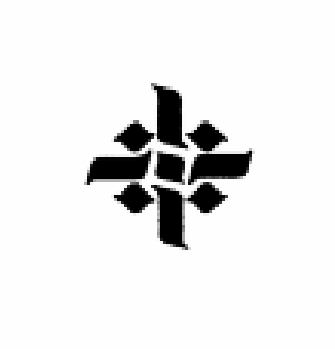
Texas-Nuevo León

Strategic Environmental Plan



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Texas-Nuevo León Strategic Environmental Plan

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Executive Summary

The ***Texas-Nuevo Leon Strategic Environmental Plan*** (TX-NL Plan) is a multi-year planning and action document jointly prepared by the Texas Commission on Environmental Quality (TCEQ) and the Nuevo León Agencia de Protección al Medio Ambiente y Recursos Naturales (APMARN). The purpose of this plan is to provide a framework for cooperation between these environmental agencies of the two states and to outline an action plan of activities and projects designed to address common environmental issues faced by both entities.

Industrialization and increased trade have brought important economic benefits to the areas on the U.S.-Mexico border. At the same time, those developments, along with population growth, have in many cases created environmental challenges related to air quality and water quality, posing actual and potential health risks to local residents.

A History of Cooperation

For many years, the ten U.S.-Mexico border states have been involved in cooperative efforts associated with the protection of the environment all along the border.

At the XIV U.S.-Mexico Border Governors' Conference, held in Santa Fe, New Mexico in May 1996, the border Governors agreed to develop a Border Environment Dialogue as an efficient and effective means to address environmental issues and protect the health of border residents. This initiative has paved the way for ongoing coordination and information exchange among the ten state environmental agencies, key institutions and stakeholders in the border region.

Since this conference, officials from the environmental agencies of the ten U.S.-Mexico border states have met annually for a Ten State Retreat to exchange information, share successful experiences, and identify issues of common interest. Coordination efforts have also provided the ten states with unified positions on key policy issues, affording each of the states a stronger voice on border environment priorities with their federal governments and with international institutions. These states now act in unison on environmental issues of regional importance and call attention to the special needs and characteristics of the U.S.-Mexico border region.

In June 2004 the Governors of Coahuila, Nuevo León, Tamaulipas, and Texas signed an *Agreement for Regional Progress* (Appendix I) as a means to benefit and strengthen the competitiveness and the integral development of each state and the Northeast Mexico-Texas Region, through cooperative programs and actions, as a whole. The Governor of Chihuahua added his signature later that year. In that document, those five U.S.-Mexico border states identified the environment as one of the priorities to foster regional development and improve their citizens' quality of life.

Structure of the Texas-Nuevo León Strategic Environmental Plan

The TX-NL Plan is divided into various sections. It provides information from both a Texas and a Nuevo León perspective on the following areas:

- Geographic description
- Social and economic issues
- Current environmental status (grouped by major environmental media - air, water, and waste)
- Goals, objectives, and strategies
- Action plan

Texas-Nuevo León Environmental Issues

Four main environmental issues affect residents of both states: air quality, water supply, water quality and treatment, and waste management. These issues can vary among the sub-regions of Texas and Nuevo León because of differing economic conditions, population density, geography, and climate.

Watersheds and air basins that make up the environment of the border region transcend political boundaries. Regardless of where they originate, border environmental problems significantly affect communities on both sides of the border.

Goals and Strategies

The TX-NL Plan includes three primary goals:

- ❖ To guide effective interagency cooperation and make the best use of existing resources in addressing priorities for environmental protection of air, water, and land
- ❖ To serve as a basis to leverage resources from additional entities to support actions prioritized in the Plan
- ❖ To maintain the momentum of the Ten State Border Environment Dialogue and foster a Texas-Mexico Regional Environmental Dialogue.

Several strategies will be used to achieve the goals of the TX-NL Plan:

- Exchange information
- Facilitate technical exchange
- Coordinate activities and programs
- Obtain contributions of human, technical and economic resources from industry, academic institutions, bi-national and international organizations, and other governmental entities.

Action Plan

As an integral part of the TX-NL Plan, the Action Plan is the mechanism to implement the goals and strategies. The projects and activities identified in the Action Plan will be implemented jointly by the TCEQ and APMARN and are grouped under eight categories.

Air Quality

- Exchange information on "best practices," provide technical consultation, and seek funding with the result of expanding the air monitoring network in Monterrey
- Pursue opportunities for real-time sharing of air monitoring data between the two agencies
- Implement a pilot project for the use of ultra-low sulfur diesel fuel in Monterrey

Border Planning

- In anticipation of continued accelerated growth in the border region, work with institutions on water and wastewater treatment and groundwater protection related to the Colombia community in Nuevo León

Environmental Education

- Explore development of a "Teaching Environmental Science" Program in Nuevo León

Geographic Information Systems Development

- In collaboration with other state agencies and institutions, develop a repository of Texas-Northeast Mexico geo-spatial datasets and maps that transcend international boundaries

Pollution Prevention

- Through the use of cross-training, implement a program promoting Environmental Management Systems (EMS) in Nuevo León
- Explore the possibility of designing a state-to-state Clean Industry program/certificate, based on EMS
- Explore the possibility of a Texas-Mexico Environmental Monitoring Response System

Development of Recycling Markets

- Seek options for developing a Texas-Nuevo León recycling business directory and for organizing a joint meeting of Texas and Nuevo León recycling representatives

Waste Tires

- Along with related state agencies, identify projects for use of waste tires

Management of Hospital Wastes

- Through participation in workshops and exchange of information, explore the possibility of developing a "Hospitals for a Healthy Environment" Program in Nuevo León

1. Introduction

The intent of this Texas-Nuevo León Strategic Environmental Plan (hereafter, the TX-NL Plan) is to provide a framework for cooperation between the environmental agencies of the two states—the Texas Commission on Environmental Quality (TCEQ) and the Agencia de Protección al Medio Ambiente y Recursos Naturales (APMARN, or, in English, the Natural Resource and Environmental Protection Agency).

Collaboration between two neighboring states on environmental subjects is justified by at least two considerations. First, pollution recognizes no political boundaries. The high level of international trade between the U.S. and Mexico means that commercial trucks, powered by heavy-duty diesel engines, are constantly on the highways of both countries and passing through the ports of entry, while emitting contaminants that are a potential problem for air quality. Also, the Rio Grande/Río Bravo is fed by rivers from both countries, and in turn supplies drinking water for residents of both U.S. and Mexican communities along its banks. Regional collaboration becomes a major tool to overcome shared environmental challenges.

Second, working together leads to the useful transfer of information, best practices, ideas, and expertise, regardless of whether a specific issue being discussed is the direct result of cross-border phenomena.

On the Texas-Nuevo León border, the Colombia Bridge is a principal route of commerce between these states and their respective nations and is an important symbol of the links they have in common. The state governments of Texas and Nuevo León share, among other things, a commitment to working for a clean environment.

The first joint TX-NL Plan of this nature was signed by Texas and Nuevo León in 1997. That document was the result of a commitment made by the leading officials of the state agencies responsible for environmental quality and protection in the four U.S. and six Mexican border states (Arizona, Baja California, California, Chihuahua, Coahuila, New Mexico, Nuevo León, Sonora, Tamaulipas, and Texas) at the “Ten State Retreat: A Regional Approach to the U.S.-Mexico Border Environment” in Austin, Texas in November 1996. That meeting was the first time these border state environmental officials had met together formally.

The idea for the 1996 Retreat had arisen earlier that year during discussions on environmental issues at the XIV U.S.-Mexico Border Governors' Conference (BGC). Recognizing the critical role that cross-border coordination and collaboration could play regarding the environment and public health, environmental officials from the ten states came together to exchange information regarding their respective authorities and jurisdictions, the issues they faced, and successful existing programs, as well as to identify actions that could be taken.

The Ten States have continued to hold their own meeting every year, and through those meetings and periodic staff conference calls they have developed annual Environmental Declarations,

statements of policy consensus that are subsequently adopted by the BGC at the meetings of the latter. Agency leaders and staff have continued to work together through changing gubernatorial administrations as well as changing agency organizational structure and names. The important role played by the states in the binational Border 2012 Environmental Program, initiated in 2003, has offered increased opportunities for the exchange of information and collaboration in developing issue-specific programs.

The TCEQ and the APMARN have maintained an ongoing, fruitful relationship for almost a decade. Information has been exchanged on many subjects, including air quality, pollution prevention, waste management, and recycling. Agency directors and staff have participated in numerous meetings and events in each other's states, and as this TX-NL Plan is signed, both serve as co-chairs of the Texas-Coahuila-Nuevo León-Tamaulipas Regional Workgroup under the Border 2012 U.S.-Mexico Environmental Program.

This current TX-NL Plan, produced in 2005, is a result of the *Agreement for Regional Progress* signed in June 2004 by the Governors of Coahuila, Nuevo León, Tamaulipas, and Texas (Appendix I). The Governor of Chihuahua added his signature later that year. In that document, those five U.S.-Mexico border states agreed to cooperate on environmental issues, among other topics, to improve their citizens' quality of life.

This TX-NL Plan attempts to reflect developments over the past several years—growth in the region, lessons learned, and new issues or capabilities. The TX-NL Plan is evidence of the continuing commitment of each of the two states to collaborate on common environmental priorities, regardless of political or economic changes.

The TCEQ and the APMARN each have an administrative unit responsible for the coordination of activities under the TX-NL Plan. In addition to engaging in regular communications, those units will arrange an annual meeting for the purpose of confirming or revising a bi-state action plan with a calendar of prioritized activities and mechanisms to ensure its fulfillment.

This document provides summaries of the geographic and economic conditions that currently exist in Texas and Nuevo León. It also includes an overview of the issues that exist with respect to air quality, water supply and quality, and solid waste management. Finally, the document lays out goals, objectives, strategies, and a detailed action plan for a collaborative cross-border effort to confront the challenges identified. The action plan is a mutual commitment to increased cooperation and specific steps that will improve environmental quality and environmental health.

2. Geographic Description

2.1 Texas

Texas is located in the southern central United States, bordering the U.S. states of New Mexico on the west, Oklahoma to the north, Arkansas to the northeast, and Louisiana to the east. In addition, the southeast edge of Texas is a 367-mile long (591 km) shoreline of the Gulf of Mexico. A 1,254-mile (2,018 km) stretch of the Rio Grande/Río Bravo forms the southern boundary of Texas and also represents more than half of the total border between the U.S. and Mexico. Four Mexican states are neighbors of Texas across that river: Chihuahua, Coahuila, Nuevo León, and Tamaulipas.

Because of its geographical size (266,807 square miles, or 677,690 square kilometers), Texas enjoys a rich diversity of natural and economic resources and experiences a wide spectrum of weather conditions.

The state is generally divided into four physical regions: the Great Plains, the Basin and Range Province, Interior Lowlands, and the Gulf Coastal Plains. Moving west from the Gulf Coastal Plains in the southern half of the state, one then crosses the Edwards Plateau in the southern extension of the Great Plains, and then encounters several mountain ranges in the Basin and Range Province of west Texas. The peaks in those ranges rise as high as 8,700 ft. (2,651 meters). These different physical regions translate into diverse climates and numerous ecosystems, resulting in a large variety of flora and fauna.

Rainfall varies within the four physical regions, getting drier going from east to west. The annual average in Beaumont (near Louisiana and close to lush pine forests) is 58 inches (1,473 millimeters), and the annual average in Brownsville (in the southeast corner, near the Gulf) is 26 inches (660 mm), but it is only 7 inches (178 mm) annually in El Paso (in the Chihuahuan Desert in the far west). Because rainfall in Texas often consists of sudden bursts of thunderstorms that run off quickly, more than 5,700 reservoirs have been built to store surface water. The 212 current major reservoirs have a total surface area of 1.7 million acres (677,600 hectares) and a conservation storage capacity of 40.8 million acre-feet (50,357 million cubic meters). Texas also depends on groundwater, relying on eight major aquifers and several minor ones. About three-quarters of the state lies over aquifers, and many communities rely wholly or in great part on groundwater, including San Antonio and El Paso. A challenge associated with potential aquifer use in the Lower Rio Grande Valley (near the Gulf of Mexico) is the brackish nature of the water. One desalination plant is in operation, aimed at addressing that challenge.

2.2 Nuevo León

The state of Nuevo León is located in northeastern Mexico, bordering the states of Coahuila, Texas, and Tamaulipas to the north; Coahuila, San Luis Potosí, and Zacatecas to the west; and San Luis Potosí and Tamaulipas to the south. Nuevo León shares its eastern boundary with

Tamaulipas. Its surface covers almost 64,000 km^2 (24,710 square miles). The state includes important portions of the three big natural regions—or physiographic regions—of the country: the Eastern Sierra Madre, the Mexican High Plains, and the Coastal Plains of the Northern Gulf.

The Monterrey Metropolitan Area (MMA) is located at an approximate elevation of 500 meters (1640 feet) above sea level and is surrounded by the Eastern Sierra Madre, the Cerro de la Silla, the Cerro de las Mitras, and the Cerro del Topo Chico. These mountain ranges form natural physical barriers to the free flow of wind, thus preventing the removal of air pollutants. The MMA is subject to the influence of the anti-cyclonic systems coming from the Gulf of Mexico, which create atmospheric stability and inhibit the vertical mixture of air.

The climate of Nuevo Leon is mainly semiarid, with an annual average temperature between 14ºC and 30ºC (57° to 86° F). Rainfall is scarce, as indicated by an average annual precipitation of 300 to 600 mm (11.8 to 23.6 inches). Climates vary across the state's three geographical regions. In the lower areas of the Sierra region, in the central and south zones of the state, and in the San Juan River basin mild climates are more common.

Eight river basins, with a total surface area of 64,358 km^2 (24,711 square miles), run through Nuevo León. The largest is the San Juan River basin; with a total surface area of 20,212 km^2 (7,803 square miles), it covers 31.5 percent of the state's surface area. The San Juan River is a contributor to the Rio Bravo/Río Grande.

Due to the scarcity of rainfall and the growing demand for water by the population, reservoirs have been built to store surface water. The 20 current major reservoirs have a conservation storage capacity of 2,288 million cubic meters (Mm^3) (1.855 million acre-feet). Nuevo León also depends on groundwater. Currently there are 407 wells in the state with a total production of 70 Mm^3 (56.75 thousand acre-feet).

Great biological diversity is found in Nuevo León. 1,600 species of fauna and 2,400 species of flora have been identified in the state.

3. Social and Economic Issues

3.1 Texas

The state of Texas had an estimated population of 22.5 million in 2004, making it the second most populous state in the United States. From 1990 to 2000 Texas' population growth rate was 22.8 percent. If the net migration rates of the 1990s hold constant for the current decade, the state's population is projected to reach 26.1 million in 2010.

Texas is composed of 254 counties, 1,201 incorporated cities, and an additional 14,000 unincorporated towns. Twenty-four of the cities have a population of 100,000 or more, with six of them over a half million (Houston is the largest at nearly 2 million, and El Paso in the border region is the fifth-largest city, with nearly 600,000 inhabitants). The Metropolitan Statistical

Area of McAllen-Edinburg-Mission, close to the border with Mexico, was the fourth fastest-growing MSA in the country during the 1990s, increasing its population 48.5 percent over the decade.

The gross state product of Texas was estimated to be US$ 807.4 billion in 2002. Thirty years ago the state's economy was heavily dependent on the oil and gas industry, but has since been diversified significantly. Services are now the largest single sector, generating about 21 percent of the gross state product, followed by wholesale and retail trade, insurance and real estate, manufacturing (led by computers, electronics, and petrochemicals), local, state, and federal government, transportation and utilities, mining, construction, and agriculture. In agriculture, livestock and livestock products comprised 68 percent of total cash receipts from farm marketing. The other 32 percent was crops, led by cotton, grain sorghum, wheat, corn, peanuts, and hay.

Trade—particularly with Mexico—has increased greatly since the implementation of the North American Free Trade Agreement (NAFTA). Laredo is the busiest commercial inland port in the U.S.

In personal per capita income, Texas ranked 32nd among the 50 U.S. states.

3.2 Nuevo León

The state of Nuevo Leon is composed of 51 municipalities and has a population of 4,200,000. Currently, Nuevo León sustains an extensive and growing infrastructure in the primary and industrial sectors. Monterrey, the state capital, has become one of the three most important cities in Mexico in just a few years.

Population density and economic activity in the state are concentrated in the MMA, which includes the municipalities of Apodaca, Cadereyta Jiménez, Escobedo, García, Guadalupe, Juárez, San Nicolás de los Garza, San Pedro Garza García, and Santa Catarina. The MMA has almost 85 percent of the state’s population and houses over 23,000 industrial facilities and businesses. It has grown to be a front-line industrial center for the production of batteries, beer, bricks, cement, ceramics, glass, soft drinks, steel, and diverse machinery and equipment. Other important industrial contributors to the MMA economy are the automotive, chemical, construction, electric, electronic, food, non-metal minerals, petrochemical, and textile sectors.

The manufacturing sector supplies 35 percent of the gross state product, followed by the services sector with 30 percent, commerce with 22 percent, and transportation with seven percent. The state of Nuevo León provides six percent of the gross national product of Mexico.

Because of the size of the population and of the economy, the transportation sector has a strategic importance in regional and urban development. Currently, the vehicle fleet in the MMA is 1.5 million vehicles. The estimated distance traveled daily is 26 km (16 miles) for regular

vehicles, 120 km (75 miles) for trucks and buses, and 240 km (149 miles) for intensive-use fleets.

Regarding water infrastructure, the potable water distribution system provides service to 99 percent of the population in the MMA and the coverage of the sewage system is approximately 97 percent. In municipalities outside the MMA, potable water service is provided to 87 percent of the population and wastewater collection service is provided to 60 percent of the population. The garbage collection system covers 90 percent of the state population.

4. Current Environmental Status

4.1 Texas

4.1.1 Air Quality

In the U.S., the Environmental Protection Agency (EPA) oversees the regulation of air quality under the Federal Clean Air Act. Under that law, the EPA has delegated to Texas much of the regulatory authority, and the TCEQ has relevant jurisdiction under Texas law (the Texas Clean Air Act). The TCEQ monitors ambient concentrations of those pollutants for which the EPA has established standards—ozone, nitrogen oxides, sulfur dioxide, carbon monoxide, particulate matter (both PM_{10}, having a diameter of 10 microns or less, and $PM_{2.5}$, having a diameter of 2.5 microns or less), and lead.

Texas, like most other states, has several urban areas with air quality problems. Three metropolitan areas (Dallas-Fort Worth, Houston-Galveston, and Beaumont-Port Arthur) are in violation of the federal standards for ambient ozone concentrations and are therefore designated "nonattainment." For each of those areas the state is implementing special programs designed to reduce the problem. Five additional areas (Austin, San Antonio, Corpus Christi, Victoria, and Tyler-Longview) are considered near-nonattainment for ozone and have local programs in place in order to maintain compliance.

El Paso was a nonattainment area for ozone for more than a decade, but programs to reduce ozone appear to have been successful and the area has recently been declared an attainment area under the EPA's new ozone rules. Unfortunately, El Paso is still in nonattainment for PM_{10} and carbon monoxide, although concentration peaks have been reduced.

In the rest of the urban areas of the border region (chiefly Laredo and the several urban centers in the Lower Rio Grande Valley), chronic air-quality problems have been avoided principally because of a relative lack of industry, flat topography, and the consistency and strength of prevailing winds.

Four factors are primarily responsible for the relationship between urban growth and air quality. First, population growth often follows the expansion of industries that may generate significant emissions. Second, growth leads to demand for electricity, and electric generation plants

(especially coal-fired plants) are important sources of pollution. Third, growth is almost always associated with increased numbers of motor vehicles, which are major contributors to some air pollution problems. Fourth, population growth also means increased emissions from numerous and varied individual activities and small, local businesses that provide many products and services for the population.

For Texas, the potential impact of growth on air quality presents several challenges. One challenge is to limit the new emissions that would otherwise be associated with that growth, especially in nonattainment and near-nonattainment areas. Some approaches to accomplishing this are designed in consultation with local citizens, and others are mandated by federal law. As an example of the latter, new industrial sources in nonattainment areas are required to counter any new emissions they will produce by retiring or reducing other emissions sources. But in those areas, a prohibition on industrial emissions growth is just a small part of the overall reduction strategy, which requires numerous sectors to modify emissions behavior in non-trivial ways.

A separate but related issue regulated by the Federal Clean Air Act is regional haze as it applies to national parks. In Texas, Big Bend National Park (in the border region) has haze problems. The principal source of haze is fine PM that can travel long distances, and a study has estimated that the sources of the PM in Big Bend range over a large area—from states to the east and north of Texas, from other parts of Texas to the east and northeast, and from Mexico. Texas is working with other U.S. states on a long-term effort to ameliorate this problem, and is also interested in working with Mexico.

4.1.2 Water Supply

Numerous state and local agencies have authorities related to water supply (that is, the quantity of water available for use, as distinct from the quality). The federal government generally is not involved. The Rio Grande/Río Bravo is an exception, because of its status as an international border. For that part of the river that runs between Texas and Mexico, allocations between the U.S. and Mexico are determined by treaty and the International Boundary and Water Commission.

The TCEQ has jurisdiction over water rights in Texas (water rights in Texas can be held by individuals, companies, irrigation districts, or local governments). The Texas Water Development Board (TWDB) has general jurisdiction over water planning for the state. In 1997 the Texas Legislature enacted Senate Bill 1, which requires Texas to undertake planning to ensure an adequate supply of water over a 50-year period. The state is divided geographically into 16 regional water-planning groups, with representation of various stakeholders. These groups must work together to develop 50-year water plans for their regions. These groups

(including the Region M Planning Group, which extends from Eagle Pass to the Gulf) are currently revising their initial water plans.

Texas depends on both surface and groundwater for its water supply. Texas has 23 major river basins, with basin number 23—the Rio Grande—partially dependent on water from the four Mexican states bordering Texas—Chihuahua, Coahuila, Nuevo León and Tamaulipas. There are nine major aquifers in Texas, and 20 minor aquifers, providing water for various uses including agricultural and municipal use; the City of San Antonio, for example, is presently entirely dependent on the Edwards Aquifer for its water supply.

In 2002, the latest year for which data are available, irrigation, municipal, and industrial/manufacturing use accounted for 94.4 percent of Texas' water use, with the remainder divided among steam-electric power generation, livestock, and mining. Irrigation use in Texas is 61 percent of total water use, followed by municipal at 25 percent, and industrial/manufacturing at 8.4 percent. Total water use in Texas in 2002 was estimated at 14.89 million acre-feet (18,370 million cubic meters). For the use of water from the Rio Grande downstream from Fort Quitman (a total of 870,200 acre-feet or 1,074 Mm^3), the comparable proportions in 2002 were 69.4 percent for irrigation, 29.7 percent for municipal and domestic use, and 0.7 percent for industrial/manufacturing, with all other uses comprising only 0.2 percent.

4.1.3 Water Quality

As with air quality, the principal legal instrument protecting the water quality (including rivers, coastlines, and lakes) is the federal Clean Water Act (CWA). The two primary goals of the CWA are to eliminate pollution discharges and to attain water quality levels suitable for fishing, swimming, and drinking. The EPA sets national standards, but each state sets its own standards, as long as they are at least as stringent as the federal standards.

As with air quality, the EPA has the power to delegate authority over the regulation of pollution discharges to individual states, and it has done so with Texas. The TCEQ is the responsible agency under Texas law with respect to discharge permits. The TCEQ also licenses operators of water supply facilities (providing drinking water) and wastewater treatment facilities. Population and economic growth lead to additional discharges, and for this reason the number and/or size of treatment facilities must regularly increase.

The TCEQ regularly monitors and assesses both the treated water supplies provided for citizens by local utilities and the quality of surface waters and groundwater. With respect to surface waters, the agency cannot monitor all portions of the vast extent of waters in the state, but the major rivers, lakes, and estuaries have been subdivided into what are called "classified segments," each with a tracking number. The Rio Grande has 14 classified segments. Each segment in the state has designated uses (such as drinking water supply, contact recreation, or fishing) and standards for the water that allow that segment to support those uses.

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To assist with monitoring and assessment in the 23 most important river basins, and the bays and estuaries along the Gulf of Mexico, the TCEQ contracts with fifteen partner agencies. For example, the TCEQ contracts with the U.S. Section of the International Boundary and Water Commission to assist with the monitoring of the Rio Grande.

The TCEQ uses results of the monitoring and analysis of surface waters to prepare a required biennial report to the EPA that contains both an inventory of all monitored segments and a list of those segments in which one of more of the designated uses are impaired. In the 2002 report, the agency assessed 731 segments, and for the 2004 report the agency focused on 195 segments, most of which had been identified in the previous report as needing additional monitoring. Of all the segments that have been monitored, 306 have been identified as impaired for one or more uses (a total of 419 impairments).

After a water body is identified as impaired, the TCEQ follows up with a more intense assessment aimed at determining the cause(s) of the problem and a mitigation plan. This can be complicated because of the many nonpoint sources of pollution (in contrast to a point source, such as a large industrial facility or a wastewater treatment plant) in the urban and agricultural sectors.

A challenge to wastewater treatment in the border region of Texas is the proliferation of small communities springing up outside of cities in developments lacking sewage collection. Several state and federal agencies have collaborated to assist with this problem, and partial funding has also come from the Border Environment Cooperation Commission and the North American Development Bank.

The TCEQ has instituted a variety of outreach, education, and regulatory programs in an attempt to address various nonpoint sources, including disposal of used oil, urban stormwater management, and agricultural runoff.

4.1.4 Waste Management

The TCEQ has authority to grant permits for the operation of municipal solid waste (MSW) landfills and transfer stations, and the landfills must meet the requirements of federal law. The TCEQ also has jurisdiction over permits for the storage, treatment, and disposal of hazardous waste, and these processes also have federal laws that must be followed.

According to the most recent annual report of the TCEQ on MSW, Texas had 223 permitted landfills as of December 2003. Of these, 184 were active (accepting waste) and 39 were inactive (not accepting waste that year). During 2003, seven facilities closed operations permanently, one new facility received a permit, and 15 landfills received permits to expand. Between 1986 and 2003, more than 700 MSW landfills closed, most of them due to the more stringent requirements of Subtitle D of the federal Resource Conservation and Recovery Act. As a result, the size and service area of currently operating landfills are significantly larger than in prior years.

Remaining landfill capacity in the state, assuming that disposal rates remain constant, was 33.2 years on average at the end of 2003. This was a significant increase over remaining capacity in 1989—19.5 years.

The landfills operating in 2003 reported that total disposal in Texas was 29.1 million tons. Per capita disposal was 7.2 pounds (3.3 kilograms) per person. This is a higher rate than most other states, principally because Texas has a broader definition of MSW than the federal government and many states (Texas includes construction and demolition waste). The per capita rate was down approximately 1.5 percent from 2002. Residential waste increased by slightly more than five percent, but the overall reduction in MSW was the result of a four percent decrease in commercial waste and a nearly four percent decrease in construction and demolition waste.

Texas imports and exports a relatively small amount of MSW. Reports indicated that in 2003 Texas landfills received nearly 203,000 tons of MSW from six other U.S. states (an increase of 300 percent from the previous year) and an additional 48,000 tons from Mexico. Although there is no requirement to maintain data on exported MSW, an estimated 519,000 tons were exported that year, mostly to New Mexico from the El Paso area.

The TCEQ regulates the generation and handling of used motor oil. The agency also has programs that encourage recycling and composting.

With very few exceptions, it is anticipated that Texas' commercial facilities will continue to have adequate capacity over the next few years for most hazardous wastes. Certain kinds of hazardous waste management facilities are unavailable in Texas (for example, zinc recovery), but the statewide demand for these facilities is small. Nonhazardous disposal capacity at industrial facilities is currently under evaluation, but preliminary analyses suggest there is likely to be sufficient disposal capacity to manage projected demand.

4.2 Nuevo León

4.2.1 Air Quality

Rapidly growing population and urbanization, coupled with increased industrialization in the MMA have put considerable pressure on the region´s ecosystems and are the principal source of environmental problems, including air pollution.

The APMARN runs the Monterrey air quality monitoring network, which is currently composed of five stationary monitoring stations and two mobile monitoring stations.

An analysis of one-hour exceedances of Mexican air quality standards in the 1993-2004 period shows that the contaminant that most frequently exceeded standards was particulate matter of less than 10 microns (PM_{10}), followed by ozone. Measurements of particulate matter smaller than 2.5 microns ($PM_{2.5}$) started in September 2003. Currently, there is no defined Mexican air

quality standard for $PM_{2.5}$, but results suggest that, if current trends continue, $PM_{2.5}$ concentrations will exceed the U.S. standard.

PM_{10} maximum concentrations follow a pattern that shows a considerable increase during the winter months and a notable decrease during spring and summer, explained by meteorological conditions that make dispersion of contaminants difficult during cold months. An ascending trend in the number of hours exceeding the standard can be noted in the period 1998-2004. According to the 1999 emissions inventory, the main particle emission sources are soil erosion and point sources.

The number of hours above the ozone standard usually increases in the summer and occasionally during the winter months. There is an upward trend in the number of violations during the 1998 to 2004 period. According to the 1999 emissions inventory, mobile sources and area sources are main contributors to volatile organic compounds (VOC) emissions, mobile sources and point sources are important emitters of nitrogen oxides (NO_x).

Area sources and point sources are major contributors to $PM_{2.5}$ emissions.

4.2.2 Water Supply

Increased social and economic development has led to an increase in water demand in Nuevo León. Irregular distribution of rainfall, both seasonally and spatially, and recent droughts have led to water demands exceeding available supplies in different sectors. Eighty percent of the available water goes to agricultural consumers, followed by public urban and domestic users (15 percent), and industrial and business users (five percent). Due to the scarcity of water, irrigation districts are using only 30 percent of the available land for farming purposes.

There are 23 groundwater aquifers in the state. Information available on 10 of these aquifers shows that water supply is barely 90 Mm^3 per year (72.9 thousand acre-feet). Water quality does not always meet standards for agricultural or public urban use. The considerable depth of the 13 other aquifers, as well as the chemical characteristics of the water, makes their exploitation very costly.

Consumption of drinking water in the MMA amounts to 16.6 cubic meters per second (m^3/s) (4,385 gallons per second, or gal/s) and municipal wastewater generation is about 11.6 m^3/s (3,064 gal/s).

4.2.3 Water Quality

The high number of industrial facilities and business establishments with wastewater discharges into the sewage system and the wide variety of industrial processes in the MMA led to the implementation of a Wastewater Discharge Control Program. This program was started in 1994 and was developed in close collaboration with the State Secretary of Health and Monterrey

Water Works and Sewage (SADM)—the Nuevo León water utility. The main goal of the program is to establish specific wastewater discharge conditions for non-domestic generators.

There are currently more than 7,000 non-domestic entities registered as generators of wastewater discharges. Of those, 45 percent are in compliance with the state program. Non-attainment generators are developing and implementing action plans to reach attainment.

Analyses of contaminant generation by industrial sector found that in most cases a particular sector is responsible for more than 80 percent of a specific contaminant. Results also showed that more than 70 percent of some of the specific contaminants are generated by a small number of industries, thus simplifying the task of source identification. The principal sectors generating contaminants are the chemical, glass, plastic products manufacturing, and metal mechanic industries.

The main problems generated by industry in the sewage system are undesirable concentrations of greases and oils, chemical oxygen demand, ammoniacal nitrogen, biological oxygen demand, substances reactive to blue methylene, phosphorous, mercury, lead, organic nitrogen, and arsenic.

SADM operates 35 different wastewater treatment systems, including 18 wastewater treatment plants with state-of-the-art technology, with a combined treatment capacity of 9,035 liters per second (2,386 gallons per second). Most of the water is reused for agricultural purposes and some for industrial purposes. In the MMA there are also 11 treatment plants for industrial wastewater with a combined treatment capacity of 2,855 liters per second (754 gallons per second). The treated water is used in industrial activities and to irrigate green areas.

4.2.4 Waste Management

Inappropriate disposal of solid waste is a major source of soil contamination in Nuevo León. To address this issue, the Metropolitan Solid Waste Processing System (SIMEPRODESO) started operations in 1991 to provide solid waste management services to municipalities, individuals, and other public or private entities. SIMEPRODESO operates transfer stations to receive solid waste temporarily and operates landfills for solid waste disposal. A classification facility allows for reduction of solid waste disposal and for recycling of glass, paper, cardboard, plastics, and aluminum. SIMEPRODESO operates a methane recovery facility that generates seven megawatts of electricity. The electricity is purchased by seven municipalities within the MMA and used in public services.

There are nine additional landfills for final disposal of municipal waste outside of the Monterrey metropolitan area. The construction of three regional landfills in the northern region of the state is underway.

In the state of Nuevo León there is a controlled facility of about 800 hectares (1,977 acres) for final disposal of hazardous wastes. The company that operates this landfill provides collection,

transportation, treatment, and final disposal services for hazardous and non-hazardous industrial wastes.

Eleven large, illegal dumps have also been identified in the MMA. Of the several types of illegal waste, one of the most common is scrap tires. Although SIMEPRODESO keeps 600,000 used tires appropriately disposed in its landfill, there are illegal dumps of waste tires in every municipality of the state.

In total, 4.9 million tons per year of municipal solid waste and non-hazardous industrial waste are generated in Nuevo León, of which about 53 percent is improperly or illegally disposed of.

5. Goals, Objectives, and Strategies

5.1 Goals

The Texas-Nuevo León Strategic Environmental Plan has three goals:

1. To guide effective interagency cooperation and make the best use of existing resources in addressing priorities for environmental protection of air, water, and land.
2. To serve as a basis to leverage resources from additional entities to support actions prioritized in this document.
3. To maintain the momentum of the Ten State Border Environment Dialogue and to foster a Texas-Mexico Regional Environmental Dialogue.

5.2 Objectives

1. To enhance regulatory and institutional framework capabilities.
2. To provide a source of innovative environmental management approaches, better planning, and more accurate solutions.
3. To strengthen the operational framework by providing recommendations for procedures and resource requirements.
4. To improve planning capabilities in forecasting critical air pollution episodes, air emissions inventory development, and achievement of solid waste management goals.
5. To improve the scientific base through specialized software management, quality assurance of environmental data, and increased knowledge of health effects of environmental pollution.
6. To enhance public awareness and participation.

5.3 Strategies

1. Exchange information.
2. Facilitate technical exchange.
3. Coordinate activities and programs.
4. Obtain contributions of human, technical and economic resources from industry,

academic institutions, bi-national and international organizations, and other governmental entities.

6. Action Plan 2005-2007

To implement the specific items in the Action Plan below, the TCEQ and the APMARN commit themselves to several supportive activities with respect to process:

1. Designate specific persons as liaisons for the identified areas of common interest, to be responsible for technical-exchange and information-exchange activities.
2. Hold periodic conference calls between agency personnel.
3. Establish at least one coordinated activity or program per year involving the public.
4. Promote the development of research studies, thus strengthening environmental management programs.
5. Invite counterparts to technical and environmental workshops.
6. Share calendars of events.
7. Conduct at least one technical-exchange meeting a year to review accomplishments and update the TX-NL Plan; the agenda will include exchanging new ideas and experiences, identifying activities and programs with potential to be developed jointly, and proposing next steps.

6.1 AIR QUALITY

Project Name & Specific Activities
Project #1. Expansion of the Air Monitoring Network in Monterrey 1. The TCEQ will assist the APMARN by providing advice on "best practices" for siting monitors. 2. The APMARN will develop a proposal for the expansion of the Monterrey Metropolitan Area air quality monitoring network. 3. The APMARN will seek funding to expand the Monterrey Metropolitan Area air quality monitoring network.
Project #2. Data-Sharing between the APMARN and the TCEQ 4. The TCEQ and the APMARN will jointly explore various ways in which air quality data, including real-time data, might be shared between the two agencies. 5. The TCEQ and the APMARN will identify mechanisms and activities to share air quality data. 6. The TCEQ and the APMARN will explore specific ways in which data from Nuevo León could contribute to the Texas Air Quality Study.

Project #3. A Pilot Project for the Use of Ultra-Low Sulfur Diesel in the Monterrey Metropolitan Area

7. The TCEQ will assist the APMARN in identifying potential funding sources for the development of the pilot project.
8. The TCEQ will provide technical assistance to the APMARN for the elaboration of a proposal to develop the pilot project.
9. The APMARN will submit a technical proposal to appropriate federal government agencies and potential funding sources.
10. The APMARN will implement a pilot project for the use of ultra-low sulfur diesel fuel in the Monterrey Metropolitan Area.

6.2 BORDER PLANNING

Project Name & Specific Activities
Project #4. Appropriate Environmental Infrastructure, including Water and Wastewater Treatment and Groundwater Protection, in the Development of the Community of Colombia in Nuevo León

11. The TCEQ and the APMARN will identify institutions to assist in infrastructure development.
12. The TCEQ will assist the APMARN to identify potential funding sources for the development of the environmental infrastructure plan.
13. The APMARN will work with other agencies to develop an infrastructure plan for the Colombia community.

6.3 ENVIRONMENTAL EDUCATION

Project Name & Specific Activities
Project #5. "Teaching Environmental Science" Program

14. The APMARN will explore the possibility of developing a "Teaching Environmental Science" Program.
15. In support of the APMARN, the TCEQ will provide contact information and support materials, and invite APMARN staff to a border course.

6.4 GIS DEVELOPMENT

Project Name & Specific Activities
Project #6. Texas-Mexico GIS 16. Applicable TCEQ program areas will collaborate with the APMARN to identify GIS applications and datasets of common interest. 17. In collaboration with the Texas Natural Resources Information System (TNRIS), a Division of the Texas Water Development Board, the TCEQ will provide assistance to the APMARN in the development of shared geospatial datasets that support the common mission of the agencies. The goal of the collaboration will be to develop a repository of Texas-Northeast Mexico geospatial datasets that trascend international boundaries. 18. The TCEQ, the TNRIS, and the APMARN will meet to identify their needs for spatial databases covering the Texas-Northeast Mexico geographic region. Potential needs include analyses of watersheds and air quality. Once these needs are identified, the collaborating agencies will define the steps for developing these databases.

6.5 POLLUTION PREVENTION

Project Name & Specific Activities
Project #7. Environmental Management Systems (EMS) 19. The APMARN will implement a program promoting EMS in businesses and local government, with technical assistance from the TCEQ. 20. The TCEQ and the APMARN will explore the possibility of designing a state-to-state Clean Industry program/certificate based on EMS. 21. The APMARN will explore the possibility of issuing an Environmental Excellence Award. The TCEQ will provide information and guidance.

Project Name & Specific Activities
Project #8. Environmental Monitoring Response System (EMRS) 22. The TCEQ and the APMARN will explore the possibility of developing a Texas-Mexico Environmental Monitoring Response System.

6.6 DEVELOPMENT OF RECYCLING MARKETS

Project Name & Specific Activities
Project #9. Markets for Recycled Products 23. The TCEQ will explore the possibility of organizing a Texas-Nuevo León section for representatives of recycling businesses at the annual Solid Waste Association of North America Conference. 24. The TCEQ will seek options for developing a Texas-Nuevo León recycling business directory.

6.7 WASTE TIRES

Project Name & Specific Activities
Project #10. Waste Tire Management 25. The TCEQ will work with the APMARN to identify projects or pilot projects for waste tires, and the Texas Department of Transportation will be consulted.

6.8 MANAGEMENT OF HOSPITAL WASTES

Project Name & Specific Activities
Project #11. "Hospitals for a Healthy Environment" Program 26. The TCEQ will provide information on the benefits of the "Hospitals for a Healthy Environment" Program and invite representatives from Nuevo León to attend the next border workshops in this program. 27. The APMARN will explore the possibility of developing a "Hospitals for a Healthy Environment" Program.

Appendix I

Agreement for Regional Progress

COAHUILA

NUEVO LEÓN

TAMAULIPAS

TEXAS

AGREEMENT FOR REGIONAL PROGRESS
(Coahuila, Nuevo León, Tamaulipas and Texas)

TECHNICAL COLLABORATION AND COOPERATION AGREEMENT, SIGNED BY, AS ONE PART, THE GOVERNMENT OF THE STATE OF COAHUILA, REPRESENTED BY HONORABLE ENRIQUE MARTÍNEZ Y MARTÍNEZ; THE GOVERNMENT OF THE STATE OF NUEVO LEÓN, REPRESENTED BY HONORABLE JOSÉ NATIVIDAD GONZÁLEZ PARÁS; AND BY THE GOVERNMENT OF THE STATE OF TAMAULIPAS, REPRESENTED BY HONORABLE TOMÁS YARRINGTON RUVALCABA; HEREINAFTER **"THE NORTHEAST MEXICO REGION"**; AND AS COUNTERPART, THE GOVERNMENT OF THE STATE OF TEXAS, REPRESENTED BY HONORABLE RICK PERRY, GOVERNOR OF THE STATE OF TEXAS; HEREINAFTER **"TEXAS"**; ALL PARTS BEING SUBJECT TO THE FOLLOWING BACKGROUND, DECLARATIONS AND CLAUSES:

BACKGROUND

a) The Region composed by the states of Coahuila, Nuevo León, Tamaulipas and Texas hereinafter, the "**Northeast Mexico- Texas Region**"), has an area exceeding 716,000 square kilometers.

b) The Northeast Mexico- Texas Region has a population that exceeds 30 million inhabitants, and forecast indicates that it will exceed 37 million in the year 2010.

c) More than 50% of the total border crossings between Mexico and the United States take place in this Northeast Mexico- Texas Region.

d) The economic and population growth of the Northeast Mexico- Texas Region is one of the most dynamic in the world.

e) Altogether, the Northeast Mexico- Texas Region, has an state-of-the-art communications infrastructure system compose by approximately 70,000 kilometers of paved highways, 23,000 kilometers of railroads, 15 deep water ports, and 26 international airports.

f) The Northeast Mexico- Texas Region also has water, mining, natural resources, and a similar climate conditions that facilitates integration and linkage.

g) The regional integration efforts put forth by the States of the Northeast Mexico Region, through visits, work meetings, signing of industry collaboration agreements and those signed individually by the states, confirm the possibility of achieving the integral development of regions, including the integral development of the Northeast Mexico and its linkage to Texas, and eventually the inclusion of the state of Chihuahua.

h) The integral regional development of the Northeast Region Mexico and their linkage to Texas, represents a new option to make the best use out of the North American Free Trade Agreement.

DECLARATIONS

I.- Through their representatives, the States declare that:

- There have been advances achieved thus far in terms of political and government relations brought forth as a manifestation of the commitment to both peoples. Specific achievements that should be highlighted are in the areas of infrastructure, road integration and telecommunications.
- The purpose of all future joint efforts shall continue being based, as always, in the inviolable respect for our constitutional orders and the corresponding sovereignties; the efforts shall also be geared to protecting liberties and protecting and promoting human rights, as well as ensuring that development is undertaking with appropriate attention to environmental concerns.
- The concerted joint efforts on the part of government authorities and representatives of all sectors of society, including private industry- and with the support of the Federal government and international organizations- are fundamental to as a driving force for regional development projects. We recognize the significance of public participation to ensure the achievement of common objectives for development, as well as the importance of financial, federal and international support.
- The parties are interested in joining efforts to establish the bases through which, within the scope of each state's competence, programs of technical cooperation and linkage of the states can be carried out in the areas of: economic development, the environment, flora, fauna, natural resources, mining and energy resources, education, science, technology, culture, security, border links, health, agriculture and livestock, tourism, communications and transportation infrastructure. Also they are interested in establishing public policies and joint actions to benefit and strengthen the Northeast of Mexico- Texas Region's development with an integral vision.
- All joint efforts will be geared to avoiding duplications of already existing plans and programs as to maximize the resources of the States. The parties shall benefit from programs already in place such as the Border Governors Conference and other venues where the U.S.-Mexico border states participate.

CLAUSES

FIRST (Intent): All parties agree that the intent of this document is to establish within the bases through which they will collaborate within the scope of their respective competence, so as to benefit and strengthen, through cooperative programs and actions, the competitiveness and the integral development of each state and the Northeast Mexico- Texas Region as a whole.

SECOND (Action Areas): The topics of interest that have been identified by the parties as priorities are those related, within each state's competence, to: economic development, the environment, flora, fauna, natural resources, mining and energy resources, education, science, technology, culture, security, border links, health, agriculture and livestock, tourism, communications and transportation infrastructure. Also the parties are interest in establishing public policies and joint actions to benefit and strengthen the Northeast Mexico- Texas Region's development with an integral vision.
All this, as stated without limitation given that the parties may increase or diminish the amount of areas of interest according to the needs, interest and competence of each state.

THIRD (Units): The parties agree to establish, as units for technical cooperation and linkage, the Council of Governors and its Technical Secretariat.

FOURTH (Council of Governors): The Council of Governors will serve as the leading unit for Regional Cooperation and Linkage, and it will be composed of the Governors of the States of Coahuila, Nuevo León, Tamaulipas and Texas.

The Council of Governors will meet in an ordinary session once a year, and may meet for extraordinary sessions at the leisure of the Council.

FIFTH (Technical Secretariat): The Technical Secretariat will be a multiple-person unit, whose members will be appointed by the Council of Governors.

SIXTH (Duration): This agreement will become effective as of its signature and will remain valid until the parties determine otherwise. This agreement may be terminated at any time at the discretion of any one or more of the parties.

SEVENTH (Unforeseen issues): The parties agree that issues related to the intent of this document, that are not expressly stated in its clauses will be settled by consensus as long as the parties so determine.

EIGTH (Safeguard): The agreements contained or derived from this document will be subject to federal legislation from both countries and the applicable laws of the participating entities.

Read this agreement by the parties, they ratify and sign it, this 22nd of June, 2004, issuing four originals of which each signatory will keep one.

FOR "COAHUILA"

THE HONORABLE ENRIQUE MARTÍNEZ Y MARTÍNEZ
GOVERNOR OF COAHUILA

FOR "NUEVO LEÓN"

THE HONORABLE JOSÉ NATIVIDAD GONZÁLEZ PARAS
GOVERNOR OF NUEVO LEÓN

FOR "TAMAULIPAS"

THE HONORABLE TOMAS YARRINGTON RUVALCABA
GOVERNOR OF TAMAULIPAS

FOR "TEXAS"

Rick Perry

THE HONORABLE RICK PERRY
GOVERNOR OF TEXAS





CHIHUAHUA COAHUILA NUEVO LEÓN TAMAULIPAS TEXAS

ADDENDUM TO THE AGREEMENT FOR REGIONAL PROGRESS
(Coahuila, Nuevo León, Tamaulipas and Texas)

SIGNED BY, AS ONE PART, THE GOVERNMENT OF THE STATE OF CHIHUAHUA, REPRESENTED BY THE HONORABLE JOSÉ REYES BAEZA TERRAZAS, THE GOVERNMENT OF THE STATE OF COAHUILA, REPRESENTED BY THE HONORABLE ENRIQUE MARTÍNEZ Y MARTÍNEZ; THE GOVERNMENT OF THE STATE OF NUEVO LEÓN, REPRESENTED BY THE HONORABLE JOSÉ NATIVIDAD GONZÁLEZ PARÁS; AND BY THE GOVERNMENT OF THE STATE OF TAMAULIPAS, REPRESENTED BY THE HONORABLE TOMÁS YARRINGTON RUVALCABA; HEREINAFTER **"THE NORTHEAST MEXICO REGION"**; AND AS COUNTERPART, THE GOVERNMENT OF THE STATE OF TEXAS, REPRESENTED BY THE HONORABLE RICK PERRY, GOVERNOR OF THE STATE OF TEXAS; HEREINAFTER **"TEXAS"**; ALL PARTS BEING SUBJECT TO THE FOLLOWING BACKGROUND, DECLARATIONS AND CLAUSES:

BACKGROUND

a) The regional integration efforts put forth by the States of the Northeast Mexico Region, through the signing of the Agreement for Sustainable Regional Development of the Mexican Northeastern Region on March 6 of 2004.

b) The Agreement for Regional Progress signed by the Governors of the States of Coahuila, Nuevo Leon and Tamaulipas from the Northeastern Mexico Region; and the Governor of the State of Texas on June 22 of 2004.

DECLARATIONS

I.- Through their representatives, the States declare that:

- The State of Chihuahua is interested in joining efforts to collaborate as part of the Agreement for Regional Progresses as to benefit and strengthen, through cooperative programs and actions, the competitiveness and the integral development of each state and the Northeast Mexico- Texas Region as a whole.

- The States of Coahuila, Nuevo Leon, Tamaulipas and Texas welcome the State of Chihuahua and accept its inclusion for the benefit of the Northeastern-Texas Region.

- All parties agree that the terms and conditions established in the Agreement for Regional Progress are binding as a part of this Addendum , and that issues related to the intent of this document and the Agreement that are not expressly stated in this declarations, will be settled by consensus as long as the parties so determine.

STATE OF TEXAS

OFFICE OF THE GOVERNOR

Read this agreement by the parties, they ratify and sign it, this 21st of October, 2004, issuing five originals of which each signatory will keep one.

FOR "CHIHUAHUA"

THE HONORABLE JOSÉ REYES BAEZA TERRAZAS
GOVERNOR OF CHIHUAHUA

FOR "COAHUILA"

THE HONORABLE ENRIQUE MARTÍNEZ Y MARTÍNEZ
GOVERNOR OF COAHUILA

FOR "NUEVO LEÓN "

THE HONORABLE JOSÉ NATIVIDAD GONZÁLEZ PARÁS
GOVERNOR OF NUEVO LEÓN

FOR "TAMAULIPAS"

THE HONORABLE TOMAS YARRINGTON RUVALCABA
GOVERNOR OF TAMAULIPAS

FOR "TEXAS"

RICK PERRY

THE HONORABLE RICK PERRY
GOVERNOR OF TEXAS