

04/09/23

Mr. Bruce Binder
Senior Associate Director for Grants Competition
Office of Grants and Debarment/Office of Mission Support
And
Mr. Matthew Tejada
Deputy Assistant Administrator for Environmental Justice
Office of Environmental Justice and External Civil Rights

Re: RFI for EPA-HQ-OEJECR-2023-0023

Dear Director Binder and Administrator Tejada:

According to the EPA, “Wetlands currently cover 5.5 percent of the land in the 48 contiguous states. An estimated 95 percent of these wetlands are freshwater; the rest are marine or estuarine. Wetland extent can be affected by a variety of natural stressors, such as erosion, land subsidence, droughts, sea level change, and storms. However, the vast majority of wetland losses and gains over the last few centuries have occurred as a result of human activities.”¹

The Naco Sanitary District recommends these policies and priorities to reduce barriers and increase the efficiency of the new Environmental Justice Thriving Communities Grantmaking (EJ TCGM) Program:

Program Design:

Wetlands and constructed wetlands that nurture and protect wildlife biodiversity should be prioritized for best management practices for all communities needing environmental and climate justice. Besides air pollution and waste pollution, more emphasis should be placed on groundwater protection and remediation. Prioritize local recharge and management of stormwaters, flood mitigation, including protection of wildlife and biodiversity.

Projects to Prioritize and Fund:

- Colonias along the US-Mexico border
- Native American Tribes
- EPA designated Sole Source Aquifers
- Farmland reclamation
- Groundwater stabilization
- Wildlife, plants and biodiversity preservation

Reducing Application Barriers:

Better access to available Community Based Organizations, and other governmental partners.

¹ <https://www.epa.gov/report-environment/wetlands>.

Reporting and Oversight:

More seminars regarding best practices for project management, accounting, and records.

Technical Assistance:

Provide advice for Preliminary Engineering Reviews, the National Environmental Protection Act, and Environmental Impact Statements. Include this in existing flowcharts and checklists.

Environmental and Climate Justice for Transboundary Communities

The Naco Sanitary District is located along the US-Mexico Border in southeastern Arizona. We are a municipal corporation that has fifty acres dedicated to wastewater treatment and aquifer protection.

Naco, Arizona is a long neglected border colonia of one thousand residents. Naco, Sonora has approximately 6500 residents. Bisbee has around 5000 residents. This regional community shares the same transboundary, sole source aquifer.

We have an aquifer protection permit issued by the Arizona Department of Environmental Quality that protects and remediates our transboundary Naco-Bisbee Sole Source Aquifer. ²

Groundwater pollution threatens our transboundary, sole source aquifer. A copper mine sulfate plume from a legacy tailings concentration pond has spread for over fifty years towards the wellfields that supply both Bisbee and Naco.

Batch discharged effluent from the Bisbee Wastewater Treatment Plant has polluted the Green Bush Draw, along a clay stormwater channel for over two miles. This effluent has grown a forest of trees and aquatic plants that never existed in this arroyo, until Bisbee converted this stormwater channel into blooming lagoons of effluent enriched new growth. The smell of artificial perfumes permeates this arroyo with chemical fragrances.

This effluent flows along unnatural lagoons until it is infiltrated back into the aquifer on property two miles west of the Bisbee wastewater discharge pipe. This property is owned in parts by the Naco Sanitary District, the Ladd Ranch, and the Arizona Water Company. The NSD, the Ladds, and the Arizona Water Company receive these batch discharges without any contracts or permissions with the City of Bisbee. The Ladds assist the NSD with this effluent discharge by maintaining dikes and dams that keep this effluent from contaminating the Ladd properties. This effluent infiltrates next to an empty lagoon that was built to treat this effluent in 1980, before the Bisbee WWTP was constructed in 2006.

The Ladd family, Congressman Mo Udall and the International Boundaries and Water Commission (IBWC) worked to address sewer flows along the border with a new wastewater treatment plant for the region, including Naco, Sonora. The City of Bisbee approved this regional plant in 1978, allowing it to be funded as a local solution. The Ladd family donated fifty acres, which are adjacent west of the Arizona Water Company wellfield.

The Naco Wastewater Treatment Plant was constructed in 1980³ as a constructed wetlands for both Nacos, and the City of Bisbee. Four lagoons were constructed along the Green Bush Draw, to recharge

² The Naco-Bisbee Sole Source Aquifer was designated under the authority of Section 1424(e) of the Safe Drinking Water Act, Federal Register Citation-53 FR 38337, Publication Date -09/30/88.

³ Environmental Protection Agency Grant No. C040174020; Four Corners Regional Commission Grant No. 191-802-034-2; Farmers Home Administration Grant No. C040174020.

the nearby wellfields with effluent from the three communities. Unfortunately, litigation suspended any binational cooperation and further connections with Bisbee.

In 1987, Phelps Dodge Mine Superintendent Jack Ladd petitioned the EPA to have the Naco-Bisbee Aquifer designated a sole source aquifer under the Clean Water Act. In 1988, Mr. Ladd reported the sulfate plume contamination from the tailings concentration pond to the EPA.

This timely action has slowed the flow of the sulfate plume towards the local wellfields, yet the plume continues to spread towards the wellfields.

In 2018, Mr. Stephen Dey and I submitted to local stakeholders a planning document to seek cooperation and funding to address our transboundary, sole source aquifer.⁴ This plan proposes:

Phase One:

Upgrade or rebuild the NSD Wastewater Treatment Plant to connect to Naco, Sonora WWTPs with pipelines.

Phase Two:

Connect Bisbee WWTP effluent to Naco WWTP lagoons to remediate and mitigate the impaired waters caused by City of Bisbee batch discharged effluent into Green Bush Draw.

Phase Three:

Connect pipes to NSD constructed wetlands lagoons from the Freeport-McMoRan wells on Arizona Ranch to mitigate the TCP sulfate plume. Create a recreational park for observing birds and other wildlife for the regional community.

Naco, Arizona has been neglected for forty years, while transboundary water issues continue to impede practical solutions. The Naco Sanitary District is dedicated to the goals of environmental justice for all colonias and minority communities impacted by both poverty and climate change.

As such, we ask the EPA to coordinate Border 2025 goals into the new Environmental Justice Thriving Communities Grantmaking (EJ TCGM) Program, with an emphasis on colonias and borderland tribes. We ask for transboundary, sole source aquifers to be prioritized, given their special needs and status. And we ask for groundwater stabilization with wetlands and constructed wetlands to be prioritized to save our water and wildlife.

Thank you for this RFI,



Charles A. Behney III
Naco Sanitary District Chair
520-508-5435 cel

⁴ <https://www.documentcloud.org/documents/4452019-Naco-Community-Wetlands-Mitigation-Plan-2018>.