

CALIFORNIA-MEXICO BORDER RELATIONS COUNCIL



Agenda

California-Mexico Border Relations Council Meeting

February 1, 2016 | 2:00 pm - 3:00 pm

Meeting Location

CalEPA Building
1001 I Street,
Sacramento, CA 95814
Sierra Hearing Room

Teleconference Location

California Natural Resources Building
1416 Ninth Street
Sacramento, CA 95814
Conference Room 1305

The meeting was called to order at 2:05 PM by Chairman Rodriguez

I. Roll call

The following Council members were present:

- Secretary Matt Rodriguez, California Environmental Protection Agency (Cal/EPA), Chair
- Secretary Alexis Podesta, Business Consumer Services and Housing Agency
- Director Panorea Avdis, Governor's Office of Business and Economic Development
- Secretary Brian P. Kelly, California State Transportation Agency
- Secretary John Laird, Natural Resources Agency (via conference line)

A quorum of the Council members was established.

II. Welcome

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Chairman Rodriguez provided opening remarks and welcomed the public. Extraordinary meeting of the Council to hear recommendations to spend \$300,000 in appropriations to the Council through SB 83. The Council was also briefed on the community consultation meeting held in Calexico, CA on 1/27/2016 regarding the new proposal for the New River Strategic Plan.

III. **Vote on Minutes of last meeting on January 12, 2016**

Motion to approve the minutes was made by Chairman Rodriguez. All members in attendance were in favor. No nays. No abstentions. Minutes were therefore unanimously approved.

IV. **Water Issues at the Border**

- **New River Updates: Status and Updates on Strategic Plan- Reporting back on the Community consultation meeting- Jose Angel (RWQCB 7)**

A community consultation meeting was held in Calexico, CA on 1/27/2016 hosted by Assembly member Garcia. The meeting was to update the community and to get recommendations on the new proposal for the New River Improvement Strategic Plan.

The current plan recommends a series of project in the Calexico area primarily to address the public health threat that the new river poses to residents. The Plan recommends piping the river to a disinfectant facility and putting a trash screen in the border. The price tag is close to \$120 million dollars, without the additional annual operational and maintenance costs. When the plan was release by the council five years ago, the flows from Mexico was higher but since then the flow has significantly decreased and it is projected to decrease further. Thus the recommendations to revise the proposed plan.

The alternative approach eliminates the disinfestation facility, which is the only difference with the old proposal. Another concept is to take Treated waste water from the existing Calexico waste treatment plan and pump it back at the border. The advantage of that is that we do have control over the quantity and quality of that water.

Assemblyman Garcia (55th district) held a community meeting to update the residents of Calexico of the New River Strategic Plan. The meeting was well

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attended by policy stakeholders and by the community residents, like Madres del Rio Nuevo, and non-governmental organizations. Over 50 people attended the meeting. There was significant and overwhelming enthusiastic support from the community whose main feedback was that the project's implementation is overdue and want to see it started soon. There is also support from a policy standpoint. The TAC recommends to move forward with the suggestions in the Plan.

Jose Angel suggested to the Council to adopt the Proposed Recommendations and to append his January 11, 2016 memorandum to it, which describes the pros and cons of the strategic plan in more detail. Also, Jose Angel suggested the Council to move from the strategic level to the project level that requires the council to prioritize the projects, like the trash screen and the conveyance system downstream of Calexico, and to start identifying leads for those projects and sources of funding.

Questions from Council members:

- Director Avdis asked for clarification of the cost of the current project proposal and if there are alternative sources of funding for the project. Jose Angel reinstated the current price tag range is \$120 to \$125 million. The revised approach is \$100 million cheaper than the first proposal. Jose Angel also mentioned there is preliminary work to get funding from other sources. At the moment there are \$20 million authorized, not appropriated, to the Army Corps of Engineers, there is also the opportunity to contact the NadBank and the Border Environmental Cooperation Commission (BECC) that were created to fund this types of infrastructure projects with grants and loan, there is also consideration for Prop 1 funding.

Comments from Council members:

- Chairman Rodriquez remarked that the Council had approved the original New River Plan when the Technical Advisory Committee's (TAC) reported on it. The council approved it with the purpose of moving it to the legislature but it was not adopted in the sense that it became the Council's plan. Chairman Rodriquez also clarified whether Jose Angel was proposing the Council to approve the

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change to the TAC's plan to forward that change to the legislature. Jose Angel confirmed that is what this meeting is for. Chairman Rodriguez explained that in the future they would identify and set priorities of what can be done to implement the plan at the border. Jose Angel suggested that there is an expectation from Calexico residents that the public health threat should take priority. Phase 1 of the river parkway is currently proceeding, which is a pedestrian and bicycle pathway funded by a federal grant and matched by some state funds out of Prop 84.

Chairman Rodriguez informed to the other council members of his intention to accept the project as presented and forward it to the legislature as an amendment to the Plan. There were no objections by other members of the Council members. Chairman Rodriguez plans to have the format to sending it to the legislature.

V. **Regional Solid Waste Working Group**

Chairman Rodriguez explained the Council was directed to establish this Working Group by SB 83 and that its work is to come up with plans to deal with solid waste issues at the border. The Council has learn from past meetings that there is significant problem with solid waste at the border, not only in the new river but also in the Tijuana estuary. Dealing with solid waste issues at the border provides a benefit to California and for that it would require we work together with Mexican authorities.

Project Proposals and Recommendations Presentation – Ken DaRosa (CalRecycle)

Ken Da Rosa gave an overview of the three main activities that the working group has been involved in. The strategic plans guiding principles are: cross-border benefits to facilitate cross-border collaboration; inclusion of California and Mexican governments; environmental justice; natural system ecosystem restoration; and awareness of market failures and successes driving solid waste and tires along the border. The working group will continue meeting to finalize the strategic plan.

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Update on the tire flow element: the working group contracted with the San Diego University in 2015 to study further to determine the ultimate disposition of used tires coming from California to Mexico and to estimate the flow and number of used waste tires transported to the border area since 2009. The working group will then update its recommendations and provide a draft report on the study by June 30, 2017.

The contractor will conduct two workshops for staff in California and Baja California, conduct public meetings and will present to the Council on its next meeting later this year. The final report on this is due on December 1, 2017.

The working group's third update was its recommendation on how to spend the \$300,000 associated with the trailer bill. The working group began meeting on this on October of 2015 to come up with project proposals to evaluate and present to the council for consideration.

The working group received five different proposals from: CalRecycle, San Diego Regional Water Control Board, U.S.EPA presented two proposals; WILDCOAST, and the Sonoran Institute. To select the projects the Working Group evaluate whether: the project provide cross-border implementation strategies or otherwise consider cross-border benefits? The project's short-term and long-term impacts? Who are the project partners and do these partnerships reflect regional collaboration? Potential merit and benefits? And the project's funding needs, among other things. The Working Group, by consensus, agreed that the WILDCOAST and the Sonoran Institute's projects were the ones that should be recommended to the Council. Those projects demonstrate both short-term and long-term benefits, regional cross-border collaboration, and an opportunity to address both the Tijuana River and the New River regions.

WILDCOAST Project Summary

WILDCOAST project is a one-year demonstration pilot project to clean up tires in close proximity to the border and adjacent tributaries of the Tijuana River in order to: demonstrate the financial effectiveness of investing resources in the region; and prevent tires from crossing the border and impacting the sensitive riparian and estuarine habitat of the Tijuana River Watershed. The project timeline is May 2016 to May 2017, being mindful of delays due to weather, and expects to recover up to 100,000 tires. This project will include collaboration from Promotora Ambiental De La Laguna, S.A. de C.V. (PASA) a waste services provider to Tijuana that will haul waste tires from the sites. The Secretary for the Environment in Baja California committed to provide 10% of the funding to support the waste tire collection hauling. Collected waste tires will be shredded

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and sold to companies that can use them for tire-derived products such as asphalt, light bricks, and other options. This project will also increase public awareness about the effects of pollution for those living close to the sites.

WILDCOAST will provide regular updates and an end-of-project report, including data related to financial outputs, to help inform the Border Region Solid Waste Working Group's *Waste Tire Strategic Plan* goals. The funding will be distributed in parts after each quarterly progress report.

The Sonoran Institute Project Summary

The Sonoran Institute (SI) will conduct a one-year pilot project to reduce the illegal disposal of solid waste in drains that contribute to the pollution of the New River. This is a \$200,000 project. The SI will provide a project report that will inform the Border Region Solid Waste Working Group's *Waste Tire Strategic Plan* goals. The project encompasses four tasks: 1) Prepare a Needs Assessment and Action Plan, 2) conduct cleanup activities to address drain sanitation, 3) deliver environmental education in Mexicali, and 4) communicate and disseminate project information and objectives to regional communities.

Ken DaRosa added that if the Council support these recommended projects, CalRecycle will work with Agency staff and the grantees to execute the grants no later than March 1, 2016. The Border Region Solid Waste Working Group will provide project updates at the Council meeting schedule for July 2016. The SI reduced their budget by about \$31,000 in order to fit within the threshold that the Working Group had in terms of spending by reducing the frequency that they will use communications and media outreach.

- **Questions from Council members:**

Secretary Kelly asked clarification on whether the trailer bill that made the \$300,000 appropriations available is the same bill that set up the Working Group. Ken DaRosa confirmed that it is and that there was no specificity on how the money should be spent other than to support the work of the Border Relations Council within CalEPA.

Secretary Kelly also wanted clarification on whether the solid waste working group doing is the one doing the study on waste tires flow or is a different work group. DaRosa explained that CalRecycle contracted with San Diego state university to update the report and assist the working group. He also explained that mitigation will complement the study on tires.

Secretary Kelly asked for clarification on how the work in Baja California will help the condition of the river flow cross-border. DaRosa explained that the New

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River flows upward and all the material caught in the drains does not allow flow to go through. Also solid waste going into the river in the Calexico side. Heavy rains wash tires into the valley and tend to wash upward from the Tijuana River to the canyon.

Further, Secretary Kelly asked for clarification on how U.S. used tires end up in Baja California. DaRosa explained that there is a legitimate market of used tires in Mexico and those tires come from the U.S. CalRecycle does license tire haulers that go in to Mexico for vehicles or civil engineer projects. There is no program in Baja for waste tires for people to take the tires so tires end up in the streets and the River. Collection programs will encourage more tires to come from community members.

DaRosa commented that there will be bi-monthly reports or quarterly reports and those details will be set in the final document. The Working Group will expect frequent reports which will be reviewed by CalEPA.

Chairman Rodriguez asked DaRosa to develop more on the nature of the coordination between governments to implement the proposed projects. DaRosa defer to Fay Crevoshay, communications and policy director at WILD Coast, present in the audience for further explanation. Ms. Crevoshay explained that they have been working with SPA in Baja and they will support the work in this project along with two private sector companies. Those companies have the equipment and trucks to pick up the tires and will also sell the tires for their recycling.

Secretary Laird (on the phone) asked Chairman Rodriguez whether the Council needed his vote because he needed to leave. Chairman Rodriguez confirmed they did need his vote.

Finally, Secretary Kelly if there is any expectation of leveraging the dollar amount for commitments from others like the government in Mexico or other participants. DaRosa answered that the Secretary for Environmental Protection in Baja California will provide 10% for the tire hauling for the WILD Coast project but there is no additional funding other than possible in-kind contributions.

Jose Angel added that the SI works with CONAGUA, the equivalent of U.S. EPA in Mexico, to leverage resources and they also engage the municipality for that same purpose. However, DaRosa specified that there is no specific in-kind contribution identified or a specific dollar amount.

(Francisco joined by conference call while Secretary Kelly's question was being answered.)

- **Public comments:**

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Gibran Maciel, for Speaker Tony Adkins, to thank CalEPA, CalRecycle, and Ken DaRosa, for their efforts in this critical first step to find solutions for the pollution in the Tijuana River Valley that presents a growing public health crisis. Mr. Maciel noted how these projects are an on-going commitment for the Council.

Ken DaRosa thanked her team, Jessica Sanchez and Maria Salinas, for their help in putting it the presentation together.

VI. Vote for Approval of the Projects Presented

Chairman Rodriguez called for a motion for CalRecycle to enter into the agreements with WILDCOAST and the SI for the projects. There was a motion and a second.

Chairman Rodriguez called for a vote to those in favor and was approved unanimously.

Support: five

Opposition: none

Abstentions: none

Chairman Rodriguez added that the composition of the Working Group will be changed due to difficulties of getting all together and will report back in a future meeting.

No further matters were discussed by the Council.

No other public comments were received.

VII. Adjournment

The meeting was adjourned at 3:08 PM by Chairman Rodriguez.