

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

## **Local Government Advisory Committee (LGAC)**

**July 30-31, 2015**

### **Meeting Summary**

*The Meeting Summary that follows reflects what was conveyed during the course of the meeting that is summarized. The Committee is not responsible for any potential inaccuracies that may appear in the meeting summary as a result of information conveyed. Moreover, the Committee advises that additional information sources be consulted in cases where any concern may exist about statistics or any other information within the Meeting Summary.*

# EPA's Local Government Advisory Group (LGAC)

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## **Executive Summary**

EPA's Local Government Advisory Committee (LGAC) met on July 30-31, 2015 at EPA Headquarters to discuss issues that are of high priority to the EPA and local, state and tribal governments. The meeting began with opening remarks and a welcome to new LGAC members from Administrator Gina McCarthy. The LGAC was also able to converse with the Acting Deputy Administrator, Chief of Staff, Chief Financial Officer, Regional Administrators, Program Assistant Administrators, and advisors to better understand the role that the LGAC will play in advising the Administrator on EPA priorities.

# EPA's Local Government Advisory Group (LGAC)

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**LGAC Full Committee Meeting  
July 30-31, 2015  
EPA Headquarters  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004**

## **I. EPA Administrator's Roundtable**

*9:04 am: Mayor Dixon calls meeting to order.*

**Chairman Mayor Bob Dixon** welcomed ten (10) new members, along with the other twelve (12) returning members present at the meeting. He expressed the collaboration that is engaged in a federal advisory committee (FAC) and the spirit of consensus the LGAC garners. [*Introductions proceeded*].

**Chairman Dixon** then introduced **EPA Administrator Gina McCarthy**, who joined the LGAC for a 45 minute discussion. LGAC members were asked to briefly introduce themselves to the Administrator in a roundtable format. **Acting Deputy Administrator Stan Meiburg** and **Chief of Staff Matt Fritz** were also present at the discussion.

**Administrator McCarthy** thanked the members for their time and proceeded to highlight issues the LGAC contributed their advice and recommendations: Clean Water Rule, permitting process, MS4s, environmental justice, and the President's Climate Action Plan. She also briefly previewed the upcoming announcement of the Clean Power Plan. The connection between environmental stewardship and public health was a major theme espoused.

Administrator McCarthy said that the "The LGAC has done much to shape the Clean Water Rule." She also stated that the EPA has followed the science. But she also stated that she "wants to make it easier and to reduce the difficulty to get permits."

She also acknowledged that as local officials there is a lot to manage in local communities. She clarified that the Clean Water Rule does not change anything for Municipal Separate Storm Sewer System (MS4).

The Administrator said that the Clean Power Plan will be an up and coming priority to reduce carbon pollution. This impacts local communities and will hopefully make communities safer. The resiliency of communities is important even in the face of climate change impacts. Said Administrator McCarthy, "You will see when we unveil this that it will be one of the most creative approaches we have taken. We are all people who care about the same things. There will be opportunities for customization by every state. Your input has been valuable. There will be a long implementation process."

Administrator McCarthy also stated that there is an effort to step away from strict rule-by-rule protocol and to find ways to reignite the environment and the economy. "It doesn't take much to turn brownfields into areas of economic viability. We want to look for creative solutions. This is all part of the President's initiative." When noting Environmental Justice, "It's not just about environmental justice (EJ), it's also about low income communities. We want to look for ways to help these communities."



[A round of Introductions of LGAC members was made, a break was held and a photograph made with the Administrator].

### II. Roundtable with Acting Deputy Administrator Stan Meiburg

**Acting Deputy Administrator Stan Meiburg** opened by talking about the substantial role LGAC has made especially in regard to the work of EPA Headquarters and the EPA Regions. He gave an overview of the internal aspects of his job – budgets, cybersecurity, and all the things it takes to make an agency run. EPA currently has 14,500 employees, with plans of hiring back up to 15,000. There is generational change at work and a lot of experience leaving the agency, which has posed some management issues but also a chance to bring on “new thinking and new blood.”

Deputy Administrator Meiburg also noted that State Revolving Loan Funds (SRF) needs more resources and that best practices from different communities are needed to share regionally and nationally. Meiburg briefly commented on the EPA budget, which is still being deliberated by Congress. He noted that how important that infrastructure is and technological choices for each community had to make sense and be custom developed.

Deputy Administrator Meiburg and Deputy Assistant Administrator for Intergovernmental Relations Mark Rupp also took questions regarding the deliberation and feedback phases of the soon-to-be released Clean Power Plan. “We need to take regional flexibility and combine it with local innovation,” said Deputy Administrator Meiburg.

**Representative Morris** asked if there is any plan for engagement with states for the upcoming Clean Power Plan from the state perspective. Are there designated contacts for states to talk to? This is important, especially if you have people talking to each other that have never talked before?

**Mayor Johnny Dupree** said that there is \$63 million in state revolving funds in the state of Mississippi. We have EPA funding for waste treatment. We have a \$400 million issue, but only a \$60 million dollar state revolving fund to put toward that. We want to put this issue at the forefront, especially for small communities.

**Chief of Staff Matthew Fritz** said that EPA working closely to finalizing the Clean Power Plan proposal. “We had 4.3 million comments for Clean Power Plan. The Administrator wants us to know what’s going on. The LGAC’s work is crucial. I thank the LGAC and Mark Rupp for the leadership. We couldn’t do our work otherwise. I think that this is a far different model than others we have operated under.”

**Commissioner Robert Cope** highlighted that one forest fire emits more carbon dioxide than all the power plants combined. He emphasized the need to look closely at what is really going on in terms of carbon dioxide emissions of uncontrolled wildfires.

[Mayor Dixon thanked Stan Meiburg and Matt Fritz for their participation. The meeting paused for a 15 minute break before resuming].

### III. Clean Water Rule Implementation Overview and Discussion

**Sue Hann, Chairwoman, Protecting America's Waters Workgroup** opened by explaining the LGAC's Water work group role in EPA's development of the Clean Water Rule. In May, 2014, the Administrator charged the LGAC to assist in gathering local government input on the proposed rule. Public outreach meetings were held in four locations including one in Atlanta, GA, which led to the creation of a LGAC letter of recommendation. Highlights of those initial recommendations included a call for greater clarity and definition of the rule, simplification of the permit process, improved communication with local government, consideration of EJ communities, and cost. Cost is important, especially for small communities. The Administrator has issued the LGAC a new charge on the final CWR implementation (May, 2015), asking the LGAC to advise on implementation and outreach for local officials.

**Ken Kopocis, Deputy Assistant Administrator for the Office of Water**, thanked the LGAC for their work on the Clean Water Rule. He highlighted that protecting drinking water sources as a major rationale for the Clean Water Rule. He stated the rule made clearer the jurisdiction of tributaries. The concept of adjacent water features are also clarified, whether it is by distance or location. EPA is now working on rule implementation. This focus is on three things: information, transparency and the permitting process.

i. Information- "We're working on Q & As. Some are generated from within EPA and some from outside stakeholders. We want to better describe the language to answer questions."

ii. Transparency- "We have a longstanding tradition to make sure that our sources are able to be shared. We want to increase public awareness to improve predictability and reliability."

iii. Permitting process- "There is a lot of frustration concerning Clean Water Act Section 404 and 402 programs. How can we make this permitting better? People are complaining about this 30 years ago and they are still complaining today. We want to do this in two ways through the individual permitting process and through the nationwide permitting process. Nationwide permits are up for renewal in 2017."

**Kopocis** stated the CWR's goal was to get rid of difference of opinion around the country concerning jurisdiction. Currently there is joint training proposed through both EPA and Army Corps across all districts and regions. EPA is proposing to do educational webinar training sessions followed by field work to decrease ambiguity when people work with the rule. Kopocis acknowledged calls to expand on what "dry land" is and to better define "significant nexus" He addressed incentives for Army Corps, States, business to work together for partnerships between municipal and federal government.

*Ken Kopocis introduced John Goodin, Acting Director, Wetlands Division*, to comment on the CWR. John Goodin emphasized EPA's commitment to open communication within different levels of government For the Clean Water Rule, EPA drafted 12,000 pages of response to comments, effectively responding to every comment on the Clean Water Rule. "We're interested in exchange of information both ways. There are things that can be solved by a phone call."

The LGAC commented on the proposed plan for the Clean Water Rule Implementation.



**Commissioner Cope** said that the one thing he did not hear was unifying implementation between Corps districts and EPA regions. If you can get to point that implementation will occur uniformly from one region to another, then it has a chance of working.

**Commissioner Victoria Reinhardt** stated that she was disappointed that the Corps wasn't at the meeting. At the NACO land-use committee meeting, EPA was wonderful about taking the hard questions, but we didn't interact much with the Corps. "The questions are about the implementation whereby the Corps has the lead. The question remains: How is this going to fit together? When you're working with the states and local governments you need to have someone from the Corps there too. It's not enough to meet separately with the EPA and the Corps. I think the Corps should be part of the process, not reacting after an action was done."

**DAA Mark Rupp** solicited input about positive or non-negative experiences working with the Corps. Rupp framed the conversation to turn towards the states and their authority in permitting. He also stated that to date, only two states have assumed Clean Water Section 404 permitting responsibility: Michigan and New Jersey.

**Mr. Jeff Tiberi** said that he has no problems with the relationship of the Corps and the EPA. He also interjected that it could be helpful to have examples.

**Mayor Dupree** said that in his community, they have had good experiences too. He said that in his city of Hattiesburg, they hired a Corps engineer from the Section 402 permitting.

**Dr. Hector Gonzalez** stated that the Corps was helpful with a contaminated airfield that his city of Laredo, Texas had. They held public meetings and oversaw a transparent process.

**Mayor Dupree** said that the Corps handles the Water Resources Development Act as well. When you read Section 404 it talks about general permitting. One problem the US Conference of Mayors has with the CWR are the definitions contained within the CWR. One of the issues was that a "stormwater system constructed on dry land" could be subject to regulation. "Constructed on dry land" is not defined. Another problem was "significant nexus." I submitted a letter highlighting these concerns on behalf of the US Conference of Mayors.

**Secretary Jeff Witte** said that he did not know how quickly the CWR could be implemented given that 30 states have pending lawsuits. He said that he had never in his career heard so many agricultural concerns with the CWR. "There is just too much confusion." He also said that there are trust issues with agriculture and the Corps and with EPA as well. There has not been a lot of compliance consistency measures and the heavy handed approaches have been a cause for concern. In the state of New Mexico we have the Bureau of Land Management to deal with, and they assume that an ephemeral stream gets 8 inches of rain for 3 days out of the year which makes it a jurisdictional Water of the U.S. We deal with a lot of pesticide issues, with mosquito controls and water applications as well, and there is doubt about how the CWR will interfere with this.

**Mayor Dawn Zimmer** said that there is incentive to work together on the CWR. She stated that there could be an opportunity to incentivize the partnership between city government and the federal government on CWR implementation.

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*[Mark Rupp introduces speakers: Dick Pedersen, Director of Oregon Department of Environmental Quality; Julie Anastasio, Executive Director of Association of County Water Administrators (ACWA); Alexandra Dunn, Executive Director of General Counsel, Environmental Council of the States (ECOS). Each panelist introduced him/herself].*

**Dick Pedersen, Oregon Director of Environmental Quality** described the positive working relationship with the EPA and the state of Oregon. He noted that in the state of Oregon, 'Waters of the U.S.' are not as divergent as what EPA recommends. The State of Oregon is very interested in assuming the permitting responsibilities for Clean Water Act Section 404 permits. He emphasized how state officials need and want both flexibility and consistency.

**Alex Dunn, Executive Director**, expressed her interest in dealing with CWR implementation at the state level. She stated that the concerns lie in consistency- to work uniformly across all Corps Districts and to work with the EPA to achieve consistency. She noted that only 4 states didn't assume the CWA Section 404(d) provisions. She raised the question: How do you get people to do the right thing if there's nobody suing them?

**Julie Anastasio, Executive Director**, affirmed how for many states, their definition of 'waters of the state' are similar to 'waters of the US'. She said that because of this, we are not expecting too many changes in these states. She suggested that other states will be seeing enormous changes.

**Mayor Steve Williams** said that in his city of Huntington, West Virginia, "the Corps District Headquarters are located near city hall. We have great relationship with the Corps. There are 26 miles of levees around city and these levees are necessary to maintain the safety of the city from flooding of the Ohio River that runs through the city. We are in a daily partnership with the Corps because of this. I will say that we had a change of command in leadership and it has changed the interaction between Corps and EPA. There were frustrations. It could be where our District is, but what I have found is that they are responsive and dependable, and supportive of what the city and community want to do. There are ways where we could connect and I see an opportunity for this CWR to better connect us at the local level."

**Mayor Zimmer** said that there is one project in her city of Hoboken, New Jersey, she wanted to move forward with. We want to acquire property to make into a larger detention basin. The city is taking a low interest loan from the state for a 10 million gallon detention system. "Is there some way through the permitting process to incentivize more in the way of partnerships? It would make a huge difference and control our CSOs better."

#### IV. Intergovernmental Working Lunch

**Mayor Dixon** introduced **Caroline Berndt** of the National League of Cities; **Judy Sheahan** of the US Conference of Mayors; and **Julie Ufner** National Association of Counties to join the LGAC for discussion around the implementation of the Clean Water Rule. Potential areas for concern include outreach, inconsistency of Army Corps evaluations, costs of implementation, lack of regional nuance, and tribal inclusion. Members also discussed the difficulty of reconciling power generation and wastewater with Clean Water Act protection, including issues of safety, equity, and incentivization.



### LGAC Comments:

**Mayor Dupree:** How do you reconcile generation of power and electricity with clean water? My city produces 18 million gallons of wastewater daily.

**Judy Sheahan** stated that in the city of Philadelphia they are doing a grand experiment with overflow. "The city is only spending \$2.5 million dollars to serve as green space and park lands, but also this green infrastructure serves as a container for combined sewer overflow. The cost benefit wasn't there before, but it doesn't mean that cities aren't interested in doing such a plan."

**Mayor Jane Goodall** spoke, "My town, Forest Heights, Maryland, is slightly smaller than 3,000. The upfront cost of green infrastructure may be even higher, but in the long run, it will be a smaller cost to my town. We're going to each street, getting citizens engaged and trained. We can't achieve this just on the local government level. We can have a rain fee, as long as it's affordable to individuals. We have to clean the Chesapeake Bay-which is a big priority in the Mid-Atlantic. It's unfunded, but we have to do it. We're talking about cross-contamination of the water. It's a lot easier to sell that. We need to understand how we're going to present that to the people who we represent."

**Legislator Manna Jo Greene** stated that "When the CWA was passed, the requirements to municipalities were funded. We're now in a situation now that this is not the case. In my day job as Executive Director of the Clearwater Foundation we teach young people our "green jobs pipeline" to give them theory and working experience to go out and do work in their communities. The incentive is that there is career potential as well as funding."

**Commissioner Reinhardt** stated that "As chair of NACO's EELU Committee in past years, we had joint committee meetings at WIR conferences. How do we deal with differences between the East Coast, Midwest, and the West Coast? Being from the Midwest, I don't understand the western states because of the amount of public lands. It helped us to have joint public lands and Land-Use Committee meetings to gain a better understanding of the issues."

**Chairman Yanity** stated that, "In the Northwest, we deal with the issue of counties and tribes collaborating especially on water issues. I would like to see tribal organizations come into the picture. I've seen cases with treaty rights and conflicts with the counties. The Great Lakes Commission, Columbia River Association have been instrumental in solving some of these issues. We put together a sustainable land strategy and "found a win-win strategy for agriculture and salmon habitat."

### V. EPA's Office of Air Programs- Clean Power Plan

**Mayor Dixon** introduced **Debbie Jordan**, Senior Advisor for the EPA Office of Air and Radiation, and former Region 9 Director of Air Quality. Jordan briefed the LGAC on a wide range of air quality initiatives, most prominently the Clean Power Plan, and conveyed her office's thanks to the LGAC and the Air, Climate, and Energy workgroup. Other regulatory areas include airplane emissions; medium and heavy duty trucks (2021 model; will conserve 21 billion gallons of oil), reducing Volatile Organic Compounds (VOCs) from oil and gas sector; revisions of National Ambient Air Quality Standards (NAAQS); Fine particulate matter standard; air toxics rule revisions; and National Air Toxic Assessment; mobile source



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pollution and environmental justice. Jordan also noted asthma rates are at an all-time high and the EPA co-chairs the Asthma Disparities Group.

LGAC comments:

**Representative Jeff Morris** stated that one thing that he struggles with is that there is no crediting mechanism to look at ambient activity. "Anytime that you look at a digester, you are subject to air handling rules and criteria. You don't have a mechanism to back out."

**Commissioner Cope** pointed out distinctions in the West. "The last thing we want to do is to restrict biomass and prescribed burning. I can show you photographs from August 2000. The interrelationship between biomass and prescribed burning. You should work with BLM and USDA on good fire management."

**Council Member Brad Pierce** said that in the state of Colorado, that it has the most stringent air quality standards and oil and gas regulations. He recommended looking at the Colorado air quality standards and model something after that. "The sheer number of regulations you listed today have an impact on local folks. It seems burdensome in my opinion."

**Debbie Jordan** stated, "Almost all of those are updates that we are required to do under the CAA. We're required to review them every 8 years. Most of these are small tweaks on what we have already done. For the vehicle rule, that is based on best available technologies. We'd be happy to hear on how best to prioritize, but we are required to do all of them under CAA."

**Dr. Gonzalez** stated that there is an increase in children's diseases, and they are a particular vulnerable population for respiratory diseases. "We should bring in stakeholders like the Department of Agriculture. We're looking at best practices to link health (small communities and tribal communities)."

**Commissioner Kitty Barnes** stated that nonattainment is hard to achieve, but it is even harder to maintain an attainment level and it has impacted unemployment and health insurance rates.

**Supervisor Carbajal** said that in California, "we are on the cusp of developing an anaerobic digester. We recycle 73 percent of our waste. I'm glad that Jeff Morris raised those issues. I want to deal with onshore oil facilities as well. I encourage you to look at Santa Barbara County for standards that have been done in the regulatory process."

**Mayor Dixon** emphasized, "When we talk about economic development, we need to consider cost-benefit analysis. I'm all for clean air and water, but we have to have jobs to feed people. We have to do this at the local level. It's all about balance. Utilities say 'environmental upgrades.' I can control the usage, if I turn my lights off. But I can't control a hike in rates. That's not under my control, that's the utilities."

*Mayor Dixon thanks Debbie Jordan for her participation. The LGC took a short break.*

### VI. Regional Administrator Meeting

In this session, **Mark Rupp** moderated a video-teleconference meeting with EPA Regional Administrators. Many LGAC members directly asked questions of their respective Regional Administrators. Region 1 Administrator Curt Spalding was in attendance in-person, and all other EPA Regional Administrators joined by video conferencing (or via teleconference). Regional Staff highlighted how the regions represent cities and communities, and admonished their regional LGAC members for their partnership and advocacy. Afterwards, the LGAC engaged the Regional Administrators with questions regarding Clean Water Rule implementation, the fiscal feasibility of municipal recycling and composting, tribal relations, and the need to bring overlapping jurisdictional partners in the Army Corps of Engineering to the discussion table.

*[Chairman Dixson thanked the Regional Administrators for their participation].*

**Mayor Dupree** asked "MVQ has a program to help small communities with environmental assistance. Would you consider doing this in our region?"

**Region 4 Staff** responded, "We've been in contact about things we can do. There are a number of different avenues being explored, but I'd be willing to talk to you more about it."

**Council Member Jill Duson** explained, "We have curbside composting system for profit in our community. It's a great program that is expanding. We've also found that if residents move kitchen waste away from the bin, they don't have to buy as many bags. Residents can thus cut down on mandatory bag charges (Portland imposes fees on garbage bags)."

**EPA R1 RA Curt Spalding** stated that this is a wonderful incentive program.

**Mayor Dupree** noted, "In Hattiesburg, we've only gotten up to a 25% recycling rate after 4 years. It's still not a lot."

**Commissioner Reinhardt** stated that "even if you're only getting a 25 percent recycling rate in 4 years, you're still doing something. We have a 50 percent recycling rate, but our programs have been around for years. Education and outreach are important. It is important to reach out to children, especially elementary schools. Children who learn about recycling methods in school will carry that behavior into their households, which will influence parents to adopt similar methods."

**Mayor Williams** stated that his city's recycling program is on the cusp of being cancelled due to lack of funding. He asked for suggestions of funding sources that could provide leadership in WV especially because there isn't really a recycling culture in the region.

**Mayor Zimmer** stated that in her city there is curbside and drop-off composting. "The waste is going to farmers in New York State. It's a good idea to partner cities with farmers. For some reason, this is not legal in NJ."

**RA R1 Spalding** said that the organization called NWOMA is a good example. "It's good to look at all of these state laws."



**Legislator Greene** said that it costs \$8 million dollars per year to move waste. "I want to put in a word for local self-reliance when it comes to waste management. In our case, it's a question of biting the bullet and taking responsibility. Nobody wants to be responsible when it comes to siting a landfill."

**Commissioner Barnes** said that in Catawba County, it was the first county in the state of North Carolina to use methane gas to generate electric power. Tipping fees have not been raised in 12 years, and the county is set up to have this landfill for about 60 years.

**Supervisor Salud Carbajal** stated, "I heard a lot about solid waste issues. There are so many anaerobic technologies and other technologies out there, and I'm wondering why no one agency hasn't taken the reins to comprehensively lead these efforts. There is enough to really tackle GHG emissions. I haven't seen much in terms of aggressive discussions, and I'm wondering if EPA is the right agency for this kind of discussion."

### VII. EPA Programs Assistant Administrators Panel

**Chairman Dixon** introduces Assistant Administrators **Mathy Stanislaus** (OSWER), **Jim Jones** (OCSP), and Deputy Assistant Administrator **Shari Wilson** (OECA) to give an overview over their purview and the current programs within their offices.

**Assistant Administrator Stanislaus** highlighted issues of importance for local governments such as: the brownfields program, Repowering America, waste commodities, electronics recycling, and crude oil transports jurisdiction under the Department of Transportation.

Assistant Administrator Jones updated the LGAC on pesticide regulation in the US and chemicals in commerce. He noted that TOSCA is close to congressional reauthorization. Lead paint in homes continues to plague the U.S, despite making significant progress. He noted a companion rule called for the Training and Certification Rule that lays out requirements for who can apply restricted use pesticides. He also raised issues of chemical safety labeling. Jim Jones thanked the LGAC for their letter of recommendation on the Worker Protection Standard.

Shari Wilson, Deputy Assistant Administrator, Office of Compliance and Enforcement described her enforcement office's coverage of hazardous waste, pesticide safety, water pollution, and air pollution. She also talked about the Office of Environmental Justice and the Plan EJ 2020 plan.

LGAC members asked about the exact definitions of brownfields and whether black mold in the home qualifies for brownfield programs (it is not). Questions about compost and solid waste, "energy star" designations also came up.

LGAC comments:

**Supervisor Carbajal** said that he recently learned that the 'Right to Know Act' doesn't apply to farm workers, and asked to confirm this.

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**Stanislaus** responded to earlier questions about solid waste management that anaerobic digestion plays a role in solid waste management. He offered to provide information on best practices in this area.

**Jones** replied to Carbajal's question by saying that he didn't know about the 'Right to Know' standard, but that the office is working on worker protection standards that cover farm workers.

**Commissioner Reinhardt** suggested that the EPA would be good agency to provide a clearinghouse for best practices. "We just do our work, but we don't broadcast that work. We just want to get it done. We often look for money, but we still have to get it done. We need to put together a report of best practices that can be accessed more than they are just now. We've got a lot of pressing issues, and there's a way we can trade information that will make your and our jobs easier."

**Commissioner Carolyn Peterson** expressed curiosity about the EPA role in crude transportation and about TCE contamination.

**Stanislaus** replied to Peterson by saying that crude transport is overseen by DOT and DHS to an extent. "We have done lead monitoring with the states to identify what their response would be. We also need to look at where railroads come into close proximity to aquifers."

**Jones** reported that TCE is still being sold as a consumer product. He followed up by saying that OSCPP is going to be regulating that and other similar chemicals.

**Stanislaus** stated that one of the biggest issues is TCE is in vapor form in buildings. He added that sometimes it'll take 20-30 years to do a cleanup.

**Mayor Williams** recalled that at a U.S. Conference of Mayors meeting, Stanislaus said that the greatest opportunity for cities are brownfields. He reiterated the point that developing brownfields means that you don't need to add utilities. "Planning and assessment grants gives us hope for coming into the area. What I'm interested is in Tiger Grants. And grants for MS4s. I'm wondering if you've heard of communities seeking assistance from DHS because our city is blocked east-west and north-south after flooding. We have 75 acres that has been industrial land for over 100 years that will be repurposed for use."

**Stanislaus** replied by highlighting a partnership with the Department of Housing and Urban Development and the Department of Transportation. "If you are planning for a grant and it identifies a need for infrastructure with flooding as impediment, we will push it in terms of resources."

*[Chairman Dixon thanks the panelists for their participation. The meeting resumes with a budget discussion].*



### VIII. EPA's Strategic Plan and Budget

**Chairman Dixson** introduces **David Bloom**, Deputy Chief Financial Officer, who provided valuable insight into the strategic plans and current budget appropriations process FY 2017. He thanked the LGAC for their comments and input to EPA's Strategic Plan. He described the budgeting process from Agency to Office of Management and Budgets to the appropriations committee. He noted that for the first time the EPA has requested \$2 million from non-EPA circuit riders, increasing funding to localities and tribes, and boosting SRF program for technical assistance. The House proposed a budget that is \$1.2 billion lower (\$7.4 billion) than what the EPA requested (\$8.6 billion). The fiscal year ends on September 30, with most likely a short term continuing resolution to keep temporary funding at current spending levels.

*[Chairman Dixson thanks Bloom for his participation. The meeting continues with an introduction to the Office of Civil Rights].*

### IX. Office of Civil Rights

Chairman Dixson introduces **Velveta Golightly-Howell** and **Lilian Dorka** who described their careers and how they got to the EPA's Office of Civil Rights. They discussed OCR's external compliance program, responsible for enforcing laws that prohibit race, color, national origin, sex, and disability discrimination. OCR enforces 5 laws and works closely with Office of Environmental Justice. A progress report is due in September and December 2015.

*[Chairman Dixson thanks Golightly-Howell and Dorka for their participation].*

*[Chairman Dixson calls the LGAC meeting to recess until 9:10AM on Friday, July 31].*

*[Ms. Susan Hann, Chairwoman, Calls the Water Workgroup Meeting to order].*

### X. Protecting America's Waters Workgroup Meeting

**5:05PM-5:35PM**

**Ms. Susan Hann**, Chairwoman, Protecting America's Water Workgroup, presents a draft workgroup letter of recommendation providing interim recommendations in response to the Administrator's charge on the Clean Water Rule. She motions to add language and revise the interim draft letter to encourage cooperation between the EPA and Army Corps of Engineering. She said that the regularly scheduled meetings are scheduled for the first Wednesday of each month, 4:30-5:30 pm ET. She said that this time would need to be revisited with new Members.

*A Motion moved by Cope, seconded by Peterson. Motion carried unanimous.*

*[Chairwoman Susan Hann adjourns the Protecting America's Waters Workgroup Meeting].*

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July 30-31, 2015  
EPA Headquarters  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004**

## **XI. Review and Announcements**

**Mark Rupp** begins with an update and thanks from the EPA for the LGAC's work. Topics discussed include circuit riders, Promise Zones, "strong cities, strong communities", and the Office of Sustainable Communities which gives small grants to cities to help envision aspirations for their cities.

## **XII. Hydraulic Fracturing Update**

Speakers **Teresa Marks**, Principal Advisor to the Administrator on Unconventional Oil and Gas, and **Caroline Ridley**, Ph.D., Office of Research and Development, National Center for Environmental Assessment present their findings on Hydraulic Fracturing and public health to the LGAC. Mark Rupp explained that Congress, 5 years ago, asked the EPA to look at potential adverse impacts to drinking water sources from hydraulic fracturing (fracking). Teresa Marks described the EPA's regulatory jurisdiction over Hydraulic Fracturing and the difficulties of monitoring and reporting the natural gas industry.

*Introduces Teresa Marks and Caroline Ridley*

**Dr. Caroline Ridley** explains that the study was meant to assess if fracking had effects on drinking water supply and what the sources were. This involved a synthesis of the science. We cited 1000 sources of information, including individual research results from EPA, stakeholder input, and literature. Looking at the 5 stages of the fracking process, Dr. Ridley summarized the potential vulnerabilities of fracturing on drinking water sources. She noted that the EPA Office of Research and Development (ORD) is looking at the flow of water through the 5 stages of fracking process. The office focused on fracking in shale formations, as well as some sandstones and other formations.

Dr. Ridley continued with a summary of the draft assessment. Vulnerabilities include spills of fracking fluid, well integrity failures, inadequately treated wastewater, etc. No systemic impacts have been confirmed. Various sources of water are used in fracking. Forty-four billion gallons are used annually for all fracking, making up less than one percent water use. There is also potential for fracking plant water pollution.

In terms of chemical additives used to mix with fracking fluid, more than 1000 chemicals are used as components. There are chemicals that are used more often than others. These are not often disclosed citing 'confidential business information' claims.

Dr. Ridley commented on the well injection phase. Well-to-well communication can create subsurface movement of fracking fluids, which may cause surface spills.



Dr. Ridley noted that only 10-25 percent of injected fluid actually comes back. Spills of hydraulic fracturing fluids and produced water have occurred, which can reach waterways. Hundreds of spills occurred between 2006 and 2012, 7 percent of which reached water sources.

Hydraulic fracturing water is primarily disposed of through centralized wastewater treatment facilities. The potential danger is that you can get bromide, chloride, and iodide in water supplies.

Dr. Ridley ended her presentation with general conclusions. She concluded that the number of documented incidents is quite small compared to number of fracking activities conducted annually. There are sealed court records and inadequate information sources that serve as challenges to the assessment study.

**Commissioner Cope** had follow up questions about the presentation:

1) He asked if there was a correlation to the 1872 mining law and hydraulic fracturing, but nobody could answer to that.

2) He asked if the drinking water sources would already have nonpolar sources. There was mention of a potential correlation, but it was not confirmed.

3) He noted that there is a cause and effect relationship between fracking and earthquakes, and asked why the relationship can be seen in Oklahoma but not in Texas or North Dakota.

**Chairman Dixon** commented that he lives on the edge of the fault line, where the main concern is the shift at upper level where the water aquifers are. He further stated that he is concerned not with the fracking, but the waste water disposal.

**Marks** stated that there is work going on at EPA and USGS. She offered to talk to people at USGS to provide more information.

**Chairman Dixon** stated that his community is working with Oklahoma and Texas to look at these issues.

**Legislator Greene** stressed that New York Department of Health reviewed health evidence and from this evidence banned fracking in the state. Other issues of concern include property effects, earthquakes, and fugitive methane emissions. Greene noted that radon is a huge issue in New York, and asked if the EPA looked at radon. She described the importance of following concrete standards, or 'natural step,' further noting that fracking violates this 'natural step' by taking things out of the lithosphere and putting it in the biosphere.

**Dr. Gonzalez** stated that the LGAC and the Environmental Justice (EJ) Workgroup have questioned hydraulic fracturing. He noted that the city of Laredo (TX) has the largest portion of the Eagle Rock shale. Locally, the Laredo city government permitted the drilling, but hand-in-hand with the health department, they want to make sure that they do some testing. Dr. Gonzalez voiced concern that the actual hydraulic fracturing is secretive, and that there is a volatile organic compound (VOC) emissions concern with air quality.

**Dr. Ridley** said that the Office of Research and Development doesn't work by themselves on air issues. "We are interested in sharing data. A copy of the slides are available on the website."

**Commissioner Peterson** asked if the Office studied the salty waste water brine during snow and ice seasons. "It doesn't stay on the roads, but it has been used in deicing process."

**Council Member Duson** said that "there's no fracking in Maine, but we have groups in our region that are working to ban the transport of fracking products in the region."

**Mayor Zimmer** asked if there would be a full risk assessment as a next step. She voiced a concern of the potential for plentiful cheap natural gas will place focus on natural gas instead of other renewable sources.

**Marks** replied to Zimmer's question by stating that they are not planning a full human health risk assessment. "Our main concern is to get states on board to follow best practices. Our concerns include integrity. The President is interested in pursuing other forms of energy, including renewable energy."

**Mayor Dixon** thanked Teresa Marks and Dr. Caroline Ridley for their participation. He stated that, "this is not the first or last time you will be meeting with us. This will be a focus for the Air, Climate, and Energy workgroup."

### **XIII. Workgroup Report-out**

Each workgroup shared their most current updates to their work and provided the tentative time for their monthly teleconference meetings. LGAC Chairs were suggested to make motions and items would be discussed during the LGAC Business Session. Charles Lee from the Office of Environmental Justice and Joel Scheraga, Senior Advisor on Climate Change Adaptation spoke to the LGAC.

#### ***Protecting America's Waters***

The Protecting America's Waters Workgroup will mainly work on the interim letter for the draft Clean Water Charge. Meetings are on the 1<sup>st</sup> Wednesday of the Month from 4:30-5:30PM EST.

**Chairman Shawn Yanity** stated that his tribe has a small corporation that has been working with the Governor of Washington State on water quality issues. "*We've been diligent on these issues and partnerships.*"

**Ms. Hann** noted that the Water workgroup works with SCAS and EJ. "*Much of what we do goes through these groups as well as other ones occasionally depending on the issue.*"



### ***Air, Climate Energy (ACE)***

The Air, Climate, and Energy Workgroup works on several air issues that were highlighted by Debbie Jordan, including NAAQS ozone standards, oil refineries, and EJ issues related to air. The Clean Power Plan will also be a major issue for the workgroup.

**Mayor Dupree** said that the U.S. Conference of Mayors has a concern that the 2008 standard hadn't been implemented yet. "If you lower it further, then 600 counties would be in violation, costing between 3.9 and 5.2 billion to implement. I was told to submit this to the committee."

### ***Cleaning Up Our Communities (CUOC)***

Recent LGAC recommendation letters put forward by the CUOC include EJ analysis of Solid Waste in rulemaking, brownfields, and comments on the Dispersant Rule. Assistant Administrator Mathy Stanislaus covered many of the issues of this CUOC. Also emergency preparedness and response are also issues of the workgroup. The workgroup meets on the 3<sup>rd</sup> Thursday of the month from 12:30-1:30PM EST.

### ***Climate Change and Resiliency***

The Climate Change and Resiliency Workgroup is mainly focused on the Climate Change Adaptation training module, a tool to help prepare for adaptation challenges. Dr. Joel Scheraga, EPA Office of Policy, presented a brief overview of the training module, which highlights several vulnerable communities and techniques they have undergone to assess and respond to risks associated with climate change.

**Chairman Yanity** noted that the Stillaguamish tribe is working on a climate resiliency plan through EPA. "What we're seeing is that we have hot periods of weather or extreme weather, which affects our traditional food sources and our traditional way of life. We've got to find ways to mitigate that. It's putting huge pressure on our mountain animals, medicines, etc. We are trying to mitigate these and our culture."

### ***Environmental Justice (EJ)***

The EJ workgroup is a cross-cutting group that makes sure that the LGAC addresses disparities and health to public issues. The EJ Best Practices Report contains a collection of case studies from LGAC members who have taken measures to address EJ issues that are affecting vulnerable populations.

**Dr. Hector Gonzalez**, EJ workgroup Chair, invited Charles Lee from EPA's Office of Environmental Justice to talk about EPA efforts to incorporate EJ into agency strategy. Lee detailed Plan EJ 2020, the newest EPA EJ strategy.

*Chairman Dixon thanks Dr. Scheraga and Charles Lee for their participation. The meeting continues with the LGAC Business meeting to take up and carry motions.*

### IV. LGAC Business Session

**Chairman Dixon** briefed the entire committee on what the Executive Committee is. All of the workgroup chairs and vice chairs meet together to discuss workgroup projects and makes designations for the entire committee to take up. The Executive Committee also facilitates communication between the workgroups.

**Commissioner Peterson** added that the LGAC is allowed to trust the executive committee to put a final touches on a product.

**Ms. Hann** put forward a motion to open the Business Meeting of the LGAC.

*The motion was moved by Hann, and seconded by Peterson. The motion was approved unanimously.*

### Small Communities Advisory Subcommittee (SCAS)

**Commissioner Cope** reported that SCAS would be continuing its Rural Strategy and will be working with the Water Workgroup on the report. "We have no motions to vote on."

### Protecting America's Waters

**Ms. Hann** proposed a motion to send an interim letter to the Administrator regarding Clean Water Rule Implementation response letter. "We anticipate a response to the EPA."

*The motion was moved by Duson, and seconded by Hann and Reinhardt. The motion was approved unanimously.*

### Air, Climate, and Energy

**Commissioner Peterson** proposed a motion to pursue Best Practices for Greenhouse Gas Reduction from Communities.

*The motion was moved by Greene, and seconded by Duson. The motion was approved unanimously.*

### Cleaning Up Our Communities (CUOC)

**Council Member Duson** stated that this workgroup will take up a best practices review on brownfields actions. She also proposed a motion to meet at the Brownfields Conference in Chicago this September.

*The motion was moved by Peterson, and seconded by Williams. The motion was approved unanimously.*



**Climate Change and Resiliency**

**Mr. Tiberi** had two motions to propose.

Mr. Tiberi first motion was for LGAC to support a climate adaptation tool for local government.

*The motion was moved by Yanity, and seconded by Reinhardt. The motion was approved unanimously.*

Tiberi's second motion was for the LGAC to provide input and assist the Climate Change Adaptation Neighborhood Module and implementation.

*The motion was moved by Tiberi, and seconded by Davis. The motion was approved unanimously.*

**Joyce Frank** stated that she was impressed with all the work that has been going on. "It's been a fruitful couple of days. We've had good internal EPA speakers and external speakers. The enthusiasm has been great to see. I couldn't even tell who was seasoned and who was new."

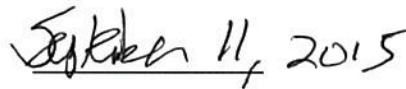
*Chairman Dixson extends final thanks to LGAC members and EPA staff. The meeting is adjourned at 11:47 AM*

*We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.*

*Respectfully submitted:*



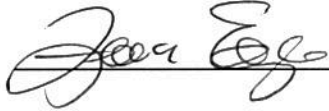
Mayor Bob Dixson  
Chairman  
Local Government Advisory Committee  
U.S. Environmental Protection Agency



**Date**

## EPA's Local Government Advisory Group (LGAC)

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Sept 11, 2015

Frances Eargle  
Designated Federal Officer  
Local Government Advisory Committee  
U.S. Environmental Protection Agency

Date

### Meeting Participants

#### LGAC Members

Bob Dixson, Mayor, Greensburg, KS (Chair)  
Salud Carbajal, Supervisor, Santa Barbara County, CA (Vice-chair)  
Brad Pierce, Council Member, Aurora, CO  
Dr. Hector Gonzalez, Director, Laredo Department of Health, TX  
Hardie Davis, Mayor, Augusta, GA  
Jeff Morris, State Representative, State of Washington  
Norm Archibald, Mayor, Abilene, TX  
Susan Hann, Director, Planning, Brevard County School Board, FL  
Jeff Witte, Secretary of Agriculture, State of New Mexico  
Carolyn Peterson, Commissioner, Environmental Management Commission, Tompkins County, NY  
Johnny Dupree, Ph.D., Mayor, Hattiesburg, MS  
Shawn Yanity, Chairman, Stillaguamish Tribe, WA  
Katherine Barnes, Commissioner, Catawba County, NC  
Jeff Tiberi, Executive Director, Montana Association of Conservation Districts, MT  
Jill Duson, Council Member, Portland, ME  
Alejandra Gavaldon, (on behalf of Mayor Kevin Faulconer, San Diego, CA)  
Manna Jo Greene, Legislator, Ulster County, NY  
Dawn Zimmer, Mayor, Hoboken, NJ  
Stephen T. Williams, Mayor, Huntington, WV  
Robert Cope, Planning Commission, Salmon ID  
Victoria Reinhardt, Commissioner, Ramsey County, MN  
Jaqueline Goodall, Mayor, Forest Heights, MD  
David Richins, Councilmember, Mesa, AZ

#### EPA

Gina McCarthy, Administrator, U.S. Environmental Protection Agency  
Stan Meiburg, Acting Deputy Administrator, EPA



## EPA's Local Government Advisory Group (LGAC)

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Matthew Fritz, Chief of Staff, EPA  
Joyce Frank, EPA Office of Congressional and Intergovernmental Relations  
Mark Rupp, EPA Office of Congressional and Intergovernmental Relations  
Jack Bowles, EPA Office of Congressional and Intergovernmental Relations  
Frances Eargle, Designated Federal Officer for LGAC and SCAS  
Curt Spalding, EPA Regional Administrator, Region 1  
Jane Nishida, EPA Office of International and Tribal Affairs  
Joanne Chase, EPA Office of International and Tribal Affairs  
Kelsey O'Neil, EPA Region 1  
Jim McCleary, ODACMO  
Teresa Marks, Advisor to EPA Administrator on Unconventional Oil and Gas  
Caroline Ridley, EPA Office of Research and Development  
David Bloom, EPA's Office of the Chief Financial Officer (OCFO)  
Vivan Daub, OCFO  
Ken Munis, EPA's Office of Policy  
Joel D. Scheraga, Ph.D., EPA's Office of Policy  
Charles Lee, EPA Office of Environmental Justice  
Ron Carleton, EPA's Agricultural Advisor to the Administrator  
Ken Kopocis, EPA's Office of Water  
John Goodin, EPA's Office of Wetlands, Oceans and Watersheds  
Mathy Stanislaus, EPA's Office of Solid Waste and Emergency Response  
Jeffrey Kohn, EPA's Office of Solid Waste and Emergency Response  
Jim Jones, Office of Chemical Safety and Pollution Response  
Shari Wilson, Office of Enforcement and Compliance Assistance  
Robin Ye, Intern, EPA Office of Congressional and Intergovernmental Relations  
Amrita Spencer, Intern, EPA Office of Congressional and Intergovernmental Relations  
Portia Banks, OCIR  
Sonya Scott, OCIR

### **External Panel Members**

Carolyn Berndt, National League of Cities  
Judy Sheahan, U.S. Conference of Mayors  
Julie Ufner: National Association of Counties  
Julia Anastasio, Association of Clean Water Administrators  
Dirk Petersen, Oregon Department of Environmental Quality

### **Public Attendees:**

David Clark, Rural Community Assistance Partnership  
Rich Leidl, RJLPC, Abilene, TX  
Francis Nelms, Ridge Policy Group

