

U.S. Environmental Protection Agency Local Government Advisory Committee (LGAC)

(DRAFT) Meeting Summary

July 14-15, 2011
Ralph Metcalfe Federal Building
77 West Jackson Boulevard
Chicago, Illinois

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

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

July 14-15, 2011

Meeting Summary

I. *Welcome and Introductions*

Mayor Heather McTeer Hudson, LGAC Chairwoman, called the meeting to order at 1:00 p.m. (CT) and welcomed the members of the Local Government Advisory Committee (LGAC) and members of the public. She expressed her appreciation for the work of the Members with the LGAC and in their own communities- especially during the severe weather events of the previous year. Chairwoman McTeer Hudson stated the purpose of the face-to-face meeting was to review and take action on recommendations for the Administrator, have follow up discussions on LGAC Workgroup and Subcommittee deliberations and bring to light any issues for future consideration.

Mayor Bob Dixon, LGAC Vice Chairman, also shared how proud he is of the Committee members for their efforts in making the world a better place for everyone to live and work. The fellowship of the members is sometimes as important as the work done. The work is only possible by each member reaching out to others and sharing their experience. He expressed that it is an honor and a pleasure for him to serve on the Full Committee and workgroups.

Ms. Sarah Hospodor-Pallone, Deputy Associate Administrator, EPA's Intergovernmental Relations, thanked the Committee for coming to Chicago and all of the work of the Committee. She reminded the Committee that the Administrator considers their work to be a critical element in carrying out the EPA's mission. She also recognized the two members that were unable to attend due to illnesses. She also applauded the workgroups earlier discussion and considered it a great success.

Mr. Walt Kovalik, Assistant Regional Administrator for EPA Region 5, welcomed the Committee to Chicago and passed along the Regional Administrator's regrets at not being able to attend the meeting. EPA Region 5 is very proud of its relationship with local governments. In the presentation on the Enbridge Oil Spill disaster, one of the largest inland oil spills in U.S. History, local governments input was critical. Building capacity and working on joint efforts are two of his Region's top priorities. There is also a focus on diesel emissions. This is especially significant in the Midwest due to the amount of trucking traffic coming through Chicago. Combined sewer overflow is the major water concern for the Great Lakes region. Region 5 also has the largest number of Superfund sites and much progress has been achieved in making them ready for redevelopment. Mr. Kovalik gave the Committee an overview of Daniel Burnham's 1902 plan for the city of Chicago and how that has been fulfilled.

II. *LGAC Order of Business*

A quorum was established by way of a roll call and the meeting minutes of the April 6th teleconference were briefly reviewed. A motion to accept the Meeting Minutes was made by Supervisor Salud Carbajal; seconded by Commissioner Cope and carried.

III. *LGAC Workgroup Reports and Discussion*

Chairwoman McTeer Hudson opened the floor for the LGAC workgroups to report out.

A. Subcommittee on Small Communities (SCAS)

Mayor Bob Dixon, Chair of SCAS, discussed presentations the SCAS had on the EPA, HUD, DOT and USDA Partnership for Sustainable Communities. He pointed out that this initiative is not just of interest to small communities but one in which every community should be involved. The SCAS recommendation letter to Administrator Lisa P. Jackson contains three major bullet points (to be voted later in the meeting). SCAS focused on the issue of economic competitiveness in rural America. SCAS clearly articulates that what works in one area of the country may not work at all in another. This is an exciting time in history given the tremendous impact that can be made in shaping the future of the world.

B. Gulf Coast Restoration Workgroup

Mayor Randy Roach, Chair, reported on the four Charge issues given in the Charge by the Administrator (in her role as Chair of the Gulf Coast Ecosystem Restoration Task Force (GCERTF) reporting to the President on this issue October 5, 2011). The four areas are: community resilience, habitat, water quality, and living marine resources followed by five questions. Bryon Griffith, Deputy Executive Director of the GCERTF, participated via phone and showed appreciation for the workgroup's April 21 report, which the Administrator shared with the GCERTF.

In response to the first question, "Are these the right goals?" The Workgroup responded, "Yes", provided that each goal includes, as part of its focus, the socioeconomic impact of the policies and programs that are necessary to accomplish those goals. It is absolutely necessary to remember that the Gulf Coast restoration effort is all about the 'people' of the Gulf. Mother Nature can rebuild the ecosystem (on her own). The recovery effort is to make sure the region is sustainable and will continue to be a place where people can live and work.

Other responses to the Charge questions included the recommendation that new programs, policies, rules and regulations should be developed to successfully accomplish the objectives of the four goals. Experience has shown that the current processes in place are not at all suitable to handle ecosystem restoration projects in a timely and efficient manner.

Chairman Roach also asked for a motion to include an amendment to the response to the Charge to include non-governmental organizations as an incredible resource in dealing with certain aspects of restoration. Mayor Ortiz moved the motion and Commissioner Tiberi seconded. The vote was held in abeyance until all of the members were present.

C. Protecting America's Waters Workgroup

Representative Chris Ross, Chair, reported that the group had a short discussion on hydraulic fracturing (fracking) in natural gas extraction, an area of much interest with many recent developments having taken place. There is also potential for meaningful interactions between this workgroup and the Air, Climate, and Energy workgroup (possibly at the next meeting).

The workgroup shifted focus to discuss the EPA's Proposed Stormwater Rule. The workgroup also heard a presentation by Ms. Ellen Gilinsky, Senior Policy Advisor for EPA's Office of Water. Ms. Gilinsky clarified that the proposed stormwater rule applies only to the volume of stormwater flow, not the quality of it. A discussion followed on the advantages of regulation, techniques already in use by certain communities, and what the challenges will be as the EPA works on the implementation. The workgroup discussed the use of incentives, such as credits, alternative development tools, etc., to phase in new regulations without creating an undue burden on communities, as well as providing best management practice (BMP) guidance to prevent communities from making costly initial mistakes. Members also expressed concern that the new regulations would discourage development in some communities due to the higher industry costs. Many workgroup members shared a common anxiety that this would come down to an unfunded mandate, and Ms. Gilinsky noted that EPA is currently conducting a cost-analysis of the proposed rule to give localities a clearer sense of the cost. The workgroup also expressed the importance of outreach for this rule in order to clear misconceptions and create a positive environment around the rule, which could potentially increase compliance.

Representative Ross pointed out that many localities have existing municipal regulations that achieve similar goals. Representative Ross identified three major hurdles in implementing new stormwater regulations: 1) availability of the technology and expertise in affected localities; 2) cost issues; and 3) the potential to slow development and put a brake on economic recovery in local communities.

Mayor Carolyn Peterson pointed out that the size of a community or site is not an effective parameter, as small areas can have enormous impacts downstream. Mayor Lisa Wong suggested leveraging existing brownfields and superfund sites. Citing concerns about slowing development in affected communities, members suggested utilizing BMPs and incentives, rather than a regulation, to spur these goals.

The workgroup will reconsider an earlier prepared draft letter to the Administrator in order to begin incorporating new information garnered from the meeting. The new letter will be distributed to the Full Committee with a request for feedback.

D. Expanding the Conversations: Environmental Justice Workgroup

Mayor Lisa Wong, Chairwoman, gave her reasons for the necessity of LGAC to consider environmental justice (EJ), an issue she feels should always be a primary consideration in the work being done by the other workgroups as it permeates all of those areas. The workgroup's current focus is on looking at environmental justice beyond the definition of equity, income, race, et cetera, to increase its relevancy, efficiency, and accessibility. The National Environmental Justice Action Committee (NEJAC) currently has a plan in draft form called EJ 2014, which is considering environmental justice into the permitting process. This would be the most widespread application of EJ principles to date.

The workgroup felt one of the ways it might be more proactive is to encourage that EJ considerations be included as part of any environmental discussion. One of the most effective means of accomplishing this would be finding ways to integrate it into community engagement. Having an assessment tool to measure EJ relevance, efficiency, and accessibility would be very helpful in this effort. The workgroup will use work of the other workgroups and subcommittee as test cases to determine whether the EJ concerns drawn from them would be useful to communities or the EPA. Simply finding an easy way for citizens to get involved in the discussions will achieve many of the goals of the workgroups in addition to refining the language of the EJ discussion to avoid a crime and punishment jargon.

Mayor Coons suggested looking at existing EPA community engagement toolkits in helping the group to formulate a toolkit for the workgroup.

E. Air, Climate, and Energy Workgroup

Supervisor Salud Carbajal, Chair, recognized the work of Vice-chair Carolyn Peterson and all of the EPA staff that has been so helpful in making sure the workgroup was as effective as they could be. One of key items that the workgroup pushed for in its comment letters to the Administrator is the notion of streamlining the exceptional events process. As it is, the process is too cumbersome, costs too much money, and takes too much time. During the workgroup session, it was decided to include 'agricultural burns and prescribed burns' which will be looked at separately in the future. Once this is incorporated and some minor formatting adjustments are made, the letter will be ready to be sent to the Administrator.

Hydraulic fracturing has been an ongoing issue within the workgroup during previous meetings and, after a discussion with Representative Ross, it was decided that it would be best considered within Protecting America's Waters workgroup as the lead in a collaborative effort between the two workgroups. Vice-chair Carolyn Peterson will act as the liaison between the workgroups.

John Mooney, Chief of the Air Programs Branch for EPA Region V, briefed the workgroup on the environmental impacts of energy production. Four other issues the workgroup will continue to consider: The ozone rule, the mercury rule, the transport rule, and the mobile source rule, especially as it relates to Section 105 grant funding.

IV. *LGAC Motions and Discussion*

After commending the work done by each of the workgroups, Chairwoman McTeer Hudson opened the floor for action items.

A. Subcommittee on Small Communities (SCAS)

Mayor Box Dixson, Chair of SCAS, asked the LGAC to consider the SCAS letter on the Partnership for Sustainable Communities to Administrator Jackson. After one typo was corrected, a motion to approve the letter was made by Mayor Ronald K. Davis, seconded by Representative Chris Ross and carried. Mayor Dixson proposed a discussion on a recommendation to the Administrator that a conference on the issue of small communities (be considered within the context of the E.O. Mayor Marilyn Murrell expanded on the subject by insisting on the importance of reaching out to the public in conjunction with other Agencies, especially as it concerns rural America.

B. Gulf Coast Restoration Workgroup

Mayor Randy Roach, Chair, asked the LGAC to consider an amendment to the response letter to the Gulf Coast Charge that addresses the advantages of utilizing non-governmental organizations in restoration projects. Mayor Hudson renewed the earlier motion, as it had been held in abeyance, and the Committee all responded, 'aye'.

C. Protecting America's Waters Workgroup

No action items at the present time.

D. Expanding the Conversations: Environmental Justice

No action items at the present time. **Mayor Lisa A. Wong, Chair**, asked the LGAC workgroups and subcommittee keep her abreast of the issues they are addressing so they may be used as case studies for the Expanding the Conversation workgroup's toolkit.

E. Air, Climate, and Energy Workgroup

Supervisor Salud Carbajal, Chair, asked the LGAC to consider the two letters to the Administrator with the minor formatting changes and the addition of a future comment on agricultural and prescribed burning. After some discussion about the necessity of having two letters, it was decided that notations would be included on the latter version to reflect that there have been developments subsequent to the issuance of the earlier version, and that the earlier version would be included as an enclosure to the later letter, instead of being sent separately. Mayor Adam Ortiz made a motion to accept the promulgation of the letter, with the earlier draft as an attachment. Mayor Bob Dixson seconded, and the Committee all responded, 'yes'.

V. *Emergency Response Discussion*

Chairwoman McTeer Hudson, LGAC Chair, recognized Mr. Mark Durno, EPA Region 5's Deputy Incident Commander for the Enbridge Oil Spill and the Honorable Bruce Smith, former Mayor of Marshall, Michigan. They were introduced and asked to address the Committee.

Mr. Durno delivered his presentation on EPA's efforts in cleaning up the area impacted by the 2010 oil spill in Calhoun County, Michigan. Enbridge Energy was responsible for 819,000 gallons of crude oil spilling out of a pipeline and into rivers and creeks in the area. EPA had to work rapidly to prevent the oil from reaching down river and eventually into Lake Michigan. The way they accomplished this was by working as a Unified Command comprised of a variety of groups, and Mr. Durno discussed some of the organizational elements involved therein. More than 30 agencies along with many other stakeholders worked together using a Standard Incident Management Model which allowed all parts to function successfully. He emphasized how important the public relations piece was to the recovery, and reaching out to hold daily meetings with the community.

It was an enormous effort made up of 2,500 people during the peak response period. The response focused on stopping the spread of contamination, collecting 29 million gallons of water, removing huge masses of polluted vegetation, and undertaking an immense wildlife recovery project. A great deal of the oil was captured and the ongoing effort has been viewed as very successful. Submerged oil will continue to be a concern for the area.

Former Mayor Bruce Smith gave the Committee an impression of the city of Marshall, Michigan and how it had been impacted by the oil spill. He felt the EPA had done an incredible job of reaching out to the community and keeping everyone informed on what the issues were and how the clean-up effort was coming along.

Mr. Smith went on to describe how Enbridge has addressed the economic distress as a result of the spill, including offers to buy homes within an impact area. From this, Mayor Smith brought up the concern: What if the responsible party in the spill had not been a company as profitable as Enbridge? Who would pay the costs associated with the recovery effort and the lost revenue and property values of the community?

Mr. Durno concluded the presentation with 'lessons learned', including the importance of knowing exactly what resources are available in an area and in what quantity, such as how much boom could be collected from within a certain radius of a disaster site. Mayor Roach proposed an interstate discussion on disaster preparedness as a means of sharing information and experiences that could potentially be very useful. Inevitably there will be future concerns due to aging pipeline infrastructure.

A short documentary video on the clean-up effort was then shown to the Committee.

VI. *Day One Wrap Up and Announcements*

Chairwoman McTeer Hudson expressed her gratitude to Mr. Durno and Mr. Smith for sharing their experiences in dealing with this emergency and offering their insights to the Committee. Ms. Hospodor-Pallone also shared her experience working on the Enbridge spill effort and felt that the key was getting all of the different agencies around one table talking to each other to get everyone working together. Chairwoman McTeer Hudson recessed the meeting at 4:45 p.m. (CT).

July 15, 2011-Day Two

VII. *Call to Order*

Chairwoman McTeer Hudson, LGAC Chair, called the second day of the meeting to order. She opened the floor for the public comment period.

VIII. *Public Comment Period*

No members of the public were present for comments.

IX. *HUD/DOT/EPA Partnership for Sustainable Communities*

Chairwoman McTeer Hudson recognized John Frece, Director, EPA's Office of Sustainable Communities, and asked him to address the Committee.

Mr. Frece thanked the Committee for the opportunity to make a presentation to them and expressed his interest in exploring ways of eliminating hurdles that have been put into laws or statutes by administrative actions over the years. He acknowledged that it does not make much sense from a local perspective. The involvement of EPA in 'smart growth' is due to the commitment of the agency to public health and the environment which is the fundamental premise of EPA's Office of Sustainable Communities. The need is especially imperative as Americans are consuming land at a much faster rate that the population is growing. The White House recently chose six cities around the country with chronic under population and unemployment to address the issues of costly services covering great distances (and are not economically feasible).

As an example of an urban-style sustainable community, Mr. Frece described the growth and land use of Arlington County, Virginia, where 30 percent of the counties tax base is generated by 3 percent of the land mass. He also showed the Committee an example of a rural community with a high-density town center and strictly defined development boundaries. Still, many members representing small rural communities felt that the programs and grant opportunities they have seen are not designed with them in mind. Mr. Frece was well aware of this concern but wanted to stress that this is not just an urban- or suburban-only an idea and his office is working with HUD to make sure upcoming grants reach every population category. The major hurdle in incorporating smart growth principles in small communities are legislative barriers that were put in place either in a different era or without careful consideration to these

issues.

Discussion:

Representative Ross shared some of his experiences in a lower-density municipality and believes that many of these planning tools are very helpful in addressing some of the issues surrounding infrastructure that have troubled smaller communities. **Mayor Coons** spoke about Grand Junction, Colorado's, recently adopted comprehensive growth plan and some of the concerns that arose from such a conservative community, most of which had to do with property rights. **Mayor Roach** suggested federal and state-level incentives for rural communities, in addition to the available grants, to help with the high cost of implementation. **Mr. Adam Ortiz** felt that more federal highway funding should be going to the long-overlooked small to mid-size communities for infrastructure improvements, such as creating or repairing sidewalks, to reinvigorate older towns. **Representative Ross** suggested offering developers an accelerated process if they comply with an area growth plan as a free and highly desirable incentive for getting the kind of results they want for their community. **Mayor Wong** concluded the discussion by describing the challenge her area has seen in getting the commuter rail planned and built according to smart growth principles. Mr. Frece agreed with her sentiment that where we build rail lines, roads, and houses, and the environmental impacts of those decisions, should be thought of as interconnected, which is the whole point of the Partnership for Sustainable Communities. States and developers have been operating for decades as if these issues were unrelated and independent.

Mr. Frece completed his presentation by revealing some of the Partnership's current initiatives, including the Smart Growth Implementation System and the Greening America's Capitals Program. The Partnership has also developed six livability principles which are to be embedded into everything each of the three Agencies develop and used in Boston's Fairmount Line as an example of a regional mini-partnership being really successful. He quickly recapped many of the positive outcomes that the Partnership's principles could achieve and asked the Committee for its assistance in identifying potential barriers for the Agencies to look into.

Mayor Roach suggested adding the Partnership for Sustainable Communities to the LGAC agenda and creating a workgroup to advise the Administrator in matters related to this issue. **Chairwoman McTeer Hudson** expanded the proposal to include the language of the White House Council on Rural Communities. (No motion was made due to the lack of a quorum, but the suggestion was taken under advisement).

X. *Day Two Wrap Up Discussions and Next LGAC Meeting*

Chairwoman McTeer Hudson reminded the chairs of all of the workgroups and subcommittee to keep EJ informed of what their groups were doing, since it relates to every aspect of environmental policy. **Mayor Murrell** would also like to be made aware of upcoming workgroup teleconferences. **Ms. Hospodor-Pallone** agreed to do that as well as distribute the minutes of the conversations to each of the Members. Several members of the Committee also had suggestions for facilitating conversations between the workgroups and the Partnership for Sustainable Communities.

No quorum being present, the Committee was not able to determine a date or location for the next meeting. A decision will be reached via email and a recommendation was made to request to have the Mayor of the host city address the Committee.

For the next steps of the LGAC, **Dr. Gonzalez** suggested having a NEJAC representative make a presentation. **Mayor** Roach would like to see economics addressed as it relates to the issues of the Committee. **Mr. Tiberi** thought it would be useful to have more large urban representation on the Committee.

XI. *Adjournment*

Chairwoman McTeer Hudson, Chair, adjourned the meeting at 11:30 a.m. (CT).

**Environmental Protection Agency
Local Government Advisory Committee
Full Committee Meeting
July 14-15, 2011**

Participants

LGAC Members

Mayor Heather McTeer Hudson, Chairwoman
Mayor Lisa Wong
Mayor Carolyn Peterson
Mr. Adam Ortiz
Representative Chris Ross
Mayor Ronald K. Davis
County Executive Tom Hickner
Dr. Hector Gonzalez

Mayor Marilyn Murrell
Mayor Randy Roach
Mayor Bob Dixson
Mayor Teresa Coons
Mr. Jeffrey Tiberi
Supervisor Salud Carbajal
Commissioner Robert Cope

EPA Representatives

Sarah Hospodor-Pallone, U.S. EPA Deputy Associate Administrator for Intergovernmental Relations
Jack Bowles, U.S. EPA Director of State and Local Relations
Paula Zampieri, DFO, SCAS
Rebecca Cook, Intergovernmental Liaison
John Frece, Director, EPA's Office of Sustainable Communities
Ellen Gilinsky, Senior Policy Advisor, EPA's Office of Water
Mark Durno, EPA Region 5, Deputy Incident Commander

Others

Mr. Bruce Smith, (Former) Mayor, Marshall, Michigan