

Responses by Texas Commission on Environmental Quality to Legislative Questionnaire

(1) From your agency's point of view, what regulations can be reduced to improve communication and cooperation between federal, state, and local governments within the Texas-Mexico border region?

This is not a regulatory issue.

Actions that can be taken to improve cooperation and communication between federal, state, and local governments within the Texas-Mexico border region include: a) ongoing cross-border dialogue between U.S. and Mexican state and local agencies; b) cooperative work and programs on the U.S. side of the border among agencies at the various levels of government; and c) regular meetings of different governmental agencies on common problems and develop and implement strategies to work together.

(2) What are the main trade issues between the United States and Mexico that you have identified as having an impact (both positive and negative) on your agency or your area of work?

The primary trade issue between the U.S. and Mexico that affects the Texas Commission on Environmental Quality (TCEQ) is the transboundary movement of hazardous materials. If there is a spill or release on the U.S. side, the TCEQ is one of the emergency responders. We also need to ensure for environmental protection and safety of transboundary waste destined for a Texas Treatment, Storage or Disposal facility.

(3) Having studied the flow of commerce at ports of entry between this state and Mexico, including the movement of commercial vehicles across the border, what actions would you establish to aid that commerce and improve the movement of those vehicles?

N/A

(4) How do you work with federal officials to resolve transportation issues involving infrastructure, including roads and bridges, to allow for the efficient movement of goods and people across the border between Texas and Mexico?

This answer is essentially the same as that for (3) above. The primary Texas agencies responsible for this are TxDOT and DPS.

(5) How does your agency work with federal officials to create a unified federal agency process to streamline border crossing needs?

TCEQ is working with EPA on a pilot RFD study for transboundary movement of hazardous waste, probably in the Ciudad Juárez/El Paso area. TxDOT is the primary state agency responsible for streamlining border crossing needs.

(6) Has your agency identified problems involved with border truck inspections and related trade and transportation infrastructure? What are those? What solutions/recommendations does your agency propose?

Not applicable. TxDOT and DPS are the primary state agencies related to border truck inspections and related trade and transportation infrastructure.

(7) How do you work to increase funding for the North American Development Bank to assist in the financing of water and wastewater facilities?

At the XXIV Border Governors Conference TCEQ Chairman Kathleen Hartnett White signed a letter along with other U.S.-Mexico border state officials requesting that the proposed Border Environmental Infrastructure Fund (BEIF), a line item in EPA's budget that is passed through the North American Development Bank (NADBank) for border environmental infrastructure funding, be increased to \$100 million. If not increased, it will likely remain underfunded at \$25 million and delay water/wastewater infrastructure development in the U.S.-Mexico border region.

The TCEQ also participates through the Colonias Coordinator in the Office of the Secretary of State in an interagency funding group of state, federal, and international agencies, including the NADBank and the Border Environment Cooperation Commission (BECC). The group works together on border infrastructure projects with these and other agencies such as the Texas Water Development Board and USDA Rural Development, allowing additional funding to be leveraged to help NADBank finance water and wastewater facilities.

(8) Has your agency explored the sale of excess electric power from Texas to Mexico? What are your findings?

Not applicable.

(9) Has your agency identified any areas of environmental protection that need to be addressed cooperatively between Texas and the Mexican states? If so, which are those areas and what type of protective measures need to be taken?

There are numerous issues, identified through the binational Border 2012 Environmental Program, on which the TCEQ is working. These areas include: water/wastewater; air quality; environmental health; hazardous and solid waste contamination of land; emergency response; environmental health; and enforcement and compliance assistance.

Through the Rio Grande Watermaster the TCEQ continues to work with the International Boundary and Water Commission and other U.S. and Mexican states through the Border Governors Conference to ensure Texas water rights holders obtain their Rio Grande water under the 1944 Treaty with Mexico.

(10) Has your agency identified common challenges to health care on which all border states can collaborate? If so, what are those challenges and how can all border states collaborate to overcome them?

Not applicable.

(11) Has your agency developed any recommendations to address border challenges in general? If so, what are them?

Our agency continues to support the recommendation that BEIF funding be increased to \$100 million or else there will be a lack of, or continued decrease, in border water and wastewater projects. Texas has historically had more water/wastewater projects certified and funded through the BECC/NADBank process.

In addition, currently, travel to a Mexican border town on state business, even if the state employee stays in a Texas hotel, is considered out-of-state travel. It would be beneficial to change the current statute and/or regulations to allow the traveler to list this as in-state travel to help agencies in conducting border activities.

(12) What programs and services does your agency offer to border communities?

Through our Small Business and Environmental Assistance program, staff in our regional offices can provide assistance to border communities. TCEQ Border Affairs staff in Harlingen, Laredo, and El Paso provide compliance assistance to border communities and residents and in addition, staff in our three border regional offices also provide compliance assistance and respond to citizen complaints. Finally, the TCEQ has a large amount of regulatory and compliance assistance information available at our website, www.tceq.state.tx.us.

(13) What are some regulatory and/or legislative recommendations to eliminate duplication and combine programs and services?

See response to question 11.

(14) Please share any considerations from your agency regarding the effect of policies instituted by the federal government impacting the border region.

Once again, the decrease in BEIF funding is perhaps the major issue by the federal government affecting the border region.

In addition, the federal government should increase its investment relative to improving the water conveyance and on farm water systems in the Lower Rio Grande so as to conserve water.

(15) Please give a brief summary of all your agency's activities related to the Border and/or Mexico.

- a) **Border Governors Conference** The TCEQ works throughout the year on the Water and Environment Work Tables of the Border Governors Conference. Carlos Rubinstein is the U.S.-Co-chair of the Water Work Table and Chairman White represents the TCEQ on the Environment Work Table.
- b) **Border 2012** In a partnership with other U.S. and Mexican state environmental agencies, EPA and its Mexican counterpart, and border tribes and local governments and border residents, the TCEQ participates in various border-wide work groups. Our most significant work efforts are through two Regional Work Groups (RWGs), the Texas-New Mexico-Chihuahua (Tri-State) and the Texas-Coahuila-Nuevo León-Tamaulipas (Four State) RWGs.
- c) **Colonias Coordination** The TCEQ works with other state agencies on implementation of colonias legislation and also to ensure provision of water, wastewater, and other services to colonias residents.
- d) **Regional Offices** The TCEQ has three regional offices located directly on the border (El Paso, Laredo, and Harlingen) in our Field Operations Division and under the supervision of the Border Area Field Director.
- e) **Rio Grande Watermaster** The Rio Grande Watermaster ensures that Rio Grande water rights holders get their water. Staff is located primarily in Harlingen, with a field office in Eagle Pass.
- f) **Joint Advisory Committee** Created under the La Paz Agreement, the Joint Advisory Committee for the Improvement of Air Quality in the Ciudad Juárez, Chihuahua, El Paso, Texas, and Doña Ana County, New Mexico Air Basin (JAC) is a binational, tri-state organization with federal co-chairs. With ten members from each nation, the JAC develops and implements programs to improve air quality in the Paso del Norte Region.
- g) **Arroyo Colorado Watershed Protection Plan (WPP)** The Arroyo Colorado WPP is being developed and implemented to improve water quality in the Arroyo Colorado, which drains most of the Lower Rio Grande Valley.
- h) **Clean Rivers Program** Through a contract with a federal agency, the International Boundary Water Commission, U.S. Section, the TCEQ does surface water quality monitoring of the Rio Grande watershed, with annual reports. This is a rare partnership where the federal government is the contractor.
- i) **Binational Emergency Preparedness** Working with EPA and its Mexican counterpart agencies and other state agencies and local communities and even tribes, the TCEQ participates in binational sister-city emergency preparedness exercises. One was held in September in Eagle Pass/Piedras Negras with the Kickapoo nation. The TCEQ also has an updated list of Mexican and US border emergency responders.
- j) **Capacity Building** The TCEQ helps provide training to Mexican and border partners, such as through upcoming hazardous waste manifest workshops (November 2006, in Brownsville, Laredo, and El Paso) and in a “Hospitals for a Healthy Environment” workshop in Brownsville in November.