

[Border 2012 Summary of Comments](#)

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

City Hall Council Chambers
Douglas, AZ 8567

**October 22, 2002 • 6:00 pm
Minutes**

I. Welcome/Introductions
EPA & ADEQ Representatives

Lorena Lopez Powers welcomed attendees and reviewed the agenda.

Attendees introduced themselves.

II. Draft Border Plan Presentation Outline
EPA Representative, Mike Montgomery

Mike Montgomery presented an outline of the plan, including background, reasons for the environmental program, background on the previous Border 21 program, as well as the new structure, goals and objectives for the border program .

The border region is 2000 miles long. It is defined as 100 kilometers on either side of the border and that is the jurisdiction of the plan. These efforts are driven by the large increase in population growth in the region and the resulting environmental effects. This growth is expected to continue into the future. There has been a slowdown in new *maquilas*, but there is still a high growth rate, especially in urban regions. That drives the needs and the environmental concerns. Growth is often not accompanied by adequate infrastructure, especially that related to water and waste water treatment. There are also air quality problems caused by population growth, due to an increase in the number of cars, etc. There are also not always the systems in place to handle solid waste and hazardous materials. Increased trade also means increased hazmats passing through ports and traveling on highways. These issues have motivated a series of plans between the EPA and SEMARNAT over the last ten to twenty years.

This situation has led to a higher incidence of environmental health effects. For example, higher rates of asthma among children in the border region in

California. Higher rates of gastrointestinal and other environmentally related diseases.

President Reagan signed the La Paz agreement with Mexico, which defines the area and provides the framework for border programs. The previous Border 21 plan expired in 2001. The EPA and SEMARNAT met in Juarez a little over a year ago and committed to the development of a new plan.

The Border 21 plan was organized with the EPA, the Department of Health and Human Services and their counterparts in Mexico, as well as natural resources authorities: DOI and its counterparts. It was made up of nine work groups led by the federal government focusing on the following areas:

- Water and wastewater infrastructure
- Water quality
- Air quality
- Hazardous and solid waste
- Chemical Emergency preparedness
- Natural Resources
- Environmental health
- Environmental education

Some accomplishments of Border 21:

Since 1985, \$625 million dollars have been appropriated by congress for water and wastewater infrastructure for the border region.

Binational air quality monitoring

Information sharing on hazardous waste facilities

Sister city agreements that allow communities to help each other in the event of a hazmat incident

The new program is based on a proposal the EPA received from the ten border states. We want to have and see much greater participation on priority setting and projects in border communities. We want to engage local communities to identify priorities and projects that would become the driving force of the new structure based on regional work groups. The states asked for a leadership role in that.

The mission has been refocused on partnership among federal, state and local parties. This is a shift away from a strictly federal to federal partnership. This new focus includes a longer planning period of ten years instead of five years. We hope to establish longer range plans and goals and thereby achieve longer lasting results. We also didn't want the structure of the plan to be subject to changes in administrations on either side of border. The new focus also emphasizes increased local participation through the formation of task forces.

Natural resources are not an explicit part of the plan. DOI, which was a participant in the previous plan, opted not to participate in the new plan. Instead, as regional work groups form, if the community wants to see natural resources integrated, they may do so, but the goals do not specifically include natural resources.

Finally, the plan seeks to emphasize objectives that are going to be more measurable and more directly linked to improving environmental conditions. This is a change from the former focus on sustainable development, in favor of more specific, measurable objectives.

Goals proposed:

- Reduce water contamination
- Reduce air pollution
- Reduce land contamination
- Reduce exposure, particularly children's exposure to pesticides
- Reduce exposure to chemicals as result of accidental releases, etc.

The most important thing for people to review and comment on are the objectives.

Proposed basic structure:

The new structure still includes federal leadership, but the driving force is the regional work groups.

- Two national coordinators: EPA and SEMARNAT

- Four regional work groups each led by:

- Two federal co-chairs

- Two state co-chairs

- These would work with local officials that implement border programs, with citizens, NGOs, local governments, and others.

- Border wide work groups

- Two with federal leadership

- Enforcement coordination on federal enforcement actions

- Emergency response

- Policy forums will be held yearly. These forums will provide an opportunity for those on the regional work groups to raise policy issues with federal officials, to suggest policy changes or binational agreements to resolve problems caused by policy issues.

Douglas/Agua Prieta area issues:

We will continue to maintain air quality monitoring in the Douglas/Agua Prieta area and will implement measures to improve air quality.

There are still problems with sewage flows from Naco. We will continue to work on that.

There's a basin study underway, that we have funded, to look at ground water quality in this area. That will continue.

Solid waste and environmental quality issues related to illegal immigration have been identified as a need. Studies have been carried out. In this regard, there is a large impact on the Tohono O'odham nation. We're looking for ideas for projects to address that. I know it is a huge issue for both public and private land in the area.

There are needs for emergency response training and equipment needs. We have provided training on both sides of the border on hazmat response. We also need to look at equipment needs.

We are going to hold extensive public meetings on both sides of the border. This is the second on the U.S. side. There will be some binational meetings with representatives from both the U.S. and Mexico. The proposed leadership of the regional work group will be there.

Please send comments in by fax, mail, web site. We will take all comments, sort them, respond to them and provide the response with the final document. Comments can also be submitted in Mexico to SEMARNAT via fax, web site, etc.

The public comment period ends November 22. It began September 23.

III. Questions and Comments

Question: The proposed leadership of the regional work groups will be at which meeting?

Lorena Lopez Powers: In Nogales next week. In Nogales, Arizona on October 29, and in Nogales, Sonora October 30.

Question: Does the structure include a review process for constitutionality in both the U.S. and Mexico?

Mike Montgomery: The final document would go through a review by the State Department in the U.S. and Mexico to assure that it does not exceed the scope of the La Paz agreement, which allows coordination on resolving environmental issues.

Question: In your presentation of the plan, you covered briefly the single most important problem, which is illegal immigration. People are coming through

in such droves that they are trashing our country. They are making a terrible mess and there's not a single word in your plan about that problem. We want to tell you, all these other problems are insignificant compared to illegal immigration. I know it is not politically correct to talk about it, but it is a fact.

Question: You mentioned enforcement cooperation and coordination. What standards, particularly in the area of environmental pollution, will be enforced by the EPA, and will they be enforced equally on both sides of the border?

Plácido DosSantos: There has been an Arizona/Sonora group in operation for about three to four years on environmental enforcement matters. This is important because there are unique violations at the border. An example is hazardous waste from American raw materials coming back across the border from Mexico. We want to make sure hazmat shipments comply with U.S. law on U.S. roads. The Mexican requirements are different. The EPA recently took legal action against a foreign company for the first time for a hazardous shipment through Nogales.

With regard to standards, U.S. law has to be complied with in the U.S., not in Mexico, and Mexican law has to be complied with in Mexico, not in the U.S. With regard to solid waste, last night someone raised the same concern about illegal immigration and he used the same term, "politically incorrect." I don't think it is. It's a reality. We've discussed this with the EPA for a long time. They now understand it is a transboundary issue. The enforcement group met in Agua Prieta three weeks ago and a gentleman from Mexico brought up the problem of illegal dumping by migrants on the Mexican side. So the same problem exists in Mexico. It is clearly a transboundary problem that should be recognized as such. Resolving these problems will require real creativity. A large labor force will be needed to do clean up. Where will that labor force come from? Here in Cochise County there have been some volunteer efforts. That's great, but it may not be enough. We would like to see some sort of task force in this region to tackle the issue of solid waste dumping, led by whoever has a vested interest, whether that be the federal, state, local government, an NGO, an academic group. For a labor force, inmates could be organized into chain gangs to clean up public lands. What we really need is local leadership. The weakness in the last program was that the leadership was in San Francisco, Dallas, Washington and Mexico City. They didn't have a direct connection to local issues. What the states proposed and what we want to see is local leadership, local priority setting, because that is how you change environmental conditions.

Mike Montgomery: The plan's objectives are border wide. They are not intended to address regional issues. Regional work groups can adopt their own objectives. I think it would be perfectly reasonable for us to consider the creation of a measurable objective for trash collection.

Comment: One of the problems with the idea of these regional work groups is that you mentioned you are considering information from the tribes, local leaders, NGOs. You did not mention private landowners. I am a land manager of 12,000 acres each of state, federal and private land. My husband's family has been on that land for almost 100 years. We have lost revenue because our cattle are run all over the land by illegal immigrants. The wildlife is decimated. Diseases are coming up here. We've got rabies, rabbit fever. This is a serious, serious problem. What about going and building infrastructure in their communities so they can have jobs in their own communities so they can stop coming up here.

Question: Is the La Paz agreement a treaty ratified by congress or signed only by the president?

Mike Montgomery: It's presidential.

Question: So it doesn't have the full power of the U.S. government?

Mike Montgomery: Yes, that's right.

Question: Does the funding require special appropriations by congress?

Mike Montgomery: It does not require new appropriations, but rather ongoing funding. All the usual EPA appropriations. The border environmental infrastructure fund. That's appropriated by congress every year to fund water and wastewater projects in the border region. There is a small amount in the EPA budget for border projects.

Question: Regarding the role of FEMA. Will FEMA have the authority to go into Mexico if necessary?

Mike Montgomery: FEMA is a potential funding source for coordination among sister cities.

Question: What's the primary source document that outlines FEMA's ability to provide funding for sister cities projects?

Mike Montgomery: We'll have to get that for you. Lorena will follow up with you.

Question: I'm concerned about the health and welfare of our citizens. Especially the fact that our children are scoring low on academic tests. I see there are no county health representatives here. As far as I'm concerned, most hazardous waste sites are in the county. That should be the first priority. Since 1967 there has been monitoring of air quality. There are high levels of lead and other substances in the air. There have been numerous studies. You have

identified the hazardous waste sites, but not addressed them specifically for the last twenty years. Most of them are on former Phelps Dodge property. The winds are from the south. There are crushed slag operations in this state. Those piles are still standing. Until they are removed, our children will fail. Please address this.

Plácido DosSantos: Regarding air quality, you mentioned data back to the 60s for metals, sulfides, etc. We have been doing monitoring in Douglas/Agua Prieta for two years, and we are finding that elevated levels of dust is the main problem. This is probably related largely to unpaved roads. That's the primary pollutant we are observing in the air at this time. Our intent is to pursue a binational dialogue to fix this problem with actions, when the study is complete. It will be finished in about two years. That doesn't mean we should wait to identify measures. Agua Prieta has a project up for certification by BECC for paving 30 kilometers of roads. Our team helped to prioritize the roads to be paved. Wildcat dumping is a problem we all know about and it is important. Slag piles are not hazardous waste sites. It's inert. It's not considered hazardous waste. There are no hazardous waste sites in this area. If you have information or a suspicion, please contact us and we'll get some attention to those concerns.

Follow up: The slag piles were crushed over a period of twelve years, within the white water draw area. That is where we are getting the high arsenic levels in our water. In four years we have to comply with arsenic. That will be a problem if the county does nothing about it. It costs millions of dollars to bring in equipment to remove that.

Comment: When you come into town, you better bring some big bucks. These are big issues and the only thing that will solve them is money. One problem is that when NAFTA was designed it was supposed to help raise the standard of living in Mexico. A lot has changed. We are now in a depression state. Other agreements have been passed: GATT, etc. The international corporations have left and gone to China and other places. Now Bush is talking about extending free trade to South America. The idea was that when wages equaled out, then it would expand south. Well there is total depression in the border plants. Something is not working right. There is high unemployment on both sides.

I'm totally opposed to using prison labor. It should be like the old WPA programs. Let's pay people on both sides to work. We need work for people who only know how to do manual labor. So bring money and programs to put people to work. Regarding illegal immigration, a few years ago there was high rainfall in the area. 4x4s used by coyotes wore down the banks of the river on the side, the water crested and made new channels which flooded houses and other areas not flooded before. Bring money to rebuild those channels on private, state and federal land.

Comment: Regarding endangered species, in Mexico they don't allow citizen involvement. It is very difficult because there are different rules in the U.S. I've worked on task forces with Game and Fish on the protection of species, and citizens from Mexico are almost not allowed to attend the meetings. It has to go to the local people. We do not need more rules and regulations. We have enough.

Question: How many letters would be necessary to persuade you to extend the public comment period?

Mike Montgomery: I don't know the answer to that. A lot. I don't know how many, but I would encourage you to send them.

Question: What concerns me is that the EPA has leadership that is not responsible to the electorate. We can't change anything. We're responsible to somebody in San Francisco. That's not leadership for us down here. I don't see here anybody in our community that has an elected position.

[It was pointed out by others that a local elected official had just arrived.]

When we talk about leadership, we need people locally that are responsible to the community. You said \$625 million dollars was spent on Border 21. How was it allocated? Who got to decide? I also don't see anyone from Agua Prieta for leadership.

Mike Montgomery: A report was produced at the end of Border 21 with details on how the money was spent. We'll send you a copy. Most of EPA's programs here are implemented by ADEQ, and they have people locally based in the state that implement those programs.

Lorena Lopez Powers: Regarding participation of local leaders Supervisor Paul Newman is here tonight and would like to make some comments. It's a good point to raise. As we talk about the plan in these sessions, there is a real effort to do that. This is meeting number four of ten we're having in this region. There is a great effort to have dialogue with local communities. You're right, we need more. As we start to implement the border plan, there will be information available to the public. There is an invitation to local governments and local people to attend and participate. Task forces can be formed to address pressing issues. The border region has many other issues that are not yet addressed: transportation, energy, etc. I encourage you to communicate with your local and state representatives about these issues.

Question: There's a petition for judgment before the Transportation Board in Washington DC for the creation of a new rail port of entry a mile and a half east of Naco. I have tried to get information about it and have not been able to.

Mike Montgomery: There is a group at the State Department that focuses on that. We can put you in touch with them.

Comment: I am strongly opposed to any rail port of entry near the San Pedro. The railways are in a riparian area. The rail is very dilapidated. One spill of, say, sulfuric acid, would mean thousands of people evacuated. I read in the paper that Plácido DosSantos said it's not a mile and a half east of Naco, but seven miles. But if it uses the same tracks, they go right through Naco and then up the San Pedro. Bisbee is concerned. There's concern about the river. The train really scares me. A port of entry would be very detrimental. Terrorism is also an issue. With those closed containers. Only about 3% of vehicles crossing the border are screened.

Comment: You would like us to get local officials involved. One reason there are not many here is lack of sufficient notice. The plan specifies a minimum of 45 days' notice before public meetings. This was announced in last Friday's paper. That's only four days - much less than 45 days. You're going to have to do better than that to get public officials involved.

Comment: The public is unaware of what's going on here. It takes time. I would really like to see the public comment period go beyond November.

Comment: I work for the city of Douglas, and I want to convey that we have benefited locally from the \$625 million dollars. We have received three million for water infrastructure and wastewater treatment. We have also been through two planning processes for wastewater treatment and water. We have received technical assistance from the BECC. We are now asking the NADBANK for \$50,000 for a solid waste assessment, which would include the current status and future expansion. Regarding the lack of attendance from Agua Prieta, there is a meeting there tonight at 6:00 for certification of the project that was mentioned to pave 30 kilometers of roads. It is the public participation meeting that is a requirement for certification by the BECC.

Question: Is there going to be construction money? Will contractors be hired?

Answer: We just started the project this year. Yes, we want to hire contractors.

Question: If you accept bids from out of town, is there going to be a requirement to hire a certain percentage of unemployed local people. How will local people benefit from this money?

Answer: There is currently nothing in our charter or procurement guidelines requiring a specific percentage of local labor.

Comment: I hope you get to work to require that.

Answer: On a lot of projects, the city acts as general contractor as allowed by state law. And then the city can hire locally. Each municipality can do projects up to \$166,000.00.

IV. Break

V. Continuation of Comments and Questions

Question: When is the plan going to be finally adopted and by whom, what organizations?

Lorena Lopez Powers: There are different entities participating in the project: the EPA, SEMARNAT, ADEQ, the Sonoran Environmental department.

Question: So they all have to agree?

Lorena Lopez Powers: Yes. The plan is in draft. We are looking at comments and addressing issues. We hope to release it in early 2003.

Comment: I notice that on the new border plan, some of the concerns raised on the previous plans are included in this new plan, such as the lack of involvement or participation of regional, and local communities in discussing environmental issues and developing and implementing solutions. This new plan has this orientation to work closely locally, which is good. I have heard several issues raised that would be good candidates for discussion in regional work groups, such as immigration, border crossings, etc. I would suggest to those that raised those issues that they be ready to push for a task force. These are not just local concerns. They may be border wide. Eventually both federal governments will have to pay attention. Secondly, it seems to me that some environmental issues will require regulations and/or policy development because of the complexity of the issues and the size of task. An example would be tracking of hazardous waste. There is currently a large gap in tracking across the border. The solution is not harmonization of codes, which would take years, but rather the improvement of reporting requirements and tracking requirements. Regarding the tools that were mentioned to achieve these goals, one that I see is lacking is the right to know what companies are releasing into the environment that might effect health. In the border area we have half the right to know. There is the right to know in the Douglas area. But not on the Agua Prieta side. In Mexico, we have the same 50% right to know. We can see what is in Douglas, but not in Mexico. This requires changing regulations to make reporting of pollutant release mandatory and comprehensive.

Comment: If U.S. industrial waste is being sent to Mexico beyond the 100 kilometer limit, it is not now included within your aegis except for reporting and tracking.

One of my concerns is wildcat roads in the desert. The desert is very fragile. Many things degrade the environment, like roads. Roads are created by almost everyone. Not with bulldozers and graders, but rather with the ATVs used by the Border Patrol, vigilantes, hunters, recreational users. Once created, they are hard to get out. The Border Patrol is especially bad. They find immigrant's trails, which are just foot trails, but then once you go over them a couple times with an ATV, it's a road and it's had to get rid of. It should be the EPA's responsibility to help us protect against this.

Paul Newman, Cochise County supervisor: I'm here to listen, to find out what my constituents have to say about this. We are working with the EPA on a sister city project. The County signed an agreement with Naco, like a sister county plan. One concern I have is that it is extremely difficult go cross the border to conduct relief from environmental disaster due to insurance, workers compensation, etc. All the states need to work with the federal governments to resolve this problem. In Arizona we are going to introduce legislation that would allow our employees to go over there to fight a fire, for example. But this problem needs to be worked out at the congressional level.

Comment: Regarding roads, state land laws require hunters and beekeepers and the public to have access. You cannot deny access. You can control it somewhat. Arizona Game and Fish came to count animals. They flew in the valley and there are roads made from illegals trampling around. There are eight, ten, twelve roads in pastures that should only have two. We've got to do something because they're just tearing up the whole neighborhood. We try to keep on the maintained roads but it's difficult when people are running through your pasture.

Question: When Border 21 came out, I started to inquire about information. Three books were published: an implementation plan, a structure plan and an enforcement plan. I tried to inquire about where to get copies. I finally did get two but never all three. Are we going to be notified how to get copies?

Question: What's next after this meeting? What will happen with the comments?

Lorena Lopez Powers: There are many other meetings scheduled. We're taking minutes and will respond to those comments by region and by issue.

Lorena Lopez Powers: The people attending who have signed in will get a copy of the plan. We also send them to the local library. The draft plans should be there too. Draft plans are also on the web site. We have made an effort to reach a lot of community representatives. We did a mailing. We also

communicate with local representatives and local newspapers. Radio spots were suggested, so we're going to do radio spots for the other meetings. If you have ideas on how to reach more people, we welcome them.

- VI. There being no additional comments or questions, the meeting was concluded at 8:05 pm.