



**Good Neighbor Environmental Board Virtual Public Meeting**  
**Microsoft Teams Virtual Platform**  
**November 7, 2022; 2:00 p.m.–6:00 p.m. EST**

**MEETING SUMMARY**

**Welcome and Member Roll Call**

*Eugene Green, Good Neighbor Environmental Board (GNEB) Designated Federal Officer, Federal Advisory Committee Management Division, Office of Resources and Business Operations, Office of Mission Support, U.S. Environmental Protection Agency (EPA); Paul Ganster, Chair, GNEB; and Irasema Coronado, Vice Chair, GNEB*

Mr. Eugene Green welcomed the participants and conducted the roll call. A list of meeting participants is included as Appendix A. The meeting agenda is included as Appendix B. The official certification of the minutes by the Chair is included as Appendix C.

**Overview of Agenda and Meeting Goals**

*Paul Ganster, Chair, GNEB, and Irasema Coronado, Vice Chair, GNEB*

Dr. Paul Ganster, GNEB Chair, provided an overview of the agenda and meeting goals. The objective is for the Board to reach consensus on the format of the advice letter. The Board will submit either the 5-page summary letter only or the 5-page summary letter with the full addendum that the Board developed. In either case, the letter will need to be approved during this meeting. Dr. Irasema Coronado, GNEB Vice Chair, added her thanks to the GNEB members for their commitment to improving the quality of life in the U.S.–Mexico border region.

**Public Comments**

Mr. Green called for public comments. No oral or written comments were offered.

**Discussion of Integrated Draft Text for Advice Letter on Water and Wastewater Infrastructure**

*GNEB Editorial Team Leads*

Dr. Ganster opened the floor to the members who had requested edits to the 5-page summary letter. Mr. José (Joe) Hinojosa asked how GNEB is defining a small town. Dr. Ganster invited input from the Board members. He asked them to consider whether a town of 30,000 people faces the same challenges as colonias or whether a town with a population of 15,000 possesses enough resources to apply for grants. Dr. Coronado added that a town's incorporation status also is important. Colonias, which generally are unincorporated, face additional challenges.

Ms. Rebecca Roose explained that the Safe Drinking Water Act characterizes small public water systems as those serving 10,000 or fewer customers; this threshold is well understood nationally. Another relevant threshold in the drinking water regulatory context is EPA's threshold of 3,300 customers as a "very small" system. In New Mexico, 85 percent of public water systems serve 1,000 customers or fewer, so the state tends to use this threshold, which may resonate with other border states. Ms. Roose also noted that federal agencies have varying definitions of "rural." Mr. Carlos Suarez provided a link to the U.S. Department of Agriculture (USDA) [definition of rural](#). Dr. Ganster thought that, for purposes of the

advice letter, 10,000 individuals would be a useful general threshold, recognizing that some small towns may have a slightly higher population.

Mr. José Palacios commented that for the advice letter, the Texas Commission on Environmental Quality (TCEQ) used the term “small town” in the sense of public systems that serve a population of fewer than 3,300 customers. Mr. William Micklin suggested that the report not rely on particular population levels, the meaning of which may vary among federal agencies that have different authorities. The report can be more comprehensive by using applicable citations for these terms.

Mr. Rafael DeLeon summarized his edits, which he will send to Dr. Ganster. Mr. DeLeon asked Board members to consider the recommendations in the context of the specific actions the Board is asking the White House and Congress to take to ensure that the recommendations clearly convey these requests. He also thought that the recommendations should be targeted to the proper entities (e.g., White House, Congress, federal agencies). EPA’s funding from the Inflation Reduction Act of 2022 (IRA) is earmarked for air pollution, rather than water or wastewater issues. The Board will need to ensure that it is recommending the proper provisions in terms of available funding. Dr. Ganster explained that the Board’s charge is to provide recommendations to the President and Congress. As individuals, Board members are expected to perform congressional outreach.

Ms. Roose commented that the recommendations will resonate better if they are linked with the current funding situation and other federal actions, and the Board must ensure that the factual basis for recommended changes to these actions is absolutely clear. For example, the recommendation to establish border centers to provide administrative capacity can be supplemented with information about the 29 national and regional [Environmental Finance Centers](#) that EPA announced it was funding the previous week. These centers will help communities access federal funding to improve public health and environmental protection. The Board’s recommendation can be written in context of these centers, which serve many of the same functions as the recommendations suggest. The center in Region 6 will cover Texas and New Mexico.

Ms. Roose noted that the advice letter mentions flood control infrastructure funding and the need to allow irrigation districts to obtain a share of this funding. Factual information about dam, levee and irrigation district funding will need to be added to the full report; the Bipartisan Infrastructure Law provides funding for dams. Ms. Roose has suggestions to make the recommendations targeted, near-term, actionable and based on the current state of available funding, and she will provide language that will set up the Board’s deeper analysis for its 2023 full report. She requested assistance with information on dams and irrigation because these topics are outside her expertise. Mr. Hinojosa volunteered to provide information and clarification on irrigation issues and infrastructure. Dr. Ganster noted that this assistance will be important for GNEB’s full 2023 report, especially in relationship to each border state’s irrigation systems. Many border residents depend on the Rio Grande for irrigation and urban uses, and these residents are affected by cross-border contamination of waters, so dam, levee and irrigation funding is important. Also, although flood control is not related directly to water and wastewater, stormwater collection and use are critical issues that will become more important to communities as climate change continues to drive intense storm events.

Mr. J. Phillip King commented that most border municipalities rely less on surface water than other communities because they have less of it. The shift to ground water leads to ground water mining, which decreases the life of an aquifer and degrades water quality (e.g., arsenic contamination). The Rio Grande and Colorado rivers have relied on Rocky Mountain snowmelt, which is decreasing drastically, so communities that rely on these rivers have been attempting collect and use stormwater. The Rio Grande River Basin, however, has limited stormwater storage facilities. Also, increasingly intense storm events

diminish stormwater capture and use. Finally, border communities cannot simply adapt to current conditions; they need to anticipate the continuing degradation of those conditions.

. The area hydrology is not static; it is declining. Mr. Eddie Moderow added that 89 percent of border communities draw their water from the Rio Grande, which brings the Mexican Water Treaty of 1944 into play.

Mr. Moderow shared TCEQ's specific edits; he will send them to Dr. Ganster and the editorial team. He noted that TCEQ has concerns about the term "environmental justice" and what it means in terms of border communities and why typical environmental justice solutions do not work in the border region, where "environmental justice" means sharing resources with another country. Dr. Ganster noted that EPA strongly supports environmental justice across the environmental spectrum, and the Board must acknowledge this. Mr. DeLeon volunteered to work with Mr. Moderow on the nuances behind environmental justice and EPA's work in this area. Mr. Moderow would like to ensure that the letter navigates this topic correctly, as some tribes also reject this particular language. Mr. DeLeon agreed that some countries are reticent to use the term and instead use other language to capture underserved communities where conditions are drivers.

Ms. Roose agreed that the Board should describe environmental justice conditions affirmatively, rather than using the term as an adjective. Each federal agency's terminology can be used when discussing this issue with each agency. For example, given EPA's significant investment in environmental justice programs, discussing environmental justice with EPA makes sense. One of the Biden administration's first executive orders established a task force on climate justice and equity, as well as the Justice40 Initiative. Also, Congress established thresholds in the Bipartisan Infrastructure Law that 49 percent of Clean Water and Drinking Water State Revolving Funds be distributed to disadvantaged communities. Federal funds are being managed differently now, but this change is in the early stages. Ms. Roose would like to see the federal government perform an analysis after the Justice40 Initiative has been executed for 1 to 2 years to determine whether these policies meet the needs of border communities, and if they are not meeting the needs, what steps will be taken to do so.

Dr. Teresa Pohlman emphasized that the Biden administration is committed to environmental justice. One of the first executive orders of the administration elevated EPA's interagency committee focused on environmental justice to the White House Environmental Justice Interagency Council; this is a significant designation for the federal government. The Board's letter represents a snapshot in time that conveys the current border situations and conditions, stressing how helpful the current political climate may be to address border issues. It is critical to use the terminology that the administration uses. Dr. Pohlman concurred with TCEQ's modifications as long as the term "environmental justice" is included in the letter.

Mr. Palacios mentioned that another TCEQ concern related to water treaties with Mexico. Dr. Ganster explained that the Board's advice letter deals with water and wastewater infrastructure deficiencies in the border region, and treaty obligations for water delivery to Mexico are not an infrastructure problem. Mr. Palacios suggested adding the explanatory phrase "currently at a historic low" to highlight the current situation and its implications. In the "Challenges for Small Communities and Tribes" section, he suggested adding the following as the second sentence: Small water systems require mechanisms to consolidate or tie into larger or high-functioning systems, such as flexibility in existing or new funding to include regionalization support.

Mr. Moderow suggested mentioning the Amistad Dam explicitly in the letter. Dr. Ganster noted that the dam can be mentioned as an example.

The Board members discussed whether to submit only the summary letter or the summary letter with the addendum. They agreed that GNEB should focus on submitting a high-quality advice letter in 2022 and use the addendum as the basis for the Board's 2023 full report.

Mr. DeLeon reiterated his desire to strengthen, tighten and clarify the current recommendations to ensure that they are targeted correctly and have real-world applications and a defined timeline. Dr. Coronado noted that all federal agencies should be addressed in the recommendations. Mr. Suarez added that he has a number of questions about the addendum, which his agency's lawyers are reviewing. Several programs (e.g., Bipartisan Infrastructure Law, IRA) have specific language that can be incorporated into the addendum.

Dr. Ganster noted that the Board has a limited time to strike and will need to work quickly at the beginning of 2023 to submit the full report as soon as possible (i.e., well before the end of the calendar year). Board members should begin to work on the current addendum immediately so that the Board can convene in January to discuss the report. He hopes to have an in-person meeting later in 2023 so that GNEB can finish discussing the full report in person.

Ms. Kathryn Becker pointed out that the definition of the border area (e.g., treaty language, EPA Border 2025 definition) is an outstanding question. Dr. Ganster noted that the letter defines the border area as the counties adjacent to or partly within 60 miles of the border, which is the current definition used by Border 2025. The arbitrary definition of 100 kilometers chosen by diplomats to use in the 1983 La Paz Agreement does not conform to topographic or administrative realities. TCEQ and others use the expanded definition used in the letter. The Board's 2023 full report will further explore the definition and how it affects border data.

Ms. Roose noted that the letter states that the Bipartisan Infrastructure Law, IRA and climate bills do not provide funding for irrigation, dams, or flood control and prevention. She asked whether a Board member had performed an analysis to reach this conclusion or whether this is an inference because the information was not included in the addendum. She believes that these bills support irrigation and flood control. Mr. Hinojosa responded that a large gap in repair and infrastructure funding for irrigation districts exists because they are not mentioned as eligible for maintenance and repair funding. Irrigation districts that cannot create capital improvement projects for conveyance improvements need access to funds. Lack of funding hurts the ability of these districts to provide water to a potable water supplier.

Ms. Roose asked whether irrigation falls under the scope of the advice letter's topic. Dr. Ganster explained that irrigation districts were included in an earlier draft of the letter because they are supplying an increasing amount of water to an increasing number of people for municipal uses, and these districts do not have the means to compete for infrastructure funding. Mr. Palacios reiterated the gaps and challenges that irrigation districts face, and he volunteered to provide additional information on these obstacles. He noted that GNEB member Dr. Maria Elena Giner also had mentioned lack of funding as an issue. Dr. Ganster commented that operation and maintenance funding for colonias and small systems also is not included.

Ms. Roose asked Mr. Suarez about Bipartisan Infrastructure Law funding for the Natural Resource Conservation Service (NRCS) that applies to dams. Mr. Suarez responded that he would include information about USDA agencies other than NRCS that have access to rural development funding for water infrastructure and irrigation. NRCS has \$20 billion in funding through the IRA, and much of it is for water conservation. NRCS is trying to ensure that historically underserved communities have access to this funding. The Bipartisan Infrastructure Law provided \$900 million to NRCS, but he was unsure how much was allocated to border states. The Bureau of Reclamation's WaterSMART program provides

funding to irrigation districts to renovate infrastructure and improve conveyance. Mr. Suarez offered to provide additional information to Ms. Roose as needed.

### **Final Comments/Deliberations to Approve Advice Letter**

#### *GNEB Members*

The Board agreed to approve the advice letter pending the addition of language regarding environmental justice and the strengthening and tightening of the recommendations. The editorial team will revise the environmental justice language to address TCEQ's concerns and ensure that the recommendations are specific, targeted, accurate and clear and that they prepare readers for the more in-depth analysis in the Board's 2023 full report. The team will complete this task by Thanksgiving. Because it will be difficult to identify the original authors who contributed to the advice letter and ask them specific questions, Board members are asked to submit any specific comments on the recommendations to the editorial team no later than November 18 so that the editorial team can meet its deadline.

### **Next Steps: Preparation for Developing the Draft Comprehensive Report**

#### *Paul Ganster, Chair, GNEB, and Irasema Coronado, Vice Chair, GNEB*

Dr. Ganster reiterated that the goal is to meet via video/teleconference in January to discuss the 2023 full report. Mr. Green noted that the video/teleconference may need to be held in February depending on the contract cycle. EPA will support four GNEB meetings in 2023. Dr. Ganster reiterated that the Board could finish the report during an in-person meeting later in 2023. Mr. DeLeon agreed that in-person meetings are invaluable but cautioned that the federal government is operating under a continuing resolution. Ms. Suarez noted that NRCS approves mission-critical travel when in a continuing resolution, and this Board's efforts are considered mission critical.

Ms. Roose is leaving the New Mexico Environment Department (NMED) and the Board at the end of 2022; NMED's ongoing GNEB coverage will be determined. GNEB members wished Ms. Roose well in her future endeavors.

### **Adjournment**

Drs. Ganster and Coronado and Mr. Green thanked the Board members for their efforts and commitment. Dr. Ganster adjourned the meeting at 4:37 p.m. EST.

### **Action Items**

- All GNEB members will—
  - Send final comments about the draft advice letter and recommendations to Dr. Ganster no later than November 18.
  - Begin to consider how to expand the current addendum into the Board's 2023 full report.
- Mr. DeLeon and Mr. Moderow will—
  - Work together on environmental justice language and provide it to the editorial team.
  - Each submit their additional text edits to Dr. Ganster.
- Mr. Hinojosa will provide clarifying information about irrigation districts (e.g., funding, infrastructure) to Ms. Roose.
- Ms. Roose will provide language for the recommendations about funding sources that will set up the Board's deeper analysis for its 2023 full report.

- Mr. Suarez will provide information as needed about funding from the standpoint of the USDA NRCS.
- The editorial team (Dr. Ganster, Dr. Coronado, Mr. DeLeon, Dr. Pohlman and Ms. Roose) will incorporate submitted comments into the letter by the Thanksgiving holiday.
- The Board will submit the final advice letter to the contractor for editing no later than December 5.

## Appendix A: Meeting Participants

### Chair

#### **Paul Ganster, Ph.D.**

Director  
Institute for Regional Studies of the Californias  
San Diego State University  
San Diego, CA

### Vice Chair

#### **Irasema Coronado, Ph.D.**

Director and Professor  
School of Transborder Studies  
Arizona State University  
Tempe, AZ

### Nonfederal, State, Local and Tribal Members

#### **Alejandro R. Barcnas**

Community Services/Public Works Director  
City of Nogales  
Nogales, AZ

#### **Riazul Mia, P.E., CFM**

Assistant City Manager  
City of Laredo  
Laredo, TX

#### **Kimberly Collins, Ph.D.**

Executive Director, Barbara and William  
Leonard Transportation Center  
Professor, Department of Public Relations  
California State University, San Bernardino  
San Bernardino, CA

#### **William Micklin**

Chief Executive Officer, Leaning Rock  
Ewiiapaayp Band of Kumeyaay Indians  
Alpine, CA

#### **Josiah Heyman, Ph.D.**

Director  
Center for Interamerican and Border Studies  
The University of Texas at El Paso  
El Paso, TX

#### **Joaquin Murrieta-Saldivar, Ph.D.**

Conservation Director  
Borderlands Restoration Network  
Patagonia, AZ

#### **José (Joe) Hinojosa**

General Manager  
Santa Cruz Irrigation District No. 15  
Edinburg, TX

#### **Rebecca Roose, J.D.**

Deputy Cabinet Secretary of Administration  
Former Water Protection Division Director  
New Mexico Environment Department  
Santa Fe, NM

#### **James Phillip King, Ph.D., P.E.**

Researcher and Graduate Advisor  
Department of Civil Engineering  
New Mexico State University  
Las Cruces, NM

#### **Alan Sweedler, Ph.D.**

Community Advisor  
Clean Energy Alliance  
San Diego, CA

#### **Joaquin Marruffo**

Border Programs Coordinator  
Arizona Department of Environmental Quality  
Tucson, AZ

#### **Prescott Vandervoet**

Co-Owner and Operator  
Vandervoet and Associates Inc.  
Rico Rio, AZ

### Federal Members

#### ***U.S. Department of Agriculture***

##### **Carlos Suarez**

State Conservationist (State Director)  
Natural Resource Conservation Service  
U.S. Department of Agriculture  
Davis, CA

#### ***U.S. Department of Homeland Security***

##### **Teresa R. Pohlman, Ph.D., LEED, AP**

Executive Director  
Sustainability and Environmental Programs  
Office of the Chief Readiness Support Officer  
U.S. Department of Homeland Security  
Washington, DC

***U.S. Environmental Protection Agency***

**Rafael DeLeon, Esq.**

Principal Deputy Assistant Administrator  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
Washington, DC

**Designated Federal Official**

**Eugene Green**

Designated Federal Official  
Good Neighbor Environmental Board  
Federal Advisory Committee Management Division  
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U.S. Environmental Protection Agency  
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**U.S. Environmental Protection Agency Regional Office Participants**

***Region 6***

**Carlos Rincón, Ph.D.**

Director  
U.S.–Mexico Border Office  
Region 6  
U.S. Environmental Protection Agency  
El Paso, TX

***Region 9***

**Jeremy Bauer**

Acting Deputy Director  
Tribal, Intergovernmental and Policy Division  
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**Emily Pimentel**

Border Specialist and Regional Coordinator  
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**Other U.S. Environmental Protection Agency Participants**

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**Other Federal, State, Tribal and Local Participants****Kathryn Becker, J.D.**

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**Jay Collert**

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**Dana Freeman**

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**Juliet Jivanti**

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Office of Pollution Prevention and Toxics  
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**Eddie Moderow**

Border Affairs Manager  
Texas Commission on Environmental Quality  
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**José Luis Palacios**

Border Affairs Intern  
Texas Commission on Environmental Quality  
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**Kimberly Poli**

Senior Environmental Protection Specialist  
U.S. Department of Homeland Security  
Washington, DC

**Jim Rizk**

Special Counsel  
Texas Commission on Environmental Quality  
Austin, TX

## Appendix B: Video/Teleconference Agenda



### Good Neighbor Environmental Board (GNEB) Virtual Meeting: Microsoft Teams November 7, 2022, 2:00 p.m.–6:00 p.m. EST

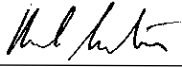
#### AGENDA

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|-----------------------|---|
| <b>2:00–2:10 p.m.</b> | Welcome and Member Role Call <ul style="list-style-type: none"><li>• Eugene Green, GNEB Designated Federal Officer</li><li>• Dr. Paul Ganster, Chair, GNEB</li><li>• Dr. Irasema Coronado, Vice Chair, GNEB</li></ul> |
| <b>2:10–2:20 p.m.</b> | Overview of Agenda and Meeting Goals <ul style="list-style-type: none"><li>• Dr. Paul Ganster, Chair, GNEB</li><li>• Dr. Irasema Coronado, Vice Chair, GNEB</li></ul>   |
| <b>2:20–2:30 p.m.</b> | Public Comments   |
| <b>2:30–4:30 p.m.</b> | Discussion of Integrated Draft Text for Advice Letter on Water and Wastewater Infrastructure <ul style="list-style-type: none"><li>• GNEB Editorial Team Leads</li></ul>  |
| <b>4:30–5:30 p.m.</b> | Final Comments/Deliberations to Approve Advice Letter <ul style="list-style-type: none"><li>• GNEB Members</li></ul>  |
| <b>5:30–6:00 p.m.</b> | Next Steps: Preparation for Developing the Draft Comprehensive Report <ul style="list-style-type: none"><li>• Dr. Paul Ganster, Chair, GNEB</li><li>• Dr. Irasema Coronado, Vice Chair, GNEB</li></ul>                |
| <b>6:00 p.m.</b>      | Adjournment   |

### Appendix C: Chair Certification of Minutes

I, Paul Ganster, Chair of the Good Neighbor Environmental Board (GNEB), certify that this is the final version of the complete minutes for the video/teleconference held on November 7, 2022, and that the minutes accurately reflect the discussions and decisions of the meeting.



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**Paul Ganster, GNEB Chair**

December 8, 2022

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**Date**