

U.S. Environmental Protection Agency Local Government Advisory Committee

Meeting Summary

March 22 – 25, 2009

Held at the Fairfax at Embassy Row Hotel, 2100 Massachusetts Avenue,
NW, Washington DC

This Meeting Summary reflects what was conveyed during the course of the meeting. 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 contained within the Meeting Summary.

**Environmental Protection Agency
Local Government Advisory Committee
Full Committee Meeting**

March 22 – 25, 2009

Meeting Summary

I. Welcome and Introductions

(8:30 a.m.)

The Local Government Advisory Committee (LGAC) Chair Roy Prescott opened the meeting by thanking those who attended the Environmental Council of the States (ECOS) meeting on March 21 in Alexandria, Virginia. Chair Prescott acknowledged and introduced the Honorable James Mayo, Mayor of the City of Monroe, Louisiana as his first LGAC meeting. *[Introductions proceeded]*. Chair Prescott noted that the LGAC has a quorum and was called to order. There was a motion to accept the Meeting Summary of the last meeting November 4-7, 2008 meeting. The motion carried and passed.

Chair Prescott introduced Mr. Walter Briggs with the U.S. Navy, who opened the LGAC plenary with a brief presentation on a unique, low-impact approach to conservation forestry that has been used to manage old-growth forest in Washington State. Mr. Briggs described how field crews use horses instead of heavy machinery as a best practice for forestry in order to maintain a healthier, more vigorous forest. The horses can remove 50 logs from the forest in one day with very little impact to the natural environment. Mr. Briggs presented a video produced by Evergreen State University highlighting this unique and environmentally sensitive approach to conservation forestry.

Chair Prescott then resumed the LGAC plenary and presented t-shirts to LGAC members who went on Mr. Briggs' tour of the forest in Washington State last year. Mr. Prescott provided the following status updates:

- LGAC members received a copy of the Small Communities Report in the meeting binders, and the workgroup welcomes comments on the draft report.
- The draft Solid Waste DVD was presented at a Local Government Forum to ECOS on March 21. Mr. Jim Gitz and the workgroup are soliciting feedback on the DVD and any technical issues for clarity and how to integrate references to solid waste reduction resources are invited.
- The new EPA Administrator, Lisa Jackson, will speak to the LGAC tomorrow. A memo of Administrator Jackson's priorities was circulated to the LGAC members in attendance, and there will be a short time for discussion with the Administrator.

II. EPA's Approach to Address Pharmaceuticals, Suzanne Rudzinski, Deputy Director, EPA Office of Science and Technology, Office of Water

Chair Prescott introduced Ms. Suzanne Rudzinski, the Deputy Director of the EPA Office of Science and Technology in the Office of Water, to provide an overview of EPA's emerging response to pharmaceuticals in surface water. Ms. Rudzinski thanked the LGAC for the invitation to address the Committee and voiced her appreciation that local officials are engaged with this issue.

Ms. Rudzinski said that EPA believes that the water is safe to drink and fish are safe to eat. The United States has one of the safest water supplies in the world. Currently there is not a definitive study that links the risks and measures that pharmaceuticals pose to people or aquatic life. But EPA believes there is more of a risk to aquatic life than people. EPA is currently studying pharmaceuticals, fire retardants, and pesticides in waterways. Approximately 10 percent of these discharges are attributed to people flushing excess medications down the toilet. Other sources are surface applications of fertilizers and pesticides and landfill leaching, in rare instances.

The framework that EPA is using to address this problem involves strengthening the science, increasing the public understanding, promoting stewardship, and engaging in potential regulatory action. Experts at the National Academy of Sciences are currently conducting a risk assessment of various chemicals in coordination with EPA, the Food and Drug Administration (FDA), and the pharmaceuticals industry. EPA has also developed a Web site to communicate to the public about the issue at <www.epa.gov/waterscience/ppcp>.

Ms. Rudzinski stated that in May 2008, EPA released a candidate list of contaminants/chemicals for which EPA has some risk information. The Agency, however, requires more information before establishing regulations. A final rule is expected in August and might include additional pharmaceuticals as a result of comments. Additionally, a survey of healthcare facilities such as hospitals and long-term care facilities is underway to identify how these facilities dispose of unused pharmaceuticals and to identify best practices.

In the realm of stewardship, local communities have begun coordinating take-back programs to properly dispose of excess pharmaceuticals; however, the Controlled Substances Act (CSA) poses a challenge to local take back program which communities have started. The Drug Enforcement Agency (DEA) requires that a law enforcement officer be present during the take-back of unwanted controlled substances from the public. Successful programs are those which have had a police officer present at the collection site, held the collection program at police precincts, or offered a mail-back program.

Ms. Rudzinski provided her e-mail address to members of the LGAC:
<rudzinski.suzanne@epa.gov>.

Discussion

- **Commissioner Dave Somers** inquired whether wastewater treatment standards would have to be addressed to filter these emerging contaminants. Ms. Rudzinski replied that

treatment is going to be the big issue. EPA is sponsoring a number of studies on treatment options and methods. Scientists have to develop analytical methods to detect these pharmaceuticals in very small quantities. The American Water Works Association (AWWA) Research Foundation did a study of the effectiveness of drinking water treatment systems in removing pharmaceuticals. The study found that advanced treatment systems are more effective at removing pharmaceuticals, but there are many types of contaminants and no one system removes all of them equally.

- **Mr. Jim Gitz** commented that the LGAC is focusing on proper disposal of pharmaceuticals. However, there still remains an issue even when people are consuming and disposing of these products properly. Ms. Rudzinski said that how the pharmaceuticals are manufactured, prescribed, and distributed is a significant part of the issue. FDA and the pharmaceuticals industry are better equipped to address this than EPA.
- **Mr. Ivan Fende** noted that EPA and FDA should coordinate to make take-back collections simpler. It is difficult for communities have to have a police officer and pharmacist at each collection point particularly among small communities. Ms. Rudzinski replied that this will require Congress and the Drug Enforcement Agency (DEA) to take action on the Controlled Substances Act.
- **Commissioner Penelope Gross** inquired whether EPA is focusing on personal care products also. Ms. Rudzinski said that personal care products are also an issue of concern for EPA, but currently there is not as much information available on these.
- The EPA pharmaceuticals Web site includes information on the take-back programs to which EPA has provided grants such as those in Chicago and St. Louis, at <www.epa.gov/waterscience/ppcp>.

III. Watersheds and Coastlines (WAC) Workgroup

A. Tommy Wells, Alliance for Chesapeake Bay Local Government Advisory Committee Chair and District of Columbia Councilman

Mr. Jimmy Kemp, Chair of the Watersheds and Coastlines workgroup, opened the Workgroup session by introducing Councilman Tommy Wells, District of Columbia Councilmember and Chair of the Chesapeake Bay Local Government Advisory Committee. Councilman Wells addressed the Workgroup with an overview of the Chesapeake Bay LGAC, which was formed in 1988 to improve the role that local governments play in the restoration of the Chesapeake Bay. The Chesapeake Bay encompasses 18,000 units of government in the District of Columbia, Maryland, Pennsylvania, Delaware, and Virginia.

The primary area of focus for the Chesapeake Bay LGAC has been stormwater runoff. The Chesapeake Bay LGAC has shaped an initiative termed the Circuit Rider Program, which funds an individual to work across jurisdictions to develop grant applications and find sources of

funding to restore tributaries on and adjacent to farmland. Councilman Wells discussed examples of where farmers volunteered to participate in the restoration program and have seen great successes. Councilman Wells closed by stating that despite these successes and improvements in the approaches to restoring the Chesapeake Bay, overall the effort is still failing.

Discussion

- **Mr. John Muller** commented that he would like to raise a concern about the issue of food safety. Recently there have been restrictions on restoring natural habitats near food production areas because of the potential for contamination. Councilman Wells commented that agricultural runoff is one of the biggest sources of runoff into the Bay, and this is an area in which there has not been much progress.
- **Ms. Barbara Sheen Todd** inquired about how the Chesapeake Bay LGAC was funded, and Councilman Wells indicated that it is funded through an EPA grant.
- **Commissioner Dave Somers** commented that stormwater runoff is a huge issue in Puget Sound and asked if this was the same in the Chesapeake Bay. Councilman Wells said it is was and discussed the green building standards the District of Columbia has adopted in an attempt to address this priority issue.
- **Mr. Ivan Fende** asked whether there is a plan for local governments to assume the funding of the Chesapeake Bay LGAC, and Mr. Wells said that there is not. He said that they will continue to be coordination among states, local governments, and EPA to restore the Bay.

B. Bryon Griffith, Director, EPA's Gulf of Mexico Program

Chair of WAC Jimmy Kemp next introduced Mr. Bryon Griffith, Director of EPA's Gulf of Mexico Program, to speak on a regional approach to addressing the ecological health of the Gulf of Mexico. Mr. Griffith opened by stating that the Gulf of Mexico Alliance has been an experiment in a state-led, locally supported collaboration, and that it has been a tremendous success. The approach has been to recognize trans-boundary issues—such as nutrient loads, coastal wetlands, and water quality—through a five-by-five approach in which each state takes the lead on addressing one of the five issue areas.

In the area of coastal wetlands, 50 percent of the nation's coastal wetlands are in the Gulf of Mexico, and 35 square miles per year decay into the Gulf. In the area of water quality, harmful algae blooms have become a chronic problem in Florida with a significant economic impact when beaches cannot be opened. In the area of nutrients, the Iowa Conservation Reserve Enhancement Program (CREP) Program is a model program for capturing nutrients before they discharge into the watershed, through treatment of the runoff by constructing wetlands that capture 80 percent of nutrients. Mr. Griffith suggested that the LGAC invite a representative from the CREP program to address the committee. Mr. Griffith emphasized that environmental education is critical to addressing these ecosystem issues, yet many education programs have

been cut due to inadequate funding. He described learning centers throughout the Gulf region that reach millions of people per year.

The Gulf of Mexico Alliance was formed as an experiment to see if five states could work together on cross-cutting issues and the results have exceeded expectations. Others regional organizations such as the Western Governors Alliance are copying the model, which involves integrating federal agencies with a state-led solution. More information on the Alliance is available at <<http://gulfofmexicoalliance.org>>. Mr. Griffith closed by posing a question to the workgroup for discussion: In the scheme of competing resources, what advice would you give to the Administrator about how to employ resources across competing geographic initiatives? (Discussion was held until after the Panel concluded).

C. Chuck Fox, Advisor to the EPA Administrator on the Chesapeake Bay and Anacostia River

Chair Jimmy Kemp introduced Mr. Chuck Fox has working on water quality issues for many years, serving as the EPA Assistant Administrator for Water under President Clinton and most recently as the manager of international marine conservation programs with the Pew Charitable Trusts. Mr. Fox provided WAC members with a copy of the *Bay Barometer*, a new annual report card on the state of the Chesapeake Bay. According to the report card, the health of the Chesapeake Bay scores 38 percent out of 100, while progress toward putting restoration measures in place scores 61 out of 100. Mr. Fox has been involved with restoration of the Bay for 27 years. He stated that during the past 25 years, more specific goals have been articulated for the Bay's health and restoration; however, the efforts are only 50 percent of the way to achieving their goals. A full copy of the *Bay Barometer* report is available at <www.chesapeakebay.net>.

Mr. Fox emphasized that it is easier and less expensive to prevent a problem than it is to clean it up. It is important to focus on reducing the impact of new development by using Leadership in Energy and Environmental Design (LEED) green building standards; however, it is also important to ask whether a site should be developed in the first place. In the realm of agriculture, applying buffer strips and constructing wetlands on agricultural sites has produced successful outcomes in treating and preventing runoff, but it is also necessary to look at farming practices such as the application rates of nitrogen and phosphorus fertilizers to prevent pollution at the source.

Discussion

- **Mr. Lurlin Hoelscher** thanked Mr. Griffith for his comments about the Iowa program and commented that Iowa has also seen an increase in wildlife due to these wetland and water quality restoration activities.
- **Commissioner Dave Somers** stressed the importance of education, commenting that if we do not educate the public and the next generation, the battles for the health of waterways will be lost.

-
- In response to Mr. Griffiths' question about allocation of resources, **Mr. Ken Fallows** suggested that organizations in the Great Lakes region have coordinated to advocate for funding for projects to improve the health of the Great Lakes. The Gulf region might consider following this model. Mr. Griffith pointed out that the region with the greatest political power should not necessarily receive the most funding.
 - **Mr. Chuck Hafter** highlighted that the regions that have received the most funding have had congressional champions. Also, both the Great Lakes and the Chesapeake Bay systems collapsed, which is why they have received high levels of funding.
 - **Commissioner Penelope Gross** said that one reason that the Great Lakes region has been so successful in acquiring funding is that local officials are aligned and not competing. This spirit of collaboration is important, and all local governments should all be sharing best practices across regions.
 - **Ms. Fran Eargle** mentioned that a River Rally will take place in May 2009 that will bring together the great watershed efforts across the country through the network of the more than 3,000 watershed groups. The LGAC will have a session on how to work with local governments. LGAC members should send comments on this session to Javier Araujo at <araujo.javier@epa.gov>.
 - **Mr. Ivan Fende** presented a motion to the workgroup which would be presented to the Full Committee to form a sub-group to focus on how to improve coordination among federal agencies and between federal agencies and local governments in the Great Lakes region. Mr. Fallows seconded the motion, and the motion passed.

IV. LGAC Plenary: Report out from the Regulatory Workgroup

When the LGAC plenary resumed, Councilman Bruce Tobey, Chair of the Regulatory Workgroup, summarized the discussion of the Regulatory Workgroup. He provided a brief update on the recent activities, and formal agreement, of the FACA group chartered to advise the Agency on its forthcoming revision of the Total Coliform Rule. No action is currently required. Next, Chair Tobey described the work group's ongoing debate concerning future areas of focus for the regulatory work group (regulatory policy versus individual regulations) and will update the LGAC if/when a firm decision is made. Finally, Chair Tobey described the work group's discussion of the Agency's review of Executive Order 12866, which delineates regulatory review policy for the White House Office of Management and Budget as well as federal departments and agencies. Ms. Lesley Schaaf, Director of OPEI's Regulatory Review Division, highlighted for the group the significant aspects of E.O. 12866, briefly touched on broad areas where various EPA program offices have expressed interest, and answered the work group's questions relating to its draft recommendations to the Administrator. A final draft (cover letter and attached recommendations) of the subgroup's letter to the Administrator was then submitted to the Full Committee for its review. Once the Full Committee approved the letter, it also concurred with Chair Tobey's motion that the letter be transmitted to the Agency on an expedited timeframe so

that it might inform the Agency's comments and recommendations to the White House concerning a new E.O. on regulatory review.

V. Solid Waste and Reclamation Workgroup

A. Brownfields and Local Governments

Myra Blakely, Deputy Director, EPA's Office of Brownfields and Land Revitalization

Workgroup Chair Jim Gitz opened the Solid Waste and Reclamation Workgroup session by introducing the first presenter, Ms. Myra Blakely, Deputy Director of EPA's Office of Brownfields and Land Revitalization. Ms. Blakely explained that the brownfields program has continued to expand because it employs a bottom-up approach in which communities determine how they would like to clean up a site, focusing on community involvement and environmental justice. It is important that recipients of a brownfields grant know the labor market of the community and employ people within that community.

The EPA brownfields program received \$100 million in funding through the Stimulus Bill, with \$5 million dedicated to job training. EPA's plans for how this funding will be distributed have not yet been finalized; however, the additional resources will likely supplement revolving loan funds and fund targeted brownfields assessments (TBAs), which are assessments of contaminated sites that a community may not have the ability to assess.

Ms. Blakely explained that approximately 50 percent of the brownfields grant proposals that EPA receives are from non-urban areas, defined as a population of 100,000 or less, so non-urban communities should not be deterred from applying for a grant. As local representatives, LGAC members should be aware of who leads the EPA brownfields program in their region. Contact information for the regional staff is available on the EPA Web site at <<http://www.epa.gov/brownfields>>.

The Brownfields Program is currently conducting 16 sustainability pilots and is interested in additional projects related to renewable energy or other creative sustainability projects. Ms. Blakely encouraged members of the LGAC to engage with their EPA regional contacts or contact her directly for more information.

Discussion

- **Mayor James Mayo** requested additional information on a specific sustainability pilot program, and Ms. Blakely said that case studies of the sustainability pilots are provided on the EPA Brownfields Web site (<http://www.epa.gov/brownfields>).
- **Mr. Joe Palacios** expressed a concern that communities with a population of less than 5,000 are disadvantaged because their project proposals are often not as innovative as larger communities' proposals.

-
- **Commissioner Peggy Beltrone** concurred that it is difficult for rural areas to compete against communities with a larger population. Ms. Blakely said she is strict with her staff about considering applications from disadvantaged communities and suggested that TBAs are a good option for small communities.
 - In response to discussion about the amount of the brownfields grants, Ms. Blakely clarified that the brownfields program statute allows for a maximum of \$200,000 in funding per brownfield site; however, state revolving loan funds can be used to supplement this funding.
 - **Mr. Jim Gitz** inquired as to whether there are particular areas of focus for EPA related to sustainable sites on which communities should focus (i.e. renewable energy vs. energy efficiency). Ms. Blakely replied that EPA is interested in receiving more “green” project applications, but the Agency does not want to dictate to communities what type of green projects they should pursue.

B. Preview of LGAC’s Recycling DVD and Discussion

Workgroup Chair Jim Gitz introduced the draft version of the recycling DVD developed by the Solid Waste and Reclamation Workgroup, explaining that the theme of the video is stewardship. The producers also considered how the waste reduction programs profiled in the DVD have fared in the current economic climate. The workgroup viewed the video and offered the following feedback:

- **Ms. Melanie Worley** provided a series of technical comments.
- **Mr. John Muller** commented that now is a critical time for recycling because the value of commodities is so low. He suggested a greater focus on composting in the video, as there is currently more interest in this area.
- **Ms. Laura Fiffick** suggested adding a slide that makes the business and environmental case for recycling, and suggested moving public involvement higher in the list of requirements for a successful program.

Mr. Gitz thanked the group for the comments and invited workgroup members to continue to e-mail him with any further comments. The next steps for the DVD are to go to the Full Committee with a recommendation to work with ECOS on comments they may have.

C. Pharmaceuticals Discussion

Mr. Gitz transitioned to a discussion of disposal of unwanted pharmaceuticals, with Ms. **Lisa Lauer, EPA Office of Resource Conservation and Recovery** in attendance to join the discussion. Ms. Lauer informed the workgroup that EPA has proposed adding pharmaceuticals to the universal waste program and is reviewing comments on this proposed rule. Regarding

coordination with DEA, Ms. Lauer said there is an interagency Pharmaceuticals and Environment Workgroup of which the DEA is a member, but DEA has not been active with the workgroup. EPA is attempting coordinate with the DEA on the pharmaceuticals issue. In the area of legislation, Congressman Jay Inslee also introduced a bill in Congress to amend the Controlled Substances Act.

- **Commissioner Kathleen Jimino** questioned whether it is necessary to examine how medications are prescribed as part of the solution. Ms. Lauer concurred that source reduction is very important. She noted that the pharmaceuticals industry has not been very engaged on the issue to date.
- **Commissioner Peggy Beltrone** suggested that the LGAC nominate someone from the LGAC to be on the National Academy of Sciences committee that is studying the pharmaceuticals issue. The workgroup will explore this possibility.
- The Solid Waste and Reclamation Workgroup sent a letter to the (then) EPA Administrator Stephen L. Johnson about the issue and has not yet received a response. The workgroup decided to send another letter to Administrator Jackson after an additional teleconference discussing modifications to the letter. As another action item, the workgroup requested of Ms. Lauer that EPA provide information on the current take-back pilot programs.

VI. *Climate Change and Indicators Workgroup*

A. Mandatory Greenhouse Gas (GHG) Reporting Rule Suzanne Kocchi, EPA Office of Air and Radiation

Workgroup Chair John Duffy opened the Climate Change and Indicators Workgroup session by introducing Ms. Suzanne Kocchi with EPA's Office of Air and Radiation to present on the Mandatory GHG Reporting Rule. Ms. Kocchi provided an overview of the Reporting Rule, signed by the EPA Administrator on March 10, 2009. EPA's guidance from Congress in the FY 2008 Omnibus Appropriations bill was to develop "*mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy.*" The guidance instructed that EPA should require reporting from both upstream production and downstream sources because the point of regulation has not yet been determined. Upstream refers to facilities at which fuel is supplied to the economy (e.g. coal mines or refineries), while downstream refers to facilities where emissions are released (e.g. power plants).

Ms. Kocchi explained that electricity generation constitutes 33 percent of GHG emissions in the U.S. and 90 percent of these emissions are already reported to the EPA. Transportation accounts for 28 percent of GHG emissions, with many of these emissions are already reported through fuel quality and quantity programs. Therefore, the primary focus of the Mandatory Reporting Rule is on GHG reporting by the industrial sector.

To develop the Mandatory GHG Reporting Rule, EPA reviewed existing methodologies and programs for reporting GHG emissions, and then applied screening criteria to identify categories of sources to be included in the Rule, including ability to measure and the administrative burden. EPA then developed reporting methodologies for the selected emission source categories. EPA's proposal calls for facility-based reporting for all select source categories for which there are methods of collecting and reporting the data. Facilities that meet a threshold of 25,000 tons of CO₂ would be required to report, and EPA would be the verifier of the data (not a third party). The Rule will affect 13,000 facilities and will cover 80 percent of GHG emissions when accounting for upstream and downstream emissions. EPA held outreach meetings with more than 250 groups in developing the Rule, including states and regional groups, tribes, trade associations, and nongovernmental organizations.

EPA's proposal will be in the *Federal Register* within one week; Sections 3 and 4 of the preamble provide a thorough overview. The preamble and proposed regulatory text are available at <www.regulations.gov>. In addition, extensive information about the Rule is posted on EPA's Web site at <<http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>>. EPA has proposed putting the Rule in effect by January 1, 2010, with the first reports to EPA by January 31, 2011.

Chair John Duffy requested that the workgroup hold questions until after the subsequent presentation.

**B. Advanced Notice of Proposed Rulemaking (ANPR)—Greenhouse Gas Emissions
Nancy Ketcham-Colwill, EPA Office of Air and Radiation**

Chair John Duffy then introduced Ms. Nancy Ketcham-Colwill to present on the Greenhouse Gas ANPR. Ms. Ketcham-Colwill opened by explaining that the goal of the ANPR was to examine issues, opportunities, and challenges related to using the Clean Air Act (CAA) to regulate greenhouse gases. Ms. Ketcham-Colwill said that the comment period for the notice of proposed rulemaking has closed and EPA received comments from members of the LGAC. Currently EPA is reviewing comments and considering next steps.

The history of this action began when environmental organizations asked EPA to set standards for GHG emissions from motor vehicles toward the end of the Clinton administration. Then, the Supreme Court case *Massachusetts vs. EPA* ruled that GHG emissions fit well within the CAA's expansive definition of air pollutants. EPA is now examining the question of whether GHG emissions from vehicles meet the "endangerment criteria" of endangering public health and welfare stipulated under the Clean Air Act.

Ms. Ketcham-Colwill said the goal of the ANPR was to summarize available science on climate change and its effects as relevant to the endangerment criteria; to review EPA's work to date on potential vehicle GHG standards; and to examine interconnections among CAA provisions that come into play when considering regulating GHG emissions under the CAA. The ANPR does not propose or recommend use of any particular CAA authority, nor commit to specific next steps. EPA has received thousands of comments on the ANPR from a variety of stakeholders in

industry, government, and the public interest community, and EPA is in the process of reviewing these comments.

Discussion

The following comments and responses were provided during the discussion on the two previous presentations:

- In regards to how local governments would be impacted, under the CAA, state agencies are involved in the implementation of National Ambient Air Quality Standards (NAAQS). However, developing an NAAQS is not one of the likely approaches for potential GHG regulation under the CAA. States may delegate some responsibilities to local governments but this is yet to be determined.
- If local governments lease facilities from private owners, there could be issues for local governments under the Mandatory Reporting Rule particularly in regard to which organization is ultimately responsible for reporting. Landfills are also going to be an issue because data collection is difficult or non-existent. EPA would like to receive comments on these issues during the comment period. The comment period for the Mandatory GHG Reporting Rule will open within two weeks when EPA's proposal is in the *Federal Register*.
- Among the local government organizations that provided comments on the ANPR are the National Association of Clean Air Agencies (NACAA) and the International Council for Local Environmental Initiatives (ICLEI). A complete list of commenters is available in the docket. When soliciting feedback from local governments in the future, EPA should look to the LGAC and Local Government Network (LGN) because local government air directors and ICLEI do not provide comprehensive representation of local government operations.
- Feedback from industry on the Mandatory Reporting Rule has generally been positive because it would replace disparate state regulations. Environmental organizations have asked for lower thresholds for reporting requirements.
- EPA met with the American Public Power Association (APPA), and this organization is likely to provide comments on the Mandatory Reporting Rule.
- This proposal does not consider carbon offsets, but other EPA programs do.

C. Letter on EPA's Strategic Plan

At the close of the discussion, Chair John Duffy transitioned to a discussion of the LGAC's letter to the EPA Administrator on *EPA's 2009–2014 Strategic Plan Change Document*. The LGAC sent a letter to the previous Administrator on the Strategic Plan Change Document. Chair Duffy

suggested that the workgroup should review the letter, align it with the new Administrator's priorities, and resend it to the new Administrator. (A revised draft of the letter was distributed to workgroup members for review. One addition related to the effect of increased GHG levels on oceans). A motion was presented to revise and send the letter to the Full Committee for approval. The motion carried.

At the close of the workgroup session, Ms. Laura Fiffick motioned that the LGAC Climate Change and Indicators Workgroup move forward on commenting on EPA's proposed GHG Mandatory Reporting Rule, and the motion carried.

(The committee meeting adjourned for the day at 5:15 p.m.)

Tuesday, March 24, 2009

LGAC Plenary

(8:00 a.m.)

VII. Remarks by George Hawkins, Director, District of Columbia Department of the Environment

Chair Roy Prescott called the meeting to order and led introductions. Ms. Fran Eargle then introduced George Hawkins, Director of the D.C. Department of the Environment, stating that Mr. Hawkins has a long history of advising the EPA on many issues. Mr. Hawkins welcomed members of the LGAC to the Nation's Capitol and provided context on his experience in local government. He had worked for Al Gore in 1997 and left to work with a local community group doing land use work in New Jersey. Mr. Hawkins said it is amazing how direct and immediate the work of local government is. The most significant environmental decisions made today are made by local governments. He commented that he knew Lisa Jackson, when she was the new EPA Administrator, in New Jersey. In the State of New Jersey she was able to steer the environment agency with great wisdom and commitment, and he thinks she is an excellent choice as the new EPA Administrator.

Mr. Hawkins outlined the District of Columbia's four-point agenda for making the city a more sustainable city:

- 1) *Organizational structure.* The D.C. Department of the Environment is a new office previously scattered across several offices. Now, it is a stand-alone agency with a \$100 million budget. The Mayor's Green Team, composed of representatives of 45 agencies who meet once per month, implements sustainability initiatives across agencies.
- 2) *"Changing the rules of the game."* Mr. Hawkins emphasized that it may be necessary to change how we work in municipal government to protect the environment so that it is done. For example, the District of Columbia is working on developing new standards and codes. The LGAC might consider embarking upon this with EPA.
- 3) *"Getting the green back."* Mr. Hawkins said it is important to have market systems work to facilitate desired outcomes, separate from regulatory requirements. For example,

currently stormwater fees in D.C. are charged based on how much water is used on a site, with the result that a large parking lot that is not connected to a water line does not pay a fee. As of May 2009, stormwater fees in the District will also be levied based on impervious coverage. Therefore, a large parking lot without any environmentally friendly features will pay more.

- 4) *Jobs and the environment.* In any city, youth need a productive environment, so it is logical to connect low-impact design improvements to an opportunity for city youth to get jobs. While the last great change in the economy centered around technology, which requires significant education and training, green jobs are accessible.

In closing, Mr. Hawkins stated that in the last 10 years, most innovation in the environmental field has come from local government. He thanked the LGAC members for their dedication and invited any questions.

Discussion

In response to comments, Mr. Hawkins provided the following additional information:

- The District of Columbia has run into challenges from tradesmen who knew how to do something, and now the rules are changing. Mr. Hawkins said the challenge is in training. One challenge for low-impact development is that it requires an ongoing maintenance program. The District to date has not encountered issues with unions because it has not displaced current workers.
- The District gives credit to companies that go beyond requirements of LEED Silver for all new construction. Companies that exceed the requirement and choose to pursue LEED Gold receive an expedited permitting process.

VIII. Remarks by Lisa Jackson, Administrator, U.S. Environmental Protection Agency

LGAC Chair Roy Prescott then welcomed the EPA Administrator, Lisa P. Jackson. Chair Prescott commented that “*the LGAC represents the heart and the soul of the countryside.*” The LGAC has historically been the voice of local government to EPA, and the committee is here to serve the Administrator. (The LGAC gave a standing round of applause when the Administrator entered the meeting room). Chair Prescott introduced Ms. Joyce Frank, the Acting Associate Administrator for EPA’s Office of Congressional and Intergovernmental Relations (OCIR), who introduced Administrator Jackson.

Administrator Jackson thanked the Committee for the warm welcome and said hello to George Hawkins, with whom she worked in New Jersey. She said there is a lot of important work to do today, and the work that is done EPA, in Washington, and at the state level is animated and brought to fruition at the local level. Administrator Jackson spent six years working in state government, but she said the real front lines are the local level. Ms. Jackson said her time working for the state of New Jersey was a great education in the importance of organization

among governments. Many programs can only be implemented at the local level, such as the EPA Energy Star program, which saved \$1 billion in utility bills and cut 7 million metric tons of CO₂ emissions in 2008 alone.

Administrator Jackson then turned to a discussion of economy and the environment, saying that the U.S. is in the midst of the most serious economic recession since the Great Depression. She said that *“as we work around the clock to face the economic crisis, we do not have a moment to lose in confronting environmental issues, among them the threat of global climate change.”* It is not something we can choose to study or a far-off day of reckoning. The world’s leading scientists predict notable changes within our lifetimes if we do not act, and the impacts of climate change will also affect our economy. Administrator Jackson said that the last thing she wants to do at EPA is to block our country’s economic recovery. However, President Obama has said that there does not have to be a choice between the economy and the environment, but that they are inextricably linked, and the foundation of this recovery will be a green recovery.

The American Recovery and Reinvestment Act is the largest bill in the nation’s history, and \$7.2 billion of the funding is dedicated to green projects. Additionally, the President has proposed the largest budget for EPA in its 39-year history. There is a high level of expectation on EPA employees, and it is important that EPA send a message back to the local level that EPA is back on the job to protect public health and the environment.

Administrator Jackson continued by saying that one improvement we have to make together is to extend environmental protection to every community in the country. In many places, the burden of pollution falls on those who are already disproportionately impacted by other ills in society. Those at the local level can continue to be incubators of innovation. Ms. Jackson said she is asking local officials to keep pushing in their communities. Any of your localities can lead the way in clean energy, smart grid technology, and expanding green jobs that will lead to our nation’s economic recovery. She closed by saying that those at the local level can be instrumental in guiding EPA’s work, and she looks forward to working with the LGAC.

Discussion

- **Commissioner Dave Somers** thanked the Administrator for attending the meeting and said that this group has a tremendous depth of knowledge and she should use them as a resource. Commissioner Somers stated that Puget Sound has serious health problems and asked if it is necessary to develop new tools and approaches to improve the health of estuaries. Administrator Jackson replied that we have made inroads on controlling point source pollution, but combined sewage overflows and nonpoint source issues are still a concern and addressing these issues is going to require partnership of the highest order.
- **Commissioner Peggy Beltrone** referenced the Administrator’s message about extending environmental protection to vulnerable populations and asked what specific directives the Administrator has that the LGAC can carry through their work. Administrator Jackson said she is looking forward to developing a staff to help elevate environmental justice and American Indian issues within EPA, so there will be more dialogue about this issue at this time.

- **Mr. John Bernal** stated that one of the Administrator's priorities is protecting America's waters. Currently, funding for these efforts uses the traditional mechanisms that have always been used. However, Mr. Bernal called the Administrator's attention to the provision of low-interest and negative-interest loans. **Mr. Jimmy Kemp** said that H.R. 3558 in Congress to protect the Gulf of Mexico will "*help us help ourselves.*" **Mayor Jamie Mayo** concurred.
- **Ms. Paula Hertwig Hopkins** asked what support the LGAC can give EPA in developing cost-benefit analyses that demonstrate to businesses that investing in environmentally friendly technologies and methods will pay off in the long run. Administrator Jackson stated that this is a matter of education and getting people to think with a longer term perspective.

IX. Economic Stimulus Discussion

A. Craig Hooks, Acting Assistant Administrator, EPA Office of Administrative and Resources Management

Following the LGAC's discussion with the EPA Administrator, Mr. Craig Hooks, Acting Assistant Administrator of the EPA Office of Administrative and Resources Management (OARM), presented an update on EPA funding under the Economic Stimulus Bill. Mr. Hooks opened by stating that EPA is in a good position in terms of the American Recovery and Reinvestment Act (ARRA). EPA received \$7.2 billion, with the largest portions divided between the Clean Water and Drinking Water State Revolving Funds. Goals for EPA's ARRA funds include transparency; accountability; and an environmental, public health, and economic benefit.

Mr. Hooks emphasized that an additional goal for the SRF funds is to distribute the funding as soon as possible; therefore, projects that can be started immediately will receive priority. Twenty percent of EPA's ARRA funding must be used for green infrastructure, water efficiency, energy efficiency, or environmentally innovative projects.

Mr. Hooks continued by reiterating that EPA has been working closely with states through the SRFs for many years, and the distribution of this funding will not be very different. EPA is working through the existing SRF program, with which most states and communities should be familiar. The grant guidance was released March 2, 2009, and EPA expects to begin issuing grants by the end of March.

Mr. Hooks stated that while EPA has not worked through all the challenges, he anticipates success at overcoming them. There is no cost share requirement for the brownfields program, so communities that have not been able to afford to participate in the past can now participate. The Superfund program received \$600 million for sites listed on the National Priorities List (NPL), and EPA is developing an implementation plan to obligate funds ahead of the statutory schedule. The Leaking Underground Storage Tanks (LUST) program received \$200 million to clean up petroleum spills from federally regulated tanks, and the stimulus funds are not subject to the cost

share requirement. The Diesel Emission Reduction Act (DERA) Program received \$300 million toward reducing NO_x and CO₂; 30 percent of the funding is an automatic state allocation.

In closing, Mr. Hooks acknowledged ARRA's challenges but said that the investment, in conjunction with cooperation among different levels of government, will engender a healthier environment for this generation and the next. The EPA contacts for each of the programs are included on the final slide of Mr. Hooks' presentation.

B. Cynthia Dougherty, Director, EPA Office of Groundwater and Drinking Water

Next, Ms. Cynthia Dougherty, Director of the EPA Office of Groundwater and Drinking Water, presented on economic stimulus funding for water projects. Ms. Dougherty opened by saying that EPA will be accepting conditional as well as full grant proposals. If a state is still developing green projects, it can receive a grant for 80 percent of its money, and then receive an award later for the remaining 20 percent.

Ms. Dougherty explained that EPA's grant conditions were just posted to the EPA Web site. The conditions state that underlying SFR requirements apply unless the guidance has changed them. One significant change is that no match is required. Additionally, EPA has provided extensive guidance on the types of projects encompassed under the green projects category. The grant guidance also explains what states can do related to the 50 percent subsidization reserve and how states can use the negative interest, principal forgiveness, or grant within their SRF program. If the state decides to use the grant approach rather than the principal forgiveness approach, then federal sub-award grant requirements apply. The EPA Web site includes questions and answers related to the grant guidance, as well as questions and answers from webcasts that EPA has held with states on the funding.

Ms. Dougherty said that the law allows states to refinance projects which received loans after October 1, 2008, but before the ARRA was passed. Finally, 12 months from February 17, 2009, all projects must be under construction or under contract for construction or EPA must reallocate the funding. Ms. Dougherty introduced Jim Hanlon to continue the discussion.

C. Jim Hanlon, Director, EPA Office of Wastewater Management

Mr. Jim Hanlon is the Director of the EPA Office of Wastewater Management. Mr. Hanlon thanked the LGAC for the invitation to talk about the water infrastructure program and the ARRA. Mr. Hanlon said that Ms. Dougherty provided an overview of the funding guidance, while he will focus on implementation challenges. Mr. Hanlon said that EPA is working closely with the states in reviewing their project lists; states are receiving three-to-five times the number of project proposals than their allocation under the Recovery Act can handle.

Mr. Hanlon explained that Congress set up the "green reserve" as a soft reserve, meaning that if a state demonstrates that it does not have green projects ready, the state can go further down its list to projects that are not green without conducting an additional solicitation for green

infrastructure projects. The subsidy requirement of the statute is a challenge for the states: the Recovery Act requires states to use at least 50 percent of their Recovery Act funding for additional subsidy in the form of negative interest principal forgiveness grants. This presents a challenge to the state SRF managers because they need to determine which projects receive grants and which receive SRF loans.

Mr. Hanlon continued by explaining that an additional challenge is that Recovery Act projects are subject to Davis–Bacon wage rates, which are Department of Labor-established wage rates, for construction projects. Davis–Bacon wage rates have not been a requirement of the SRF program for some time. Finally, the Recovery Act has a Buy American provision which stipulates that materials must be purchased domestically. EPA believes that this will be an issue and is working on a waiver to Section 1605 of the Recovery Act for projects that cannot comply with Buy American provisions.

D. Wayne Klotz, PE, President, American Society of Civil Engineers

Mr. Jimmy Kemp introduced Mr. Wayne Klotz, President of the American Society of Civil Engineers (ASCE), to discuss the condition of the nation's infrastructure. Mr. Klotz opened with an overview of ASCE, which has 146,000 members who practice engineering in government, private practice, and academia. Mr. Klotz said that ASCE has been evaluating the country's infrastructure for more than a decade. ASCE's 2009 Report Card was expedited for release in January in order to provide Congress and the President with current data on the state of infrastructure in the U.S. to assist to inform decisions related to the Stimulus Bill.

ASCE evaluates various types of infrastructure including dams, drinking water systems, hazardous waste disposal, and wastewater treatment systems. All of these infrastructure systems received grades of D or C, with the nation's overall grade at a D. As the population continues to grow, the need for maintenance increases, just at a time when we are spending less. ASCE estimates that it will take \$2.2 trillion to bring these infrastructure systems back into good shape in the next five years. Currently, we are spending about half this amount.

Mr. Klotz said it is important to promote sustainability as part of design and to develop regional plans. Currently, numerous entities develop their own projects. However, if there had been a regional plan in place, the projects could have a much greater benefit. Additionally, lifecycle costs must be part of the equation. Currently, these projects are awarded to the lowest bidder, which results in a design that does not provide the best lifecycle cost. A jurisdiction might save 10 percent on construction costs, but the infrastructure will cost 30 percent more to maintain over the next 30 years.

As far as stimulus allocations, clean water projects received \$4 billion of EPA's allocation; however, there is a \$20 billion dollar deficit in this area. Drinking water infrastructure projects received \$2 billion, but there is an \$11 billion per year need. Superfund has \$600 million appropriated, but we need \$200 billion to clean up Superfund sites in this country. Mr. Klotz concluded by saying that the stimulus funding is a step, but not the answer.

Discussion

In response to comments, the presenters said:

- **Mr. Ken Fallows** voiced appreciation that Mr. Klotz noted that accepting the lowest bid is an impediment to building sustainable infrastructure.
- Mr. Klotz said that most public works departments are staffed to support the level of funding that they currently have, and part of the challenge is to find new sources of funding. Mr. Klotz is not concerned about a shortage of engineers to handle the infrastructure needs of our country.
- Mr. Klotz said that ASCE is an association of individuals, not a trade association, so no one is benefiting from the information they provide. In regards to how much other countries spend on infrastructure, other developed countries spend at a factor higher than the U.S. For example, Germany spends approximately 6-7 percent of GNP on infrastructure, while the U.S. spends 1-2 percent.
- Attachment 7 to the Clean Water SRF guidance provides examples of potential green projects. A green job is not defined in the guidance. The Web site <www.epa.gov/recovery> provides information on the availability of EPA's stimulus funding.
- EPA is currently collecting data for the Clean Watershed Needs Report and providing this to Congress to inform infrastructure funding bills.
- **Mr. Jim Gitz** voiced concern that there will be a clash between the Administrator's priority and reality in regards to small, disadvantaged communities taking advantage of stimulus money. He recommended that EPA track what states are doing to reach traditionally underserved communities.

X. EPA Climate Change Panel

A. Vicki Arroyo, Executive Director, Georgetown Climate Center, Georgetown University Law School

Ms. Fran Eargle introduced Ms. Vicki Arroyo, who had served as the Director of Policy Analysis for the Pew Center on Global Climate Change since 1998 and recently became the Executive Director of the new Georgetown Climate Center. Ms. Arroyo opened by asserting that climate change is a reality, and there is no longer scientific debate about this fact.

To provide background on policy related to climate change in the U.S., Ms. Arroyo said that 1992 was the last time that the President and Congress were aligned in this country. The first President Bush supported the U.N. Framework Convention on Climate Change, which was ratified by Congress, with the objective of stabilizing greenhouse gas concentrations at a level

that would prevent dangerous human interference with the climate system. Since then, both Bush and Clinton launched and expanded voluntary initiatives; however, because these initiatives were not economy-wide, GHG emissions have continued to rise steadily. State and local governments have taken the lead on addressing global climate change through climate action plans, registries, and renewable portfolio standards. States are banning together to form regional cap-and-trade programs such as the Western Climate Initiative.

Ms. Arroyo summarized the extensive activity currently happening related to global climate change, from new money in the budget to the stimulus funding that could be between \$50 – \$100 billion. EPA is planning to revisit the California car waiver decision made in the last administration. The President called on the Department of Transportation to move forward with revised CAFE standards. Additionally, EPA is considering how to respond to the endangerment finding under the Supreme Court case *Massachusetts vs. EPA*, and EPA released its greenhouse gas reporting rule. President Obama announced he would support a cap-and-trade program with the goal of achieving 1990 GHG levels by 2020, with further goals of reductions to 80 percent of 1990 levels by 2050. The President has called for partnership among all levels of government on climate change.

Ms. Arroyo closed by saying that the Georgetown Climate Center is also focusing on adaptation (i.e., how people can anticipate the consequences of global warming and prepare, both internationally and domestically). More intense storms will be one effect of global climate change. Adaptation means preparing for this so that in the future, communities will be able to respond better than we did to Hurricane Katrina. A number of states are adjusting transportation plans, fish and wildlife plans, or plans for agriculture, ecosystems, forestry, public health, and infrastructure to adapt to climate change. The Center will help to connect people who are doing work on adaptation as well as mitigation.

Discussion

- In terms of adaptation, people have generally had to figure out on their own what this means for their community. We hope the federal government will become more of a resource on this now and will engender more coordination across agencies.

B. Matt Hale, Director, EPA Office of Resource Conservation and Recovery

Mr. Jim Gitz next introduced Mr. Matt Hale with EPA's Office of Resource Conservation and Recovery, explaining that the genesis of the recycling DVD was a request from Mr. Hale. Mr. Hale opened by commenting that he is very pleased with how the recycling video developed, saying that it addresses key points such as rural issues, financial incentives, composting, electronics, and pharmaceuticals. The video also includes key messages such as the greenhouse gas emissions reduction benefits of waste reduction and that effective materials management is one of the key pieces of the puzzle in dealing with energy and GHG issues.

Mr. Hale continued by informing the LGAC that the EPA solid waste program did not receive stimulus funding; however, one area eligible for the Department of Energy's Energy Efficiency

and Conservation Block Grant program is material conservation programs including source reduction, recycling, and recycled content procurement programs that has a goal to increase energy efficiency. This demonstrates that materials management is an important piece of the energy efficiency and greenhouse gas equation, and presents an opportunity for state and local governments to find sources of money for their waste reduction efforts.

Mr. Hale concluded by saying that he appreciates all feedback on the recycling video. EPA also hopes to make this a portal to waste reduction resources available on the EPA Web site.

Discussion

- **Mr. Ken Fallows** commented on the importance of emphasizing source reduction. Mr. Hale agreed that source reduction is the preferable approach on the waste reduction hierarchy and an area of focus for EPA. He cited EPA's work with the Sustainable Packaging Coalition to reduce packaging, with Wal-Mart, and on EPEAT, a tool for purchasing electronic equipment with environmental attributes such as manufacturer take-back programs. This is part of a broader theme of product stewardship at EPA.
- **Mr. Elam Herr** raised the issue of weak markets for recycled materials and inquired whether EPA is researching how to increase the percentage of recycled content in products. Mr. Hale said this is a critical area exacerbated today by the economic downturn. EPA is depending largely on private sources for this research, but there is a lot of interest in this area. EPA is focusing on improving the federal government's adherence to the requirement to buy recycled because of the huge market power of the federal government. EPA is also working with manufacturers and associations on building a market for polypropylene, which is very recyclable if a market exists.

XI. Public Comment

A. Robert Weaver, Kelly & Weaver P.C.: National Clean Water Trust Fund

During the public comment segment of the meeting, Chair Roy Prescott asked for presenters from the public to come forward who would like to address the Committee. Chair Prescott acknowledged Mr. Robert Weaver of Kelly & Weaver P.C. who presented comments on the potential development of a National Clean Water Trust Fund. Mr. Weaver said that Congressman James Oberstar has committed to introducing a bill in Congress establishing a National Clean Water Trust Fund. Congressman Oberstar has requested a report by the Government Accountability Office (GAO) on options for dedicated revenue to support the fund, which would support the construction of wastewater facilities. The United States has a need for \$550 billion for national wastewater infrastructure construction; however, there is a \$22 billion gap in money available for water and wastewater infrastructure. Mr. Weaver said that local governments are raising rates at six percent above the rate of inflation annually, yet the needs continue to soar. Additionally, the EPA is considering a petition to add nutrient removal to the basic secondary water treatment process, which would be a huge additional cost to wastewater utilities.

Mr. Weaver continued that the principles behind a dedicated revenue source are that national sources of capital are needed to reflect a national commitment to clean water. The criteria for a National Clean Water Trust Fund are that it would be long-term, sustainable, fair and reliable, low rate, and broad based, with the sources of revenue collected efficiently. Potential fees to support the fund include a fee on flushable products (e.g. toilet paper), a tax on industrial discharges, a tax on bottled beverages other than juice or milk, or a fee on inputs to wastewater treatment. A tax on toilet paper would yield \$4 million annually. Mr. Weaver concluded by saying that it is important that local governments propose examples of viable revenue sources because otherwise they may bear the cost burden.

Discussion

- **Councilman Bruce Tobey** questioned whether a consensus had emerged on best revenue options. Mr. Weaver said that the GAO report will provide a thorough analysis of these options.
- **Commissioner Kathleen Jimino** said that the tax on pesticides is a concern because small farmers are barely surviving and this is not an industry that can absorb additional costs. Mr. Weaver concurred and expressed that he is in favor of a broad tax on a product sold across the economy (i.e. toilet paper).

B. Bridget O'Grady, Association of State Drinking Water Administrators

At the close of the public comment period, Chair Roy Prescott acknowledged Ms. Bridget O'Grady with the Association of State Drinking Water Administrators. She thanked the LGAC for allowing her to attend the meeting and did not have any comments for the LGAC.

XII. Subcommittee on Small Communities (SCAS)

A. Robert Stewart, Executive Director, Rural Community Assistance Partnership (RCAP)

SCAS Chair Steve Jenkins next introduced Mr. Robert Stewart, Executive Director of the Rural Community Assistance Partnership (RCAP), an organization with the mission of improving the quality of life of rural communities. Mr. Stewart provided a background on RCAP, explaining that the RCAP network is comprised of six regional organizations around the country, each with a different name. All of the organizations in the network focus on water and wastewater, while some also provide assistance to rural communities in housing, tribal lands, and financing mechanisms. RCAP focuses on public health, environmental protection and safety, and economic vitality in small communities.

Mr. Stewart explained that RCAP began in the 1960s when community action agencies realized that they could not handle all the community problems by working directly with families. RCAP provides onsite technical assistance related to water and wastewater needs; trains community

managers and boards; and assists rural communities in accessing funding. RCAP receives funding from the Department of Health and Human Services/Office of Community Services, U.S. Department of Agriculture (USDA) Rural Development, and the EPA for regulatory compliance issues. Mr. Stewart stated that the majority of community water systems in this country are small systems, and these have the greatest costs per connection because of distances and lower economies of scale. These systems have high investment and operating costs, and they also encompass up to 90 percent of violations.

In regards to process, communities are generally referred to RCAP by state agencies or local officials. RCAP visits the community, then prioritizes the community's needs and works collaboratively with the community to develop an action plan. RCAP reports outputs and outcomes to the funding agencies. Mr. Stewart presented several case studies of RCAP assistance in various communities. He closed by saying that RCAP has a quarterly magazine called *Rural Matters* that LGAC members should consider subscribing to, and also an e-bulletin that is distributed every few weeks.

Discussion

Following the presentation, Mr. Stewart provided the following additional information in response to questions and comments.

- There is no cost to the communities to receive RCAP assistance. Larger communities that can afford to pay for certain aspects of the work might do this. RCAP generally provides service to lower income, smaller communities. RCAP will also work with the special districts or water districts.
- RCAP also provides advocacy on Capitol Hill and asks communities that receive assistance to write their congressional members if they like RCAP's work.
- LGAC members can get contact information for RCAP from the literature Mr. Stewart provided and can also e-mail Mr. Stewart at <rsteward@rcap.org>. Mr. Stewart said that RCAP has a stronger presence in some states and weaker in others, but generally does not have enough people to meet demand.
- **Mr. Ken Fallows** thanked Mr. Stewart for attending the meeting and commented that small towns were once the fabric of America and it is important to expand work in this area.

B. Discussion of Economic Stimulus Impact on Small Communities

SCAS Chair Steve Jenkins continued the workgroup meeting by opening a discussion on the best way for small towns to access stimulus funding. **Mayor Jerry Johnston** commented that a problem is that many small towns do not have the time or interest to attend forums at which they might learn what resources are available. **Mr. Ken Fallows** said that the National Association of

Regional Councils has been a great resource and recommended that other small communities join. Other comments included:

- The ‘Buy American’ requirement for Stimulus funds is going to be a problem for small communities.
- Small communities may be left out of the stimulus funding because they do not have the necessary administrative capacity or shovel-ready projects.
- **Mr. Fallows** indicated that his community has used the water and wastewater planning requirement of the Clean Water Act as a tool; other communities might consider this as well.
- RCAP has been working to educate small communities on opportunities to obtain stimulus money.
- Mr. Jack Bowles of EPA said that if communities would like the name of contacts at EPA on the stimulus, the LGAC staff can provide these.

C. Small Communities Report

At the close of the SCAS meeting, the workgroup commented that the Small Communities Report is excellent and commended Javier Araujo and others at EPA for their work on this project. The draft report is provided in the meeting binder.

XIII. *Military Workgroup—Report by Ray Clark, Ray Clark Group and Former Deputy Assistant Secretary of the Army*

Before the next workgroup meetings, Ray Clark, Former Deputy Assistant Secretary of the Army, provided the LGAC with a brief overview of his background and pursuits related to the military and environmental/local issues. A pioneer in efforts to privatize the environmental remediation of Army bases, Mr. Clark said that traditionally, the military has walked away from the clean up of its sites. There is an effort now to transfer parcels to new owners as quickly as possible. To make this work and turn these sites into assets, it is important for local leadership to be involved at a much more intense level than in the past, and to be aggressive in stating the need if necessary.

XIV. *Green Buildings Workgroup*

A. Corey Buffo, EPA Office of Environmental Innovation

Commissioner Peggy Beltrone and Mr. Ivan Fende, Co-Chairs of the Green Buildings Workgroup, convened the workgroup session by introducing Corey Buffo to provide an update on EPA’s green building activities. Mr. Buffo said EPA is shifting from looking at new buildings and homes to existing buildings. In addition, EPA is developing a tutorial to help homeowners to identify how to green their homes or what questions for potential homebuyers to ask a real estate agent when looking at purchasing a home.

Mr. Buffo continued that the LGAC had voiced to EPA the challenge of reconciling green building with building codes. In response, EPA hosted an excellent workshop on this topic last week that involved code officials, local government officials, architects, and other environmental organizations. The U.S. Green Building Council will take the lead on filling data gaps and developing specifications for code officials to use to approve new technologies. Workshop participants also decided that it would be beneficial to develop an information clearinghouse containing model codes and other resources.

Mr. Buffo said that EPA realized that many small communities do not know where to begin, and the Agency would like to provide opportunities for smaller communities as well as large. It is also apparent that more training is necessary for those who will install green systems; for example, code officials would be more comfortable if they thought that the workers had received more training. Mr. Buffo stated that he hopes the LGAC will continue to guide EPA in the development of these green building tools.

Commissioner Beltrone requested that the workgroup hold questions until all presentations are complete.

B. Julie Rosenberg, Chief, EPA State and Local Branch, Climate Partnership and Protection Division

Ms. Julie Rosenberg is the Branch Chief for EPA's State and Local Climate and Energy Programs in the Climate Protection Partnerships Division within the Office of Air and Radiation. Ms. Rosenberg said her office appreciates staying in touch with the LGAC and receiving feedback to be sure EPA's investments are most useful to communities. Ms. Rosenberg said EPA is trying to consolidate information about various programs that relate to climate change in one place so local governments have a portal for information on GHG reductions that will connect them to other programs and agencies. EPA also would like to provide examples of cost-effective strategies for GHG emissions reductions so that each community does not have to conduct an individual cost-benefit analysis. EPA is also considering feedback that communities are interested in a peer exchange network, and would like to ensure that communities are able to work with proven programs to achieve environmental, economic, and health benefits. Key EPA resources include:

- *Local Government Climate Change Portal Web site (Under Development)*. This site will prompt users with questions to direct them to the most relevant EPA resources.
- *Clean Energy Strategies Guide*. This guide will provide best practice strategies for cost effective GHG reductions within specific sectors or facility types (e.g. energy efficiency in affordable housing, K-12 schools, fleets). Each chapter will be released on the EPA Web site as it is complete, and the guide will provide numerous examples. In addition, EPA is offering a peer exchange webcast each time a chapter of the guide is released, and an archive of the webcasts is available on the EPA Web site.
- The State and Local program offers a listserv about clean energy news and opportunities for local governments, as well as a database of clean energy resources. These resources

are available through the EPA Local Climate and Energy Program Web site at:
<www.epa.gov/cleanenergy/energy-programs/state-and-local/local.html>.

- EPA is offering a new grant program, the Climate Showcase Communities Grant, which offers \$10 million for grants to communities for innovative GHG reduction programs with documented results. When more information is available on this new grant opportunity, this will be announced through the listserve.

Ms. Rosenberg introduced Ms. Leslie Cook to provide an overview of the EnergyStar program offerings for local governments.

C. Leslie Cook, EPA EnergyStar® Program

Ms. Leslie Cook of EPA's Energy Star Program presented information on the Energy Star program. She opened by emphasizing the importance of the work of local governments to the climate issue. She then provided an overview of EnergyStar resources and programs to assist local governments, explaining that EnergyStar offers a program for commercial buildings as well as labeling energy efficient products. This program provides many tools to improve the efficiency of commercial buildings. Key resources include:

- *Guidelines for Energy Management*: A guide to energy management that approaches energy in a holistic manner.
- *EnergyStar Challenge*: A challenge to help local governments reach out to building owners and managers in your community. The EnergyStar Challenge Web site <www.energystar.gov/challenge> provides information on the Louisville, Kentucky, Kilowatt Crackdown launched through the Challenge.
- *Case Studies*: Profiles of actions communities and private sector entities are taking to tackle climate issues.
- *Calculators* to help decision makers calculate return on investment.
- *Online Trainings*: EnergyStar offers webcasts on how to leverage the program in your community.
- *Portfolio Manager*: A tool for benchmarking that allows users to identify their largest energy-using facilities and prioritize investments. EPA is recommending that local governments use the Portfolio Manager to inform the use of stimulus funding. The resource is available at <www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager>.

Ms. Cook's PowerPoint presentation provides links to each of these resources. Ms. Rosenberg closed by saying that the *National Action Plan for Energy Efficiency* provides a platform for advising EPA and the Department of Energy (DOE) on tools that are needed for energy

efficiency. The Green Power Partnership is another program local governments should access that supports organizations in purchasing green energy. The appropriate contacts for all EPA energy-related programs are provided in the PowerPoint presentation.

Commissioner Peggy Beltrone opened session up to questions.

Discussion

- **Ms. Laura Fiffick** suggested that one tool that would be helpful for local governments is a map that would identify cities that have conducted an emissions inventory or similar initiative, with a link to their Web site. It would be helpful to be able to sort by size of the city.
- **Commissioner Kathleen Jimino** agreed and expressed interest in a listing by state that highlights what communities are doing on the energy/climate front. She stated that many communities need simple ideas on how they can get started. Another resource that would be helpful is a calculator that would allow local governments to quantify the environmental benefits of specific initiatives, such as planting a tree.
- **Commissioner Peggy Beltrone** inquired as to whether there is a curriculum for community colleges to offer a course on the EnergyStar Portfolio Manager system. Ms. Cook said EPA has received this request before and has training materials available, as well as strong relationships with community college organizations. Ms. Rosenberg added that the Clean Energy/Green Jobs Workforce Development Committee is working across government agencies to help people use these tools.
- **Mr. John Muller** cautioned that EPA must be careful about using too much internet technology, because some communities do not even have dial-up intranet connections.
- **Mr. Jim Gitz** suggested that a member of the EPA team should concentrate on outreach to elected officials.

Following this discussion, Commissioner Beltrone resumed the general Green Building Workgroup session by introducing a discussion on the scope of the workgroup. Commissioner Beltrone and Mr. Fende stated that the workgroup's focus on green buildings seems narrow today considering the scope of EPA's current energy-related initiatives. They proposed expanding the scope to energy efficiency and renewable energy. Commissioner Jimino motioned to propose this to the broader LGAC committee, and Ms. Melanie Worley seconded the motion.

(Ms. Beltrone adjourned the meeting at 4:50.)

Wednesday, March 25, 2009

LGAC Plenary

(8:30 a.m.)

Chair Roy Prescott opened the LGAC Plenary session on Wednesday by recognizing Ms. Fran Eargle, Designated Federal Officer (DFO), for all of her hard work in supporting the committee.

Mr. Prescott then turned the floor over to Commissioner Peggy Beltrone to introduce a motion on behalf of the Green Buildings Workgroup. She stated the Green Buildings Workgroup would like to re-examine the workgroup's mission in light of the measures EPA is taking in energy efficiency, climate issues, and renewable energy. Commissioner Beltrone presented a motion to expand the scope of the workgroup to include energy efficiency—which includes green buildings—as well as renewable energy. Mr. Elam Herr seconded the motion, and the motion carried.

XV. Water Workgroup

In opening the meeting of the Water Workgroup, Chair Paula Hertwig Hopkins invited Mr. Ken Fallows to introduce Ms. Shannon Menard, Co-Chair of the Environmental Committee of the National Association of Regional Councils (NARC).

A. Shannon Menard, Co-Chair, Environmental Committee, National Association of Regional Councils (NARC)

Mr. Ken Fallows, a Co-Chair of NARC's Environmental Committee, introduced Shannon Menard to provide an overview of NARC's program for green infrastructure and related initiatives. Mr. Fallows stated that NARC will be glad to know that LGAC is considering a resolution to support a Clean Water Trust Fund, which the organization has been working toward for many years.

Ms. Menard opened by thanking the LGAC for inviting NARC to participate and informing the workgroup that Ms. Naomi Friedman, Deputy Director of NARC, is also in attendance. NARC represents regional councils and metropolitan planning associations across the country, focusing on transportation, economic development, homeland security, and the environment. Ms. Menard said that the environment is becoming an increasingly important focus area.

B. Naomi Friedman, Deputy Director, National Association of Regional Councils (NARC)

Ms. Friedman opened by providing the workgroup with information on a NARC project on green infrastructure funded by the U.S. Department of Agriculture (USDA). Through the project, NARC is trying to build the leadership of the regions in implementing green infrastructure plans and programs. Ms. Friedman said that many communities do not know what green infrastructure is or how it can reduce the burden on a community's traditional infrastructure. NARC has also developed a program called Regional Centers of Excellence to build the leadership of regional councils in building green infrastructure. Through the program, regional bodies can mentor other regional bodies in developing green infrastructure.

Ms. Friedman explained that NARC has received USDA funding to distribute as grants; if a metropolitan region or council of governments would like more information on this, the grant application is posted on the NARC Web site. NARC is also pursuing initiatives on climate change and energy as well as green jobs, and would be interested in the LGAC's feedback on

these initiatives. NARC's Web site is <www.narc.org>, while information on the Green Regions campaign—which provides best practices, innovative approaches, and information on legislative activity related to green infrastructure—is at the campaign Web site <www.GreenRegions.org>.

Discussion

In response to comments, Ms. Menard and Ms. Friedman provided the following information:

- There are approximately 520 regional councils and 325 metropolitan planning commissions; these can be excellent engines for local governments.
- NARC has been working extensively with Mr. Bob Weaver on the National Clean Water Trust Fund and hopes to identify a sustainable revenue stream. NARC would be interested in engaging with the LGAC on this issue. **Mr. John Bernal** said that the letter the Water Workgroup sent to the EPA Administrator also encouraged the study of a National Clean Water Trust Fund. Ms. Hertwig Hopkins has provided workgroup members with a copy of a draft resolution urging support for a fund.
- Energy security refers to whether communities have the capacity to supply adequate power to existing and new growth. Some communities have analyzed water security, but not energy security as commonly. NARC is in the beginning stages of examining this topic and it will continue to evolve over time.

In closing, Mr. Fallows recognized that two other LGAC members are also active members of NARC: Barbara Sheen Todd and Penelope Gross. Shannon Menard provided her email address: <shannon@narc.org>.

C. ECOS Meeting Report Out: Economic Stimulus/Water Infrastructure Provisions

**Mike Linder, ECOS President/LGAC Member and
Steve Brown, Executive Director, ECOS**

Ms. Paula Hertwig Hopkins next introduced Mr. Mike Linder, an LGAC member and the current president of ECOS. Mr. Linder opened by introducing Mr. Steve Brown, the Executive Director of ECOS, who spoke on water issues that were discussed during the ECOS meeting. ECOS is involved with an issue in Congress related to clarifying the definition of “*waters of the U.S.*” in the Clean Water Act. The lack of clarification is impacting the ability of state governments, local governments, and individuals to get 404 wetland permits; therefore, there is an ongoing effort to clarify this definition.

A second legislative action ECOS is monitoring is the reauthorization and potential additional stimulus money for state revolving funds (SRFs). The funding for SRF's will likely increase, and Capitol Hill is focusing on trying to ensure that small communities are not left out. Finally, in January the Supreme Court reversed a long-standing EPA policy regarding wastewater National

Pollutant Discharge Elimination System (NPDES) permits for pesticide application on or near water. As of April 17, 2009, individuals who are applying pesticides to ponds in their backyard and communities that are doing mosquito control may be required to have a NPDES permit.

Mr. Elam Herr noted that within this timeframe, applicators will not be able to comply with this ruling. Mr. Herr proposed a motion that EPA ask for a stay on the ruling, and Mr. Ivan Fende seconded the motion. Mr. Jim Gitz voiced dissension in weighing in on this issue because the LGAC is not very knowledgeable about it (and no time to research further), the states are already very engaged, and the issue will probably resolve itself quickly. After discussion, the workgroup voted on the motion to recommend that the LGAC draft a letter to EPA to request a stay of the court, and the motion carried.

Mr. Mike Linder continued by saying that there will be extensive oversight of the stimulus funding and this is going to put a burden on communities.

Mr. Jerry Griffin said that this is a serious issue and he thinks a letter to EPA on this would be appropriate.

Ms. Hertwig Hopkins suggested offering LGAC's services in developing a tool kit that local governments can use when they accept stimulus money. She motioned to draft a letter to offer assistance or support as EPA goes forward in addressing the compliance and audit issues related to stimulus money, and the motion carried.

D. Innovative Approaches to Address Stormwater: Barbara Sheen Todd, LGAC Member

Ms. Hertwig Hopkins transitioned to the next item on the agenda, introducing LGAC member Barbara Sheen Todd to present an example of what local governments can do to address the issues of non-point source pollution. Ms. Sheen Todd presented on the Tampa Bay Region Model Ordinance for non-agricultural regional fertilizer application.

Ms. Sheen Todd opened by saying that in the Tampa Bay area, people understand that problems with nutrients in stormwater are not all caused by farms, but also by homeowners. Nitrogen is a major pollutant of concern in Tampa Bay, with residential runoff accounting for 20 percent of the nitrogen load. Several communities have passed local fertilizer laws, and a statewide law was proposed; however, local governments did not want state regulation.

The Tampa Bay Estuary Program (TBEP) facilitated four workshops among groups that generally oppose each another—lawn care companies, environmental organizations, local governments, and scientists—to devise a consensus-based approach to addressing the issue. Workshop participants devised a Regional Model Ordinance that was endorsed by the TBEP Policy Board in November 2008. Key elements of the ordinance include:

- Non-agricultural fertilizer containing nitrogen should not be applied from the June through September rainy season.

- Fertilizer should not be applied within 10 feet of a waterway or wetland.
- A six foot “no mow” zone adjacent to waterways using ground covers should be encouraged.
- Site supervisors of lawn care companies will be trained and licensed.
- Point-of-sale nitrogen fertilizer is restricted during the rainy season.

The program will save local governments an estimated \$2.4 – \$12.1 million in deferred compliance and nitrogen removal costs. Ms. Sheen Todd distributed a copy of the model ordinance to workgroup members and provided the Tampa Bay Estuary Program Web site for more information: <<http://www.tbep.tech.org>>.

Discussion

- **Mr. Jimmy Kemp** and **Mr. Ken Fallows** stated that non-point source pollution is a growing problem and this program seems like an excellent initiative to address the issue.

E. Green Infrastructure Discussion

Ms. Hertwig Hopkins initiated a discussion of green infrastructure, inviting **Mr. Andrew Crossland, EPA Office of Water** to participate to explain more about green infrastructure. Mr. Crossland said the LGAC heard more yesterday about the “green reserve,” which refers to the 20 percent of the stimulus funding for SRFs that should be applied to green projects. Mr. Crossland explained that there are two approaches to determining if a project meets this definition. The first is reviewing the categorical listing in the appendix of the guidance, and the second is determining through an established business case that the project should qualify for green reserve funding.

Mr. Crossland also said that EPA now has funding available to promote the water video that the LGAC developed, as well as other tools for local governments. EPA is working with a marketing contractor and is interested in feedback from local officials on how the Agency can best promote these resources to local governments. Mr. Crossland asked if members of the LGAC would be interested in participating in conference calls on this topic. Ms. Worley, Mr. Tobey, Mr. Fallows, Ms. Jimino, and Ms. Hertwig Hopkins will participate.

F. National Clean Water Trust Fund Draft Resolution

Ms. Hertwig Hopkins called on Mr. John Bernal to continue the discussion on the National Clean Water Trust Fund. Mr. Bernal said that the LGAC sent a letter to the former EPA Administrator on January 15, 2009, thanking him for his service and letting him know that there is further study ongoing on the Clean Water Trust Fund through GAO. Mr. Bernal asked the workgroup to give consideration to the distributed draft resolution, saying that the workgroup should present a recommendation on the resolution at the next meeting. Mr. Ken Fallows recommended that the name be change to “National Water Trust Fund” to ensure that it also encompasses wastewater treatment.

The workgroup discussed sending another letter to EPA stressing the need for a dedicated funding source and specifying that small communities should receive a certain percentage of the funding. Mr. Fallows moved that the workgroup discuss a letter advocating for a National Water Trust Fund with set-asides for small communities with the broader LGAC; Mr. Bernal seconded the motion, and the motion carried.

Ms. Hertwig Hopkins then initiated a discussion of the definition of sustainability and which best practices fall under this, inquiring whether the LGAC should consider developing a set of sustainability best practices that can be shared with local officials.

XVI. Full Committee—Business Meeting: Reports and Recommendations

Chair Roy Prescott resumed the LGAC plenary with a discussion of the next meeting date and location. Mr. Jimmy Kemp offered to host the meeting in Mississippi on the tentative date of September 3, 2009. Mr. Jack Bowles with EPA said the meeting might need to take place next fiscal year because this was the second full LGAC meeting this year. Chair Prescott said the LGAC would plan to meet sometime in the fall.

A. LGAC Stationery—Javier Araujo, EPA

Mr. Javier Araujo coordinated the design of two options for LGAC stationary, provided in section 7 of the meeting binder. Mr. Araujo solicited feedback on the options. The consensus was to select the option with the names of all the LGAC members and to make the logo and header larger. There was also a comment to review the alphabetical order of members' names, as well as how members would like their town name presented. There was a motion to accept this stationary and the motion carried.

Ms. Fran Eargle opened a brief discussion of the transition at the EPA and potential impacts on the LGAC. Ms. Eargle stated that all FACA offices are under review, as generally occurs during a change of administration. The new administration has two priorities for the FACAs, which are 1) to make FACAs transparent in their processes and work products, and 2) to make the committees more diverse so they represent all interests in America. The White House will be evaluating the LGAC against these criteria. In addition, legislation that would increase the administrative burdens on FACAs has been introduced.

Mr. Chuck Hafter motioned to send a thank you letter to the Administrator for withdrawing the Water Permit Fee Incentive Rule. The motion was seconded and carried. Mr. Hafter will coordinate drafting the letter.

B. Subcommittee and Workgroup Reports

Workgroup chairs provided the following reports on action items that emerged from their workgroup sessions.

1) Subcommittee on Small Communities (SCAS)

The SCAS addressed how small communities can receive part of the stimulus funding. The workgroup discussed developing a report card for the Administrator on how effectively the stimulus money is distributed by states to small communities.

2) Regulatory Workgroup

Mr. Tobey stated that the Regulatory workgroup prepared a letter to send to the Administrator on Executive Order 12866, which sets standards on how federal agencies develop and revise rules with a focus on transparency and interaction with impacted bodies. The workgroup does not have any actions pending and will be considering other issues with which they would like to get involved.

3) Solid Waste and Reclamation Workgroup

The Solid Waste and Reclamation Workgroup discussed stimulus funding for brownfields redevelopment, with no action at this time but consideration of a potential action in the future. Additionally, Chair Jim Gitz relayed that the workgroup entertained further discussion on the draft recycling DVD and will incorporate feedback. Mr. Gitz motioned that the LGAC empower the workgroup to work with EPA and other organizations to complete the DVD and develop a plan for distribution. The motion carried. Mr. Gitz made a second motion to revise the letter on pharmaceuticals for possible conveyance to the new EPA Administrator, stressing “possible” because he believes there is more work to be done on this issue. The motion carried.

4) Watersheds and Coastlines Workgroup (WAC)

As a result of discussion during the Watersheds and Coastlines Workgroup, Mr. Ivan Fende motioned that a subgroup be formed to focus on better cooperation among different levels of government and the inclusion of small communities in the Great Lakes region. The motion carried with the following text:

The GLWS shall perform the following Tasks:

- 1) Review and make recommendations on the equitable use and distribution of America Recovery & Reinvestment Act (ARRA) funds to small communities and rural areas in the Great Lakes region for stimulus funds related to Great Lakes water quality, water use, coastline regulation and environmental activities directly related to the ecology of the Great Lakes

- a. Review and make recommendations on small community & rural participation in the intergovernmental cooperation between federal agencies & state and local governments in the Great Lakes region regarding Great Lakes water quality, watersheds and coastline control.
 - b. Report to WAC on “Best Practices” in the Great Lakes region for environmental collaboration on water quality and other water-related issues that may be useful to other regions facing similar issues.
- 2) The GLWS shall be comprised of six members for the general area of the Great Lakes: Ivan Fende (Michigan), Ken Fallows (Ohio), Randy Johnson (Minnesota), Kathleen Jimino (New York), Elam Herr (Pennsylvania), Jim Gitz (Wisconsin). Ivan Fende is hereby designated as Chairman.
 - 3) The GLWS shall have a maximum life span of one (1) year, unless specifically extended by the Water & Coastlines Workgroup. Further, the GLWS shall periodically report to the WAC and LGAC on the status of its tasks. At the discretion of the Designated Federal Officer (DFO) of the LGAC, GLWS shall have reasonable access to USEPA Staff resources.

A discussion followed on the status of the condition of our country’s watersheds and the number of impaired waters in the United States. Ms. Barbara Sheen Todd said that the workgroup might contact the National Estuary Program to see whether the program has a status report on the condition of our nation’s watersheds.

5) Energy Efficiency and Renewable Energy Workgroup

Earlier in the meeting, the scope and name of this workgroup was changed from the Green Buildings Workgroup to the Energy Efficiency and Renewable Energy Workgroup to reflect the current broader area of focus at EPA. The workgroup does not currently have any actions pending.

6) Military Workgroup

The Military Workgroup is developing a recommendation to the EPA Administrator regarding communications with the Department of Defense (DOD) on the clean up of formerly used defense sites (FUDs). This letter will be truncated from the current draft and circulated to the entire LGAC for comment. The letter will address enhancing communication between EPA, DOD, and local governments; improving the process for addressing FUDs; and identifying the benefits and costs to local governments of accepting real property from DOD. The workgroup is also developing a tool kit to identify the positives and negatives to a local government of accepting DOD property. The workgroup’s next step is the finalization of the tool kit. Chair John Duffy motioned that the workgroup be authorized to move forward with finalizing the letter to the Administrator and tool kit. The motion carried.

7) Climate and Indicators Workgroup

The Climate and Indicators Workgroup proposed to revise a letter sent to EPA one year ago on EPA's Strategic Plan Change Document considering that there is a new Administrator with new priorities. Chair Duffy motioned that the LGAC empower the workgroup to revise this letter, and the motion carried. The workgroup also discussed EPA's proposed Mandatory GHG Reporting Rule, which will likely be reworked, as well as the GHG Advanced Notice of Proposed Rulemaking (ANPR). Mr. Duffy motioned that the workgroup be empowered to prepare a letter to the Administrator on these proposed rules, and the motion carried.

8) Water Workgroup

The Water Workgroup motioned to send a letter to the Administrator in support of a stay of the Supreme Court order requiring a wastewater National Pollutant Discharge Elimination System (NPDES) permit for pesticide application on our near water. The motion carried. The workgroup also motioned to draft a letter offering the LGAC's assistance in helping local governments implement and comply with the requirements of stimulus funding. Mr. Mike Linder proposed that the letter suggest two-way communication to help communities understand the requirements and also help EPA communicate with communities. The motion carried. Finally, the workgroup discussed the formation of a Water Trust Fund and proposed discussing a potential letter to EPA on a Water Trust Fund, including a set aside for small communities, at the next LGAC meeting. The motion carried.

Mr. Andy Crossland of EPA attended the workgroup meeting and requested the assistance of several LGAC members to provide feedback on how EPA can better market resources to local governments. Ms. Fran Eargle qualified that the water DVD is one tool that can be promoted to local governments; if the LGAC would like this DVD to be included in the tools marketed to local governments in this project, the committee should make this known for the record. Chair Roy Prescott called for consensus on this, and the committee agreed.

C. General Business

Chair Prescott raised the discussion of the concept of sustainability, and Ms. Hertwig Hopkins clarified that she is not proposing forming an additional committee, only viewing the work of the LGAC through the lens of sustainability. She also stated that the LGAC may want to consider a report on case studies of local government on sustainability. Chair Roy Prescott asked Paula Hertwig Hopkins and Mr. Jim Gitz to take the lead in that endeavor and report back to the LGAC. Mr. Jim Gitz echoed that some workgroups might be collapsed under the concept of sustainability.

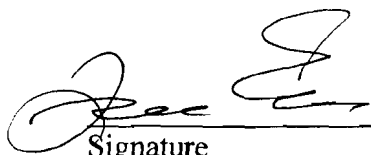
Chair Prescott raised the issue of continuity of the LGAC membership, stating that half of the LGAC members are up for reappointment in May. Mr. Prescott plans to have a discussion with the EPA Administrator to express his personal opinion that the LGAC should be structured for continuity so the committee does not lose a significant percentage of the membership in one year.

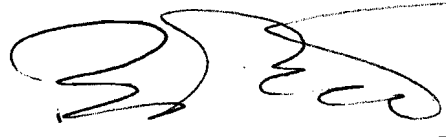
Mr. Prescott thanked Jack Bowles and the entire EPA staff for their tremendous support of the LGAC.

(The meeting adjourned at 12:30 p.m.)

We hereby certify that, to the best of our knowledge, the foregoing Meeting Summary is accurate and complete.

Submitted by:


Signature _____ Date 5/2/09
Frances Eargle, EPA DFO


Signature _____ Date 5/23/09
Roy Prescott, Chair, LGAC