that. We feel like you are concerned with us a little bit and we do appreciate you coming down here.

Bill Luthens: You do have unique issues. And I will say that at EPA our focus does tend to go towards urban issues. And we're trying not to leave out the rural issues in the next phase of the border program.

20. Brian Kelly: I would like to add that our organization has received unlimited help in looking at environmental issues from the EPA Sector 6 in Dallas. In the 1950s in Del Rio we had an epidemic of Polio. It killed 156 people and crippled 930. It was traced back to Mexico. All these trucks are coming through here and we're talking about mechanics--do they have good brakes, etc. Most of the viruses and biological infections we have now are airborne. What are we going to do with these trucks coming in in terms of health issues? Will the drivers have any health inspection or health certificate? It's something to look at as an environmental issue.

Bill Luthens: Those are all good questions. EPA generally focuses on air, land and water, as it relates to the natural environment and health. There are other agencies that are more involved in health issues. A lot of what you're talking about with the trucks are Commerce and Department of Transportation issues, but we share these problems and they overlap. And that's part of what we're trying to achieve in the regional work groups is being able to bring together people who have historically tended to view their problems as separate to try to better identify the environmental and health consequences of a commerce and transportation decision, for example, and to be able to do something about it.

21. Norma Kaiser: My question goes back to Mr. Kelly's question. What is your interpretation of environment? What do you mean by that term?

Archie: It's the physical world in which we live. It's the air we breathe, the ground we walk on, the water we drink, the food we eat. That's the environment.

Bill Luthens: EPA has tended to be involved in issues relating to air, water and land, and that's historically how we've defined the environment. I don't mean to exclude anything. There may be something you feel we're excluding. It's helpful to us if you tell us what you think we're not taking into consideration that we can.

22. Diane Lacey: I'm skeptical about agreements with Mexico because they have not always complied with their agreements with us. We have one recent one, which is the water situation, which has affected a lot of the farmers in South Texas. If they should fail to comply--because this is an agreement with Mexico, this whole massive program—who will enforce that?

Bill Luthens: Under international law only the federal governments can make treaties with each other. But that doesn't mean we can't work together and make agreements. The biggest change in the program is that the states have worked very hard to be considered full partners. If we bring in the local government, the idea is that we're all working on the problem together and we're all accountable for the problem together. So if local, state and federal governments are working on a program together, they're all responsible and they're all accountable for what part they can play in helping to solve it.