

U.S. Environmental Protection Agency

Local Government Advisory Committee (LGAC)

December 9, 2015 Teleconference

Meeting Summary

The Meeting Summary that follows reflects what was conveyed during the course of the meeting that is summarized. The Subcommittee is not responsible for any potential inaccuracies that may appear in the meeting summary as a result of information conveyed. Moreover, the Subcommittee 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 Committee (LGAC) Teleconference

Wednesday, December 9, 2015

12:30 p.m.-1:45 p.m. ET

I. Call to Order/Introductions

Mayor Bob Dixson, Chairman

Supervisor Salud Carbajal, Vice-Chairman

Mayor Bob Dixson called the meeting to order. A round of introductions were made.

Mayor Kautz requested that Chairman Dixson revise the order of business on the agenda to move the Protecting America's Waters Workgroup discussion and business item to the first report out item.

Mayor Kautz made the motion for the agenda change. It was seconded by Dr. Gonzalez. Motion carried.

Mayor Dixson began by stating that the purpose of the meeting was to hear and take action on eleven (11) draft letters of recommendation put forward by the subcommittee and workgroups. He also gave a brief introduction on the committee saying that the Local Government Advisory Committee (LGAC) is an EPA chartered federal advisory committee. It is charged to provide the EPA Administrator with advice and recommendations on environmental and public health issues that affect local, state and tribal governments. He asked that everyone keep remarks brief so as to respect everyone's time. He also stated that the draft letters which would be presented and discussed have been thoroughly reviewed by all of the workgroups, including the Small Community Advisory Subcommittee (SCAS) and the Executive Committee.

II. Remarks by EPA

A. Joyce Frank, Principal Deputy Associate Administrator

EPA's Office of Congressional and Intergovernmental Relations (OCIR)

Joyce Frank commended the committee on their very productive year of work which included: two (2) reports and twenty-seven (27) letters of recommendation. She welcomed once again the thirteen (13) new LGAC members and the four (4) new SCAS members who were appointed in June, 2015. EPA is anticipating eight (8) potential vacancies in the Spring, 2016. EPA would soon send out a solicitation in the Federal Register seeking nominations to fill vacancies on the Committee. She introduced Demond Matthews who would be joining OCIR's staff as the new SCAS Designated Federal Officer (DFO). She said that he is a Presidential Management Fellow (PMF), and that she is pleased to welcome him to join the team. She also thanked the OCIR staff and interns: Ashwini Ganpule, Amrita Spencer, and Erik Wilke.

B. Mark Rupp, Deputy Associate Administrator

OCIR, Intergovernmental Relations

Mark Rupp thanked everyone for their work and stated that he very much appreciated the advice they have brought to the table here at EPA along with the varied and diverse perspectives. He also introduced Karl

Brooks, the Acting Assistant Administrator for The Office of Administration and Resources Management (OARM). He said that OARM is responsible for managing all of the fiscal and human resources of the agency. He said that OARM also is responsible for managing EPA grants and overseeing all of the agency's federal advisory committees, and is also responsible for training.

C. Karl Brooks, Acting Assistant Administrator
Office of Administration and Resources Management

Karl Brooks also commended the work of the committee. As a historical perspective, local governments were the first American governments that dealt directly with public health concerns and environmental laws. He said that water quality concerns and other local environmental laws were more widely considered in local governments. Whether from a larger city, a smaller community, a tribal or state government, all input is welcomed. He stated that the role of the federal advisory committees at the EPA was to bring these perspectives and best ideas to weigh into federal decision-making. He stated that he was personally honored to be invited and give opening remarks to kick off their meeting.

D. Joel Beauvais, Acting Assistant Administrator
Office of Water

Joel Beauvais echoed the remarks made by his colleagues. He stated that he had been in the Office of Water (OW) position for about a month, and before that he was heading up the Office of Policy. He commented on what great work the committee had been doing. He mentioned that there will be issues of great importance in the coming year ahead. He said that he was very familiar with the work that the LGAC did to help inform the agency on the Clean Water Rule (CWR). He said that his office is currently in litigation over the CWR, which has aimed to better define the Waters of the United States under the Clean Water Act (CWA). As of October, 2015, the CWR was stayed nationally by the 6th Circuit District Court. He mentioned that there is a lot of work to do. The agency ahead on the CWR as it stands. He also said that in mid-November a Memorandum of Understanding (MOU) was signed by the Administrator and the Army Corps Secretary. He also mentioned the Office of Water's outreach efforts which is a user-friendly website to help the public better understand how the CWA Section 404 permitting process works. He said that another priority remains which is clean and safe water infrastructure. He said that the one year anniversary of Water Infrastructure Finance Center was approaching. He said that the Water Infrastructure Finance Centers continue to focus on innovative approaches to examine water infrastructure financing. He said that the Center will also give opportunity to provide space to discuss innovative mechanisms. The OW is also working to conduct cutting-edge science on water quality standards and public health criteria. The OW will also will focus more on climate resiliency issues in the coming year.

III. Public Comments

Chairman Dixon announced a time for public comments and recognized Eva Burke, with the National Association of Homebuilders (NAHB) to speak. Eva Burke gave a brief overview of the organization and stated that the NAHB is very interested in decentralized wastewater treatment and the work of the committee on Municipal Separate Stormwater Sewer Systems (MS4) and the draft LGAC letter of recommendation. She stated that NAHB has over 140,000 members across the U.S. and that over 80 percent of new homes will be built by NAHB partners. She mentioned that NAHB is part of a memorandum of understanding between EPA

and other partners. She said that they also represent over 8 state and local homebuilder associations. She stated that the NAHB received questions from their members on a weekly basis on stormwater infrastructure, and decentralized wastewater infrastructure. She spoke about how the NAHB is set to discuss and build national consensus on these issues.

Chairman Dixon thanked Ms. Eva Burke for her participation and comments to the LGAC.

IV. LGAC Subcommittee and Workgroup Actions

A. Small Community Advisory Subcommittee (SCAS)

Commissioner Robert Cope, Chairman

Mayor Johnny DuPree, Vice-Chairman

1) SCAS MS4 Remand Draft Letter of Recommendation

Commissioner Cope opened by presenting the SCAS Draft Letter on Municipal Separate Storm Sewer System (MS4). He stated the SCAS took a position to support option 3, which allows more flexibility on the part of the states, as well as more public engagement.

Commissioner Cope moved for the LGAC to approve this letter. Secretary Witte seconded. Motion carried.

2) SCAS Decentralized Wastewater Treatment- Draft Letter of Recommendation

Commissioner Cope presented the SCAS Draft Letter on decentralized wastewater. He stated that the SCAS began looking at this issue in 2012 and wrote a letter with recommendations on decentralized wastewater systems. He also stated that this information should be available to homebuilders and developers, especially for small communities that may not already have access to these resources and options.

Commissioner Cope moved to approve this letter. Dr. Gonzalez seconded. Motion carried.

3) SCAS Capacity Building-Draft Letter of Recommendation

Commissioner Cope presented the Draft SCAS Capacity Building Letter and thanked SCAS Member Chairman Shawn Yanity for his valuable insight on capacity building which he shared at the July 31, 2015 SCAS meeting. Commissioner Cope also stated that this discussion became the basis for this letter of recommendation. Chairman Cope also thanked SCAS Vice-chair Mayor Johnny DuPree for his additions to the letter.

Commissioner Cope moved to accept this letter. Mr. Tiberi seconded. Motion carried.

Mayor Dixon thanked Commissioner Cope and Mayor Dupree for leading the subcommittee's efforts.

B. Environmental Justice (EJ) Workgroup

Dr. Hector Gonzalez, Chairman

Mayor Jacqueline Goodall, Vice-Chairwoman

4) EJ Draft Toxic Algal Bloom Letter

Dr. Gonzalez presented the Workgroup Draft Toxic Algal Bloom Letter and thanked Mr. Tiberi and Ms. Samara Swanston for their valuable contributions to the Workgroup's draft letter. The addition from Mr. Tiberi was to include mention of the work that agriculture is doing to better manage nutrient runoff. Samara Swanston added to the letter the importance for local governments to provide clear communication and warnings to protect human health when water quality is compromised in order to avoid human health exposure. Dr. Gonzalez also mentioned that there is a need to look at finance options to prevent and treat toxic algal blooms. Mayor Goodall thanked everyone for their work on this letter and stated the importance of it for so many communities, especially communities in the Chesapeake Bay Watershed.

Dr. Gonzalez moved to accept the letter. Commissioner Barnes seconded.

Motion revised to include SCAS as cosigner. Councilor Duson seconded. Motion carried unanimously.

5) EJ Plan 2020 Letter

Dr. Gonzalez presented the Workgroup Draft EJ Plan 2020 Letter. Dr. Gonzalez mentioned Mayor Dupree's great input and insight on environmental justice and for highlighting the impacts on communities. Mayor Dupree advocated for public engagement and engaging everyone in the community. Dr. Gonzalez also said that the EJ Workgroup also advocated for considering environmental justice in all EPA programs and in the rulemaking process. He said that the letter also recommends mandatory training for EJ for all EPA staff. He thanked everybody as well as Charles Lee for their helpful input on the letter.

Dr. Gonzalez moved to accept the letter. Commissioner Peterson seconded. Motion carried unanimously.

Dr. Gonzalez recognized Mustafa Ali, Office of Environmental Justice, to speak on what the agency was intending to do with the LGAC EJ Best Practices Report.

Mustafa Ali said that he hoped the LGAC would consider to look at EJ and climate issues and opportunities. The National Environmental Justice Advisory Committee (NEJAC) will be receiving a charge from the Office of Air and Radiation to provide climate best practices. He said that he hoped that the LGAC would also provide these best practices from local government as well.

Dr. Gonzalez said that he hoped that Mayor Dixon, and Mayor Kautz would be great to engage the other workgroups on providing these best practices to share. Dr. Gonzalez stated that the EJ best practices will have a huge impact on communities. These practices show how to look at local initiatives and to see how communities can improve the environment and the economy. This would be something for the future, but since it's in line with EJ 2020, it is important to bring this up now to the attention of the LGAC.

C. Air, Climate and Energy (ACE) Workgroup

Commissioner Carolyn Peterson, Chairwoman

Supervisor Salud Carbajal, Vice-Chairman

6. Discussion and ACTION: Discussion of ACE 2016 Issues

Commissioner Peterson put forward the next meeting date and time is: December 16 at 1p.m. ET. The ACE will have a draft agenda set up to include national air toxics assessment. She also wanted to look at the Clean Air Committee and the work they are doing on the Clean Power Plan. There was motion to start best practices for a greenhouse gas reduction paper.

D. Protecting America's Waters Workgroup

Ms. Susan Hann, Chairwoman

Mayor Elizabeth Kautz, Vice-Chairwoman

Mayor Kautz began by saying that she had just returned from participating in the Paris Climate Summit (COP21). In summarizing the COP21 discussions, she concluded that states, cities, and regions, are doing the bulk of the work when it comes to climate change adaptation and mitigation of impacts. She mentioned celebrities like Robert Redford are providing financial backing to work on climate change issues. Mayor Bloomberg has also committed to working on climate resiliency. The United Nations may be close to getting language on climate change. One phrase she heard is that mayors, cities, and regions are doing a lot of the key work. Water was one of the key issues, and the recognition that it is a most precious resource. She also said that a lot of what the LGAC is working on are major components of COP 21. She also said that she was honored to be a part of the meetings.

7) Draft Letter on EPA and Corps of Engineers Coordination Memorandum of Understanding (MOU) on Clean Water Act Implementation

Mayor Kautz presented the Water Workgroup's Draft EPA and Corps Coordination MOU Letter by noting that the LGAC first heard about the Coordination Memorandum at the July 30th LGAC meeting. She said that the Workgroup decided to take action and write this letter of recommendation to address the need for increased visibility and transparency especially recognizing the good work on the Clean Water Rule website. The letter has been reviewed by the SCAS and other workgroups, and has had some additions, including the recognition of the newly signed (November) MOU.

Mayor Dixon motioned to approve the letter. Moved by Gonzalez. Commissioner Peterson seconded. Motion carried.

8) Draft Letter on Water Quality Standards

Mayor Kautz presented the Water Workgroup's Draft Water Quality Standards Letter. She accredited the issue of state water quality standards to Chairman Shawn Yanity and his guest speaker Fran Wilshusen from the Northwest Indian Fisheries Commission. Water quality standards (WQS's) are important for states and all levels of government. She said that updating these standards is also very important, especially to include public health criteria. Dr. Gonzalez and the EJ workgroup added important parts of the letter to address EJ concerns. Mayor Kautz also stated that the letter has passed through all of the workgroups and SCAS and is now ready for LGAC approval.

Dr. Gonzalez congratulated the workgroup for their important consideration of EJ, and especially small and rural communities. She specifically thanked Ms. Samara Swanston for her contributions as well.

Dr. Gonzalez moved to accept the letter. Representative Morris seconded. Motion passed.

Mayor Kautz also stated that the Cleaning Up Our Communities (CUOC) Draft pharmaceutical letter was not passed for the Water Workgroup as a co-signer.

E. Cleaning Up Our Communities (CUOC) Workgroup

Councilor Jill Duson, Chairwoman

Mayor Karen Freeman-Wilson, Vice-Chairwoman

Councilor Duson thanked all the LGAC workgroups and SCAS for all of the work that they have done to review and provide additional considerations to the CUOC letters.

9) CUOC Draft Letter on Animas River and Abandoned Mines

Councilor Duson presented the Draft CUOC Letter on the Animas River clean-up. She stated that it was important to also recognize that the issue of abandoned mines and contamination is found all across the U.S. and that there are approximately 50,000 plus abandoned mines with some potential of harm to downstream communities. Communities typically bear the cost of cleanup. Specifically, there are strong risks in states like WA, CA, NY, PA, etc. because of their high prevalence of abandoned mines. Two government tools are available to address these issues: the Superfund program and Good Samaritan laws. She thanked Council Member Brad Pierce and Secretary Jeff Witte for their contributions to the Letter. She said also that Council Member Pierce actually raised this issue to the LGAC. The workgroup appreciates everyone's input, including Mayor Dean Brookie, Durango, Colorado, who briefed the workgroup on the clean-up and recovery operations on the Animas River spill. Councilor Duson also anticipates further discussion on this issue in the future. The EJ, the Water workgroup, and SCAS have reviewed the letter and she hoped that the Water workgroup will cosign.

Councilor Duson moved to accept the letter. Councilor Pierce seconded. Motion passed unanimously.

10) CUOC Draft Letter on Brownfields

Councilor Duson presented the CUOC Draft Brownfields Letters stating that EPA's Brownfields program has been very helpful to many cities. And she went on to say that the letter of recommendation attempts to incorporate the positive experience communities have had with the Brownfields program and how it has benefited their communities. Councilor Duson thanked Council Member Brad Pierce for the brownfields presentation of the City of Aurora, Colorado. The local example was highlighted by vice-chair, Mayor Freeman-Wilson, as well as Mayor Dupree's addition and Mayor Williams' input. Mike Wimsatt also provided input, and Commissioner Peterson provided input on EPA's Repowering America initiative, which is designed to reuse brownfield sites, landfills and superfund areas for renewable energy.

Councilor Duson called for a motion to approve the letter. Moved by Councilor Pierce. Commissioner Peterson seconded. Motion carried.

11) CUOC Draft Letter on Pharmaceutical Proposed Rule

Councilor Duson present the CUOC Draft Pharmaceutical Rule Letter stating that the proposed pharmaceutical rule calls for regulation and better management of pharmaceutical waste in the healthcare industry. The intended purpose of the rule is to help to reduce pollution of pharmaceuticals in waterways and to prohibit flushing of pharmaceutical waste. This is an issue in many localities. The EJ, SCAS, and Water workgroups have reviewed the letter. There was an addition proposed by Commissioner Reinhardt which

addresses product stewardship (in highlights). Councilmember Richins may also have input on this letter. If he is present on the call, I would like to acknowledge him to speak.

Commissioner Reinhardt apologized for not being on the Water Workgroup call when it was discussed. The National Association of Counties (NACO) has a position on product stewardship, especially on pharmaceutical waste. Local governments are often footing the cost of this disposal. She expressed her understanding that manufacturers will need to factor in this cost in designing products. She said it was interesting to hear that the automobile industry are leaders in product stewardship. Auto shops have environmental fees to take into account disposal of waste. There are other industries too taking on this responsibility. This is not an uncommon industry practice. She said that industry waste products that may end up in our water, air, and land through flushing, incineration, and landfilling will be a cost passed on to local governments. Industry is in the best position to figure out how best to manage pharmaceutical waste. It's not about the product itself, but what happens to it when it is not used. Commissioner Reinhardt hoped that she was able to clarify what product stewardship is and what it is not.

Dr. Gonzalez agreed as this is a public health issue that affects all communities. Good stewardship is critically important and working with public authorities is also needed. He expressed a need to initiate this in all of our communities. He added that in the City of Laredo, Texas, they have done some public education to prevent the flushing of pharmaceutical waste. He also said that more education is needed.

Councilor Duson mentioned that the CUOC requested the addition of this paragraph after a presentation by Commissioner Reinhardt. She noted that there was also a request by Council Member Richins to remove this addition. She asked for alternative language to propose for the purposes of LGAC action.

Commissioner Reinhardt asked if Councilor Duson wanted a motion for letter and one for the amendments. If so, she moved for approval, of the letter as written. Councilor Duson Seconded.

Ms. Samara Swanston thought the letter was good and necessary. She requested that the LGAC look at in the future to add that there is national problem of flushing different types of wipes (baby wipes, etc.) that are costly to remove from wastewater systems.

Legislator Greene also agreed with taking up this issue in the future especially for publicly owned treatment works (POTW). She expressed that it didn't need to be in the letter, but it could be an emerging issue. She mentions that in New York they are dealing with this as well as the issue of microbeads.

Councilor Duson suggested, process wise, to ask Fran Eargle to include this issue of solid waste and microbeads for future CUOC topics.

Mayor Dixon returned to the motion to accept the letter, as written, by Commissioner Reinhardt and seconded by Councilor Duson. Motion carried.

Councilor Duson added that the Water workgroup did not pass as co-signer of the letter. She asked if they can look at the letter again and if they decided to cosign, pass it along.

Commissioner Reinhardt said the letter still goes on regardless, but she hoped that in light of all of this additional information, they would be willing to go along as co-signer.

12) CUOC Draft Letter on Waste Generator Proposed Rule

Councilor Duson presented the Draft CUOC Letter on the Waste Generator proposed rule. She indicated that the rule proposes 60 changes to existing regulations. This rule is currently open for the public to comment

until December 24th. This rule propose to strengthen environmental protection. She asked the LGAC to join CUOC in their thanks to Fran Eargle and her team and Jeff Kohn and his team.

Councilor Duson moved for approval. Councilmember Pierce Seconded. Motion carried.

Mayor Dixon commended Mayor Freeman-Wilson, Councilmember Brad Pierce, and Secretary Jeff Witte for their work.

V. LGAC Wrap Up and Summary
Mayor Bob Dixon, Chairman of LGAC

Mayor Dixon thanked everyone for their hard work. He recognized that it is a tremendous undertaking all of the work that went into these letters. He also thanked everyone at EPA for all of their work.

Mark Rupp wanted to especially thank OCIR Interns Ashwini Ganpule and Erik Wilke for all of their hard work. He also thanked Amrita Spencer who is a returning intern for all of her work. *(Mark Rupp presented the interns certificates of appreciation).*

Fran Eargle announced that the SCAS made a motion to cosign MOU letter. She said that this action would be incorporated into the final letter.

Commissioner Reinhardt made a motion to accept the LGAC July 30-31 meeting notes into the record. Commissioner Peterson seconded. Motion carried.

VI. Adjournment
Mayor Bob Dixon, Chairman of LGAC

A motion was made to adjourn the meeting. The meeting was adjourned at 1:45 p.m. ET.

LGAC December 9, 2015 Committee Meeting

Participants:

LGAC Attendees:

Mayor Bob Dixson, Chairman
Councilor Jill Duson
Commissioner Carolyn Peterson
Legislator Manna Jo Greene
Mayor Jaqueline Goodall
Mayor Steve Williams
Commissioner Kitty Barnes
Mayor Hardie Davis
Ms. Susan Hann
Mayor Johnny Dupree
Mayor Elizabeth Kautz
Commissioner Victoria Reinhardt
Mr. Kevin Shafer
Dr. Hector Gonzalez
Mayor Norm Archibald
Secretary Jeff Witte
Councilor Brad Pierce
Mr. Jeff Tiberi
Mr. Ryan Sundberg
Commissioner Robert Cope
Representative Jeff Morris

LGAC Workgroup Participants:

Ms. Samara Swanston

EPA Attendees:

Mark Rupp, OCIR
Joyce Frank, OCIR
Fran Eargle, DFO
Mustafa Ali, OEJ
Karl Brooks, OARM
Joel Beauvais, OW
Becky Cook-Shyovitz, OCIR
Charles Lee, OEJ
Amrita Spencer, OCIR Intern
Erik Wilke, OCIR Intern
Ashwini Ganpule, OCIR Intern

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

Respectfully submitted:

Robert A. Dixon

February 17, 2016

Mayor Bob Dixon
Chairman
Local Government Advisory Committee

Date

Frances Eargle

February 17, 2016

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

Date

