

U.S. Environmental Protection Agency Local Government Advisory Committee

Subcommittee on Small Communities and Workgroups

Meeting Summary

February 5 – 6, 2008

Held at the:

Madison Hotel
1177 Fifteenth Street, N.W.
Washington, DC 20005

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

February 5 - 6, 2008

Meeting Summary

(8:30 a.m.)

I. Welcome and Introductions

Chair **Roy Prescott** called the meeting to order and welcomed the members of the Local Government Advisory Committee (LGAC), participating staff from the Environmental Protection Agency (EPA), and others in the audience. He introduced Robert Cunningham, Senior Counsel for the EPA Office of Intergovernmental Affairs, and then invited LGAC members to introduce themselves. After the introductions, Mr. Prescott noted that John Muller was unable to attend due to pressing government business. Ms. Laura Fiffick was unable to attend because she was recovering from an illness. LGAC inquired about Ms. Fiffick's condition, and sent their best wishes for Ms. Fiffick's continuing recovery.

Mr. Prescott note the agenda change to accommodate the EPA Administrator Stephen L. Johnson's schedule. He asked the LGAC to focus on brief business matters until Mr. Johnson arrived.

- **Approval of the Minutes from the September 2007 LGAC Meeting:** LGAC voted unanimously to approve the minutes from their September 18-19, 2007 meeting in Sun Valley, Idaho.
- **DVD on Recycling:** Mr. Jim Gitz, Chair, Solid Waste Workgroup, reported that work on the DVD was continuing and encouraged LGAC members to sign up for interviews during their time in Washington, D.C.
- **Roundtable Preparations:** Fran Eargle, LGAC Designated Federal Officer (DFO) and Bill Jarocki, Director, Environmental Finance Center, Boise State University, explained the schedule for the Thursday Roundtable on Small Communities, developed in response to the Sun Valley meeting. It was also reiterated the opportunity for LGAC members to share their ideas with and ask questions to senior EPA officials. Paula

Hertwig Hopkins, Chair, Water Workgroup, reviewed the Roundtable logistics. Each workgroup Chair was asked to provide two questions and two ideas from their workgroups for discussion at the LGAC report outs on February 6.

II. Remarks by the Honorable Stephen L. Johnson, EPA Administrator

Christopher Bliley, Associate Administrator, EPA Office of Congressional and Intergovernmental Relations, thanked LGAC for its helpful input and recommendations. He introduced and welcomed **EPA Administrator Stephen L. Johnson**.

Mr. Johnson thanked the LGAC for its advice on critical issues and for participating in the Listening Sessions. He explained that this information helped ensure that Federal rules and guidelines are workable.

Mr. Johnson reported that the President and the Administration continue their commitment to moving the environmental protection forward, even though fiscal year (FY) 2009 budget for EPA does not propose any increases from FY 2008. He remarked on a project in Nashville, TN, that received an EPA grant, where it demonstrated a model for developing low-income green housing in the inner city. He asked LGAC to help facilitate use of model ordinances across the country by developing a list of zoning and other local regulatory processes that promote green developments. These strategies, he added, could be disseminated through additional DVDs and other media channels. He concluded by taking comments and questions.

Mr. Prescott presented Mr. Johnson with a plaque embossed with a resolution passed by the LGAC thanking the Administrator and his staff for their support of the award-winning DVD, "*Water Infrastructure: Successful Strategies for Local Leadership*." Mr. Johnson thanked LGAC and accepted the plaque on behalf of himself and his staff.

In further comments, Mr. Prescott noted that LGAC is in the process of creating a Green Buildings workgroup to address the Administrator's charge and to work more closely with the EPA in promoting environmentally sound building practices. The LGAC Green Buildings group will have co-chairs Peggy Beltrone and Ivan Fende. As part of its activities, the group will consider ways that local governments can overcome zoning and regulatory code obstacles. Mr. Gitz suggested that Federal funds might be used to support this effort. Mr. Johnson replied that the LGAC should consider recommendations that are: (1) budget-neutral or (2) innovative and relatively inexpensive, such as private activity bond programs.

In response to additional questions about green buildings charge, Mr. Johnson explained that:

- EPA programs will continue to promote green building practices with coordination provided by central staff.
- A variety of green building standards are emerging; rather than selecting one set for use in all cases, standards should be selected based on local needs.

Mr. Johnson also agreed with a suggestion that he use his office as a “bully pulpit” for promoting green building. He also did not see EPA creating a standard or endorsing one standard over another.

In response to questions about the watershed management pillar of EPA’s Sustainable Infrastructure initiative, Mr. Johnson explained that watershed management will be promoted to the degree possible given the Agency’s financial constraints. He added that EPA is emphasizing a national holistic approach including research, compliance, enforcement, and evaluation; which requires cooperation across the Federal government.

III. EPA’s Proposed Budget for FY 2009

Mayor Randy Kelly, Deputy Associate Administrator, EPA Office of Intergovernmental Relations, welcomed and introduced **David Bloom**, Director, EPA’s Office of the Budget. Mr. Bloom began by relaying regards from Lyons Gray, EPA Chief Financial Officer, and his regrets that he could not attend the meeting.

Mr. Bloom reported that EPA remains on course to meet its basic environmental goals and challenges; however, the proposed EPA budget request of \$7.1 billion for FY 2009 is a 4.4 percent decrease from the FY 2008 budget and will require the Agency to do more with less. Highlights of proposed FY 2009 EPA budget include the following:

- **Energy and Climate:** EPA requested \$939 million, about 13 percent of its proposed total budget, to address its goals in this area. The request includes an additional \$14 million for new energy development and production programs; \$49 million to continue diesel fuel grants to governments and industry; \$115 million to conduct research and sponsor voluntary projects on climate change; and \$5 million for the Asian-Pacific international partnership on methane gas issues.

- **Homeland Security:** EPA requested almost \$55 million to improve its capability to respond effectively to incidents that may involve harmful chemical, oil, biological, and radiological substances. Much of this support will be used for training volunteers and government managers to respond to potential crises.
- **Brown Fields Program:** EPA will continue to develop a site-specific management approach of brown fields sites, develop validated acceptable practices for land revitalization, collaborate with the private sector to conduct field sampling, and work with the states to optimize landfill capacity. The funding request is for \$20 million less than last year, but includes provisions for implementing a more efficient alternative inspection system.
- **Superfund:** The requested \$1.3 billion, a \$10 million increase over 2008 funding, will enable EPA to continue and expand this program. Particular attention will be given to post-construction review.
- **Enforcement:** EPA will continue enforcement programs, maintaining its focus on compliance monitoring and civil and criminal enforcement of penalties. About \$553 million was requested, which is a \$9 million increase over FY 2008.
- **Water Infrastructure:** About \$550 was requested for the State Revolving Funds (SRFs) for water protection; which includes a substantial decrease from 2008 funding levels for the Clean Water programs and a slight increase for the Drinking Water Program. Slight reductions also have been proposed for the National Estuaries, Chesapeake Bay, and Gulf of Mexico Program. However, he noted that Congress often adds money to fund area-specific programs. In addition, about \$63 billion for private activity bonds related to the water system infrastructure should be provided over time outside of the EPA budget.

Mr. Bloom noted that Congress will hold hearings on the proposed budget this month and plans to have the final budget completed by September 30, 2008. However, given the Congressional schedule, it is not likely that the fall deadline will be met.

During the discussion following, LGAC members expressed concern about the need for sufficient support for the Clean Water State Revolving Fund (SRF) and the diesel fuel programs. Mr. Bloom responded that he would convey these concerns to Mr. Johnson. Mr. Bloom encouraged the LGAC to provide input on programs, adding that suggestions should focus on obtaining results and measuring their impact. Mr. Gitz asked that funding for categorical programs be structured to ensure that sufficient support gets to the local level where it has the

most impact. He and Ms. Hopkins asked for data about private activity funding. Mr. Bloom responded that LGAC will be provided with this information.

IV. Green Buildings

Kelly Sinclair, Senior Advisor to the EPA Administrator, made a presentation on green buildings with input from two of Agency staff members, **Ken Sandler**, Office of Radiation and Indoor Air, and **Kevin Nelson**, Office of Policy, Economics, and Innovation. Mr. Sinclair noted that EPA staff created a cross-office voluntary Green Building Workgroup that now has national participation at its monthly meetings. Thanks in large part to the efforts of this workgroup, the Agency is establishing a formal Green Building Workgroup; an announcement about the workgroup's formation will be made later this year. The workgroup will be collecting and disseminating 'best practices' and Mr. Sinclair invited the LGAC to participate in this effort.

Mr. Sandler reported on the work of the Green Building Workgroup that he co-chairs. He explained that the workgroup focuses on:

- The effects of environmental factors ranging from water use to climate change on the lifecycle of a building.
- The efficient use of building resources and the impact of that use on the indoor and outdoor environments.

Multiple EPA offices, as well as other Federal agencies, are interested in moving forward with green building ideas, as well as industry associations such as the National Association of Home Builders (NAHB), and the U.S. Green Building Council (USGBC). The EPA Green Building Workgroup has inventoried Federal and private green building resources across the nation and we will share this information electronically.

Mr. Sandler noted that community education is a particular challenge and he asked for LGAC input on how to best promote the development of green building codes and zoning regulations at the local level. National activity has focused on developing general green building standards and also expanding public interest and private sector interest in green buildings.

Mr. Nelson discussed the activities and impact of the Smart Growth Program. EPA is working with USGBC and local neighborhood development agencies to support and showcase green infrastructure practices. In addition, EPA has been working with the American Planning Association to develop model ordinances. Plans include working with industry to develop model codes and, over time,

model zoning regulations. *This is Smart Growth* and related publications are available at www.epa.gov.smartgrowth.

In response to questions, Mr. Nelson explained that EPA began work with the Department of Transportation (DOT) on greening highways. He will send LGAC more information about these activities. Fact sheets about “10 quick fixes” pertaining to urban development have been posted to the EPA web site and similar documents for rural communities will be posted soon.

Mr. Sandler asked LGAC members to contact him about case studies and other topics related to indoor air quality that should be shared on the EPA Web site. Mr. Fende explained that identifying model case studies for zoning and building codes will be a LGAC Green Building Workgroup priority and suggested that this information can be shared. Ms. Penny Gross asked EPA to further disseminate the growing body of knowledge about rainwater harvesting. Mr. Sandler responded that four water management documents are on the Web site and future documents will focus on smart growth in this area. Other smart growth organizations also might provide valuable resources.

Mr. Sinclair reported that EPA will continue its groundbreaking work promoting green infrastructure projects. Mr. Jimmy Kemp, Chair, Watersheds and Coastlines Workgroup, encouraged EPA to expand its work with professional and technical associations, especially those representing civil engineers. Mr. Sandler asked LGAC for additional contact information.

There was a general discussion among the LGAC that the public resists many smart growth ideas and more information is needed to address the specifics of how to overcome this barrier, especially regarding watershed planning and land use. Mr. Ken Fallows asked EPA to help provide incentives for acceptance of these practices at the local level. Ms. Hopkins noted that zoning and code enforcement are often seen as punitive at the local level. She suggested that the reasons for enforcement should be framed positively and incorporated into local mission statements and goals for future growth. Ms. Melanie Worley added that state governments can also be resistant. Mr. Nelson replied that *Getting to Green*, a document posted on the EPA Web site, could be a useful resource for tackling this issue.

Mr. Sandler added that more research is needed to identify costs and benefits of green projects on the local and state levels. At present, some local governments may have tax benefits available, but few benefits are available at the Federal level. Mayor Kelly remarked that Energy Act block grants might be used to promote green growth, if the program is funded by Congress.

Mr. Sinclair observed that economic and public market concerns need to be addressed to build support for smart growth. State and local preservation

associations might be allies in these efforts. Mr. Sandler added that marketing efforts should include expanding awareness of the public health benefits of green building.

At the conclusion of the session, Chair Prescott invited Mr. Sinclair and his staff to attend the first LGAC Green Building Workgroup meeting on Thursday, February 7. They agreed that it would be beneficial to attend.

V. *Small Communities Overview*

Bill Jarocki identified some of the issues facing small communities attempting to meet EPA regulations and standards. Often the communities do not have the funds to comply with regulations or a plan to meet challenges. In addition, local officials may lack training and education is needed to understand and comply with regulation and standards. The Administration and EPA are working actively with LGAC to respond to these issues.

VI. *Public Comments*

Jim Taft, Executive Director, Association of State Directors of Water Administrators, reported that the Association is supporting the Source Water Collaborative (Collaborative), a voluntary collaboration of about 40 associations committed to leveraging their resources to protect source water. The Collaborative developed a planner's guide for source water protection, *Your Water, Your Decision*, for use by local decision-makers. He encouraged LGAC to continue its work and to make use of the resources posted on www.protectdrinkingwater.org. Mr. Taft also asked LGAC to promote regional thinking about water and especially source water issues.

Mr. Prescott thanked Mr. Taft for his presentation and commented that the LGAC would review the ideas and resources developed by the Collaborative. Mr. Jarocki commented that management consolidation should be encouraged. To that end, EPA has developed a grant integration program to promote coordination across state systems.

Ms. Hertwig Hopkins said that the Water Workgroup had reviewed the guide, and she commented there were some initial concerns, but that the Workgroup would like to take another look at it.

Mr. Prescott then called on **Emily English**, NAHB, who reported on their Green Building Program, which will be rolled out at the 2008 International Builders' Show®. The program—a collaboration of industries, government agencies, and professional associations—will provide model codes, check lists, and other resources to promote green building practices for single- and multi-family homes and for neighborhoods. The program also will: (1) conduct and

publicize case studies of building green homes and (2) develop quality standards and a certification program that can serve as an alternative to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ program. All of the materials will be posted on the NAHB Website.

Mr. Prescott thanked Ms. English, and all the participants. He then asked if there were any other members of the public who would like to make comments. [No other presenters came forward].

VII. Workgroup Sessions

Mr. Prescott began the workgroup sessions by explaining that each group should develop at least two questions and two recommendations to be shared with senior EPA staff at the Thursday Roundtable.

A. Small Community Advisory Subcommittee (SCAS)

Chair **Steve Jenkins** welcomed SCAS Members and Bill Jarocki, who assisted the LGAC with various matters, including compiling a Small Communities Report based on the findings of the Sun Valley meeting and tour of small communities. Mr. Jarocki asked participants to identify next steps and draft recommendations for LGAC to transmit to EPA.

SCAS members agreed that LGAC should ask EPA for funds to support programs that would improve local officials' managerial and financial literacy and enhance their familiarity with EPA processes. For example, local officials need to understand their options they have for negotiating extended deadlines for complying with regulations. They also need assistance obtaining bonds and insurance for infrastructure upgrades and collecting data about regulatory and infrastructure issues. Assistance could be provided through expert consultations, "circuit riders", managers, and hiring additional staff.

Mr. Gitz suggested that SCAS provide LGAC with specific recommendations that explain the: (1) importance of small communities and (2) challenges they face in trying to comply with regulations and to safeguard infrastructure. The draft recommendations framed by Mr. Gitz included asking EPA to:

- Expand the State Revolving Loan Funds (SRF) to specifically address small communities
- Make interest-free loans through the SRFs when private activity bonds are unavailable
- Offer engineering assistance grants for communities with less than 15,000 people

- Provide planning grants available for water infrastructure improvement.

He also suggested that State Environmental Commissioners and EPA Regional Administrators visit several small communities each year and that all EPA regulations include an impact assessment on small communities.

During the ensuing discussion, SCAS members suggested that EPA might provide seed money for additional SRF projects and that SRF staff should consider the importance of local projects as well as the likelihood of prompt loan pay-backs when selecting projects to fund. Members also noted that small communities use funds efficiently and are particularly hard hit when funds are cut, often on a pass-through basis, at the Federal and state levels.

Mr. Jerry Johnston summarized several challenges unique to smaller communities. They often do not have the funds to hire experts to write grants or in implementing grants or regulatory compliance. They also have difficulties attracting the individuals with appropriate management experience to run for voluntary government positions. In addition, the size of grants made to localities do not attract competitive contractor bids. In response, SCAS members suggested that EPA could provide incentives for developing innovative creative solutions to solve these problems.

SCAS agreed that Mr. Jarocki and Ms. Eargle will review the draft recommendations developed by Mr. Gitz and provide a summary for the LGAC to review on Wednesday, February 6. Mr. Jarocki will provide the context and supporting data for the draft summary.

1. Disaster Assistance for Small Communities

William Finan, EPA Office of Emergency Management, explained that Federal disaster programs are set up to tackle state, but not regional, emergencies. Federal relief efforts are coordinated and primarily funded by the Federal Emergency Management Agency (FEMA). The Department of Homeland Security (DHS) also makes some state disaster assistance funds available, and the Department of Health and Human Services may contribute support of various types.

EPA provides disaster preparedness, response, and prevention information on its Website. The Agency has no authorized funds for disaster preparedness and limited funds for prevention programs. Local officials can use the information to help identify possible threats, such as possible locations of future hazardous waste transport accidents, in order to develop advance strategies to address them. EPA efforts focus on encouraging compliance with EPA safety regulations. Community leaders need to be creative in developing and obtaining funds for prevention projects such as “reverse 911” systems. Funding for local systems

might be available from state environmental agencies; in addition, Department of Health Services might be interested in funding statewide projects.

2. *Compendium of Best Practices for Small Communities (work session)*

DFO **Anna Raymond** and **Mike Linder** provided data about national and regional efforts to collect and disseminate best practices for small communities. Ms. Raymond reported that EPA is evaluating the case studies submitted by the regions. Mr. Linder added that two or three small communities in each of Region 7's four states sent best practice examples to his office. Current challenges include assessing the responses and creating a standard collection and dissemination format. SCAS members suggested that best practices be disseminated via state and regional EPA Websites and at state, county, and municipal meetings. Ms. Eargle added that EPA senior staff has data on best practices based on programs they have funded; this information might be collected and disseminated along with the other examples and may come out of the Roundtable discussion.

Mr. Jenkins noted that best practices have been collected in Regions 6 and 7 and, to some degree, in Region 3. He moved that SCAS ask LGAC to recommend that EPA develop an interactive Web page located on their site that would be used for collecting and disseminating best practices. To facilitate collection of best practices, the Region 7 template also should be posted on this page. SCAS passed the motion unanimously.

(Meeting adjourned at 4:00 p.m.)

Wednesday, February 6, 2008

VII. Workgroup Sessions--Continued

B. Water Workgroup

Chair **Paula Hertwig Hopkins** welcomed the members and DFO, Fran Eargle. She began the Workgroup discussion by noting that EPA estimates a potential \$225 billion water infrastructure funding gap by 2020. Members agreed that there "is no more cheap water." Local officials should develop partnerships and cooperative arrangements to share costs. Partnerships with EPA would be particularly valuable for promoting green infrastructure. Jim Gitz added that the health of a community's water infrastructure is a key indicator of its potential future growth and health. Mr. Gitz also added that maintaining the water infrastructure is a nonpartisan issue, but elected officials fear losing their jobs if they request the taxes needed for infrastructure updates. He added that the

workgroup's DVD, "*Water Infrastructure: Successful Strategies for Local Leadership*," could be used to help officials understand and explain the importance of maintaining and upgrading water infrastructure.

1. Update on the Water Infrastructure DVD

Mr. **Ronald Slotkin**, EPA's Office of Multimedia Operations and Services, reported that the Water Infrastructure DVD was very popular with local officials and citizens involved in ensuring that their communities have clean and safe water supplies. Fran Eargle added that the DVD also is being used in college and law school classes and in training projects sponsored by municipalities. In response to past comments from LGAC, a new version of the DVD was included that gives an introduction to the dvd explaining the importance of water infrastructure issues. After viewing the new version, the Water workgroup agreed that it provides a concise context and summary of the issues.

2. Funding Needs for Water and Wastewater

a. Pima County, Arizona

LGAC member John Bernal made a presentation on the challenges faced by Pima County, Arizona, in moving forward with their Regional Optimization Master Plan for updating a 50-year-old wastewater facility for a rapidly growing area. Local elected officials potentially risked their careers in supporting this effort. However, they agreed to support a bond for the \$536 million infrastructure upgrade, including funds for meeting the EPA ammonia standard over an extended time schedule. Debt service on the bond will amount to about \$1 billion. Future water rate increases will be about eight percent per year for consumers and may go higher if SRF funding is decreased as planned in the proposed EPA budget.

A suggestion was made that the LGAC may want to consider asking that local strategies for wastewater management be widely disseminated by EPA and that the challenges be made clear to Congress. He also suggested that localities develop long-term wastewater management plans and require individuals asking for local permits to address the impact of their requests on these plans. He emphasized the importance of planning, rather than crisis management, in addressing critical local issues.

b. Clean Water Trust Fund Proposal

Robert C. Weaver of Kelly & Weaver, P.C., Washington, D.C., reported that there is an \$11 billion annual gap in water infrastructure funding. About 97 percent of current funding comes from local customer charges, and these are rising faster than the rate of inflation. Multiple efforts are underway to optimize the use of existing funding resources and to develop new funding options. On the local level, utilities are examining other funding sources and moving towards asset management approach. At the Federal level, Congress has requested a General Accounting Office report about revenue options.

To help make efficient use of funding resources, Mr. Weaver suggested that the LGAC may want to consider promoting a National Clean Water Trust Fund concept, similar to those developed to support airports and surface transportation. He emphasized the efficient collection of monies and the provision of a low-rate broad-based service. It would also promote infrastructure networking and efficiencies and sound investment strategies. The Trust Fund objectives are to sustain and expand: (1) grants for core wastewater infrastructure; (2) SRF programs; and (3) technology, research, and development demonstrations. It also would support programs focused on watershed management, storm water facilities, and rural nonpoint water sources. The Trust Fund would also generate expanded long-term investments and job growth and a strengthened national commitment to clean water.

Mr. Gitz recalled that LGAC had elected not to endorse an earlier water fund plan because implementation would involve cross-state subsidies. Mr. Weaver replied that state inequities could be remedied through a system of tailored incremental additions to the fund. Members indicated some interest in supporting a fund that balances needs and contributions. They also commented that the model would be further reviewed to ensure that it does not recreate the financial problems faced by the highway trust fund. In addition, Mr. Weaver responded that the fund will include a permanent management grant program and that an additional \$10 billion would be required to add drinking water. Mr. Jarocki observed that such a fund could help localities save money. The Water workgroup agreed to look further at this proposal.

c. EPA Office of Water (OW) Proposal

Andrew Crossland, Sustainable Infrastructure Coordinator, EPA's Office of Wastewater Management, discussed the proposed Sustainable Water Infrastructure Initiative, which is an EPA Office of Water priority. The proposal would involve about \$80,000 for a "Welcome to Office" kit for local officials that would also include the LGAC water DVD and other resources for better understanding and addressing water infrastructure issues. The kit would be the centerpiece of an aggressive marketing and outreach campaign on water infrastructure. Workgroup members agreed to encourage LGAC to support this excellent proposal.

3. Green Infrastructure Strategy

Jennifer Molloy, EPA's Office of Wastewater Management (OWM), invited members to comment on the Agency's document, *Managing Wet Weather with Green Infrastructure: Action Strategy 2008*. The document, which was developed to encourage localities to remove rainwater from the wastewater chain and use it as a resource, has received positive comments from stakeholders. Water Workgroup members discussed the document and commented that it was useful, and should include the addition of rainwater conservation that was gaining

popularity. They also suggested that a section on best practices be fully developed and widely disseminated.

4. Next Steps

The states and regions are supportive of the group's activities, especially its efforts to encourage Federal support for wastewater treatment in small communities. Most recently, Georgia and Mississippi have begun using LGAC models. In addition, LGAC have been invited to "piggyback" its fall meeting on the Environmental Council of the States (ECOS) meeting in Branson, Missouri. The group agreed to recommend that the LGAC: (1) ask EPA to put a brief synopsis of the charge, accomplishments, and goals of each workgroup on the Agency Website; and (2) respond positively to the invitation to "piggyback" with ECOS.

The Water workgroup identified two suggestions for presentation at the Roundtable. First, EPA should encourage regional cooperation on drinking water and wastewater issues; this would involve disseminating information about the financial benefits of cooperation. Second, the Agency should provide guidance to help local officials address water infrastructure issues.

In further discussion, the Water workgroup also agreed that a link to state contact information should be included on the EPA Website and added to the DVD. Mr. Jarocki will gather this information. In addition, Ms. Eargle will send the draft work plan to the group for discussion during upcoming conference calls.

C. Solid Waste Workgroup

Chair **Jim Gitz** welcomed and thanked the members for their work thus far. He noted that the Workgroup had a full agenda and introduced the first speakers.

1. Asbestos Issue

The asbestos presentation was made by **David Gray**, Director, EPA Office of External Affairs, Region 6; **Adele Cardenas Malott**, Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) Program Coordinator; and **Roger Wilmoth**, EPA Region 6 Industrial Multimedia Branch and EPA National Risk Management Research Laboratory. The speakers thanked the workgroup for inviting them to present findings about a new model for demolishing asbestos-contaminated buildings, the Alternative Asbestos Control Method (AACM).

Under the current NESHAP rule, removing asbestos and demolishing abandoned buildings may be very expensive. As a result, landlords abandon the buildings and asbestos removal and demolition becomes the responsibility of the local government. Safely demolishing abandoned buildings is a growing problem, especially in environmental justice areas.

AACM may provide a more efficient manner for removing asbestos for buildings between one and three stories tall. The process involves: (1) spraying the buildings with soapy water before and after demolition; (2) carefully monitoring the spraying; and (3) containing and treating wastewater. It also includes removing three inches of topsoil and properly disposing of the asbestos. AACM was tested on army bases in Region 6. The process was found to be five times faster than the existing NESHAP process and about half as expensive. However, future financial benefits will vary with the location of the site. At present, scientists are completing data collection and developing best practices for the AACM process. Ultimately, this information may be used in a proposal for a change in existing EPA rules.

The speakers invited LGAC to provide input on the work completed thus far and to respond to AACM as it evolves. They noted that AACM will be further developed to accommodate landfill demolition. Mr. Gitz asked the workgroup to send him any other questions for transmission to the speakers.

2. EPA's Office of Solid Waste Request to LGAC: The DVD on Recycling

Sarah Hartwell, EPA Office of Solid Waste, and Jim Gitz reviewed the draft outline for the recycling DVD. The DVD will explain why it makes sense to recycle and provide examples of recycling successes and lessons learned. It will also include pointers for developing a successful recycling program. The workgroup agreed to further discuss the outline during their next conference call. Members suggested adding a discussion of recycling myths to the outline. Mr. Gitz asked that other ideas should be sent to Fran Eargle.

Mr. Gitz reported that interviews for the DVD will be held with leaders from communities of different sizes and regions that have employed different recycling strategies. University examples may also be desirable. Mr. Slotkin added that the interviews will be conducted in the EPA studio and encouraged workgroup members to participate in the interviews while they are in Washington, D.C. He also observed that recycling is a multi-faceted effort and suggested that various media might be used to disseminate information about its different components. The workgroup decided that the DVD should be done by June 2008.

3. Montgomery County (Maryland) Recycling Program

Eileen Kao, Chief, Waste Reduction and Recycling Section, Montgomery County Department of Public Works and Transportation; and **Alan Pultyniewicz**, Recycling Coordinator, discussed the development of their county-wide recycling program. Its mission is to provide world-class solid waste management for the people living and working in Montgomery County, in an environmentally progressive and economically sound manner, striving to recycle 50 percent of the county's waste. The mission is reinforced by comprehensive regulations

requiring recycling. Compliance is encouraged in multiple ways beginning with education and culminating with action by an investigation and enforcement unit.

Over the past 16 years, the tonnage of recycled materials in Montgomery County increased from 100,000 to more than 500,000 pounds per year. In fiscal 2007, this represented about 43 percent of the county's solid waste. Businesses and dwellers in single-family homes generate more than 90 percent of the waste products. The county's relatively high recycling rate is due to a large degree, the result of encouraging recycling by these groups through a variety of projects. Efforts currently are underway to encourage recycling in multi-family dwellings. The outreach efforts include publishing these materials in multiple languages and through pictures. The Montgomery County Recycling Center/Solid Waste Transfer Station is a major income-generator. The station received more than three million dollars from the sale of commingled materials in fiscal 2007.

Ms. Kao and Mr. Pultyniewicz made the following comments in response to questions. County municipalities can opt to conduct their own recycling programs, but most of the larger towns have elected to be part of the county system. The market for recycled waste is monitored by a part-time employee who also is involved in market development. Energy generated through the process is sold to the power grid. The County sponsors a grass-cycling and onsite composting program that includes both education and enforcement; expanding this program is a key goal for the Waste Reduction and Recycling Section. Recognizing the group's interest in the topic, Mr. Gitz arranged for Mr. Kao and Mr. Pultyniewicz to participate in an upcoming meeting either in person or via conference call.

D. Watersheds and Coastlines Workgroup (WAC)

Chair **Jimmy Kemp** welcomed the group and thanked the members for their input. He asked WAC to consider the impact of the upcoming presentations on ideas and questions for the Roundtable, with particular attention to sustaining and expanding support for the Nonpoint Source (NPS) program and the watershed management approach. He also emphasized the importance of collecting data for the Clean Water Needs Survey (CWNS) for tribal lands, military bases, and government-owned properties for use in making informed watershed management decisions.

1. Clean Watershed Needs Survey (CWNS)

Karen Fligger, OWM, provided highlights of the recently released 2004 CWNS. She noted that \$38.3 billion was identified in unmet watershed needs, but that this estimate is underreported due to the lack of data from agricultural areas and small communities. Currently, EPA is working on broadening the need categories, helping states improve their data collection, and identifying additional NPS data sources. A data-entry Internet portal has been created to simplify

community participation in the 2008 CWNS. Pre-populated forms are available for communities with populations of less than 10,000; in addition, localities with less than 3,500 individuals are eligible for special state assistance. To help ensure data uniformity, states will retain control of their respective data collection efforts and may review the data from the communities.

During the comment session Ms. Fligger made the following points:

- The Office of Management and Budget (OMB) should be educated about the importance of broadening their approach to include NPS-related pollution and related funding needs in the Survey.
- Further consideration should be given to coordinating funding needs for watersheds that span multiple jurisdictions.
- Federal funding for addressing CWNS issues is very limited.

Standardization of data across states also was a WAC concern. Ms. Fligger explained that the CWNS focuses on needs and costs related to complying with regulations and that standardized documentation and criteria are employed to develop this information. Nonetheless, greater data standardization is needed, especially for informing Congressional decision-making and conducting cross-state comparisons.

2. NPS Program—Clean Water Act, Section 319 Overview

Dov Weitman, EPA Office of Wetlands, Oceans, and Watersheds (OWOW) explained that Section 319 of the Clean Water Act covers all sources of NPS pollution. Congress appropriates NPS program funds and EPA administers them. States must apply for funding support, and their applications must explain how their activities will comply with the program guidelines. States may implement programs directly but usually they give subgrant to communities for implementation. From fiscal 1999 through 2008, about \$200 million per year was appropriated for the program. However, the FY 2009 budget only requests \$184 million.

Since 2002, the NPS program has focused particularly on watershed management. About \$100 million has been granted for watershed-based plans to identify and remedy water supply impairments. The grants involve communities, states, and universities in analyzing addressing area watershed issues. Information about state NPS projects is posted on the EPA Web site.

The following points were made during the comment session:

- Ms. Worley remarked that EPA's model ordinances should help local officials overcome obstacles to watershed management planning. She will send her area's local model ordinances and success stories to Mr. Weitman for dissemination.
- Mr. Griffin reported that his community has simplified the bidding process to increase contractor interest in the small local grants. He asked that EPA consider providing assistance in this area, including tips on cutting through red-tape.
- Mr. Kemp added that EPA should consider increasing the program budget and conducting an NPS inventory that includes tribal lands, military bases, and government properties.

3. Coastal Issues Update

Phillip Bass, EPA's Gulf of Mexico Program, reported on Agency efforts to rebuild coastal Mississippi. In coordination with the Mississippi Department of Environmental Quality and other agencies, the EPA program has helped several counties coordinate their resources and develop and fund wastewater and drinking water authorities. EPA will encourage these counties to take advantage of economies of scale and will promote resource sharing among other counties. However, Mr. Bass stated that the primary issue for coastal Mississippi remains the lack of wastewater infrastructure. In addition, small communities whose residents have not returned face the special challenge of rebuilding infrastructure without support from a sufficiently broad tax base. Before concluding, Mr. Bass noted that the tourism industry is running well and he invited LGAC to convene a meeting in Mississippi.

4. Update and Future Plans of EPA's National Advisory Council for Environment Policy and Technology (NACEPT), for the Watershed "Sustainable Infrastructure". Pillar

Ms. Worley and Mr. Kemp updated WAC on their activities with NACEPT. During summer 2007, NACEPT completed the first part of its charge, reviewing EPA activities regarding sustainable water infrastructure and making recommendations concerning the watershed management approach. EPA is following up on these recommendations with a new marketing and outreach campaign. NACEPT is now tackling the second part of its charge: promoting collaborative management structures. Efforts will focus on encouraging state cooperation to develop economies of scale. The NACEPT report is due May 2008 and will be distributed to LGAC by Mr. Crossland.

5. Next Steps and Action Items

WAC reviewed the draft “Synopsis of the CWNS Report.” Ms. Gross asked the group to take the first steps towards answering the question, “How can communities and advocacy groups become better participants in the development of the CWNS Report?” Barbara Sheen Todd suggested that LGAC be asked to: (1) promote the identification and dissemination of watershed best practices and (2) request that the CWNS Report be expanded to consider policy, strategy, and community outreach as well as data collection. Mr. Crossland observed that the Report focuses on Congressional concerns, but could be expanded to be more relevant to communities. Mr. Kemp commented that the LGAC could ask that the report include management tools as well as data and that information be collected from lands not currently included.

Additional comments included the following:

- Ms. Gross emphasized the need for quicker dissemination of CWSN reports.
- John Duffy suggested that a “call to action” be added with contact information. WAC agreed by unanimous vote that Mr. Duffy will draft this section and that the entire document will be brought to LGAC for review.
- Mr. Fende observed that a new Federal Advisory Committee may be needed to address the broader watershed issues. WAC determined that a new FAC is a separate issue and voted unanimously that any recommendation for a FAC be made separately.

WAC then reviewed their draft letter to Mr. Hooks. They agreed by unanimous vote that the letter should go forward to the LGAC: (1) thank Mr. Hooks for the watershed presentation by his staff; (2) suggest that the watershed planbuilder be simplified for local governments with limited staff; and (3) include an offer by WAC to help any additional watershed tools for local governments, and outreach to local governments concerning the need for watershed planning.

In further discussion, WAC agreed unanimously to ask LGAC recommend establishing a “circuit rider” program to provide small watersheds with management guidance. In addition, Mr. Kemp noted that WAC had been provided with information about the national watershed Roundtable and the Southeast watershed forum. Members agreed to review the materials for later discussion.

WAC identified two ideas and two ideas for sharing during the Roundtable: (1) ask EPA to consider developing and widely disseminating an inventory of best watershed management approaches, and; (2) EPA should discuss developing

a state tax check-off for funding the Watershed Trust Fund project. The two questions were: How can LGAC help EPA publish and disseminate CWNS reports in a timely manner? And, what can LGAC do to support the NPS program?

VIII. LGAC Plenary Meeting

A. Business Items

- **LGAC Green Building Workgroup:** LGAC voted unanimously to approve the development of a Green Building Workgroup to be co-chaired by Mr. Fende and Ms. Beltrone. LGAC also agreed that the workgroup should consider neighborhoods as well as single building issues.
- **Roundtable Preparations:** Mr. Prescott reminded LGAC that the Thursday Roundtable is a unique opportunity for LGAC to establish itself as an ongoing EPA resource for input on local government issues. Groundwork done at the meeting will pay off over time because Agency staffers participating in the Roundtable are career employees, not political appointees, and should continue in their positions during the next Administration. Mr. Jarocki and Ms Pam Lutner will facilitate the session. All LGAC members will introduce themselves and briefly summarize their key concerns. Workgroup chairs will provide their groups' ideas and questions for discussion.
- **EPA Region 1 Report:** Mr. Douglas Gutro reported that the community energy challenge is a major focus for the office. We are also addressing watershed issues, wind energy options, and brownfields program development. He added that community officials and advocacy groups now receive a quarterly Region 4 newsletter.
- **DVDs:** LGAC agreed that the new introduction was a valuable addition to the DVD. Ms. Eargle will send copies of the new DVD to LGAC.
- **Workgroup Continuity:** LGAC unanimously passed a motion to appoint vice chairs for the workgroups. They were discussed and named.
- **Draft Letter to EPA Administrator Steven Johnson on the Environmental Finance Centers:** A motion to approve the letter passed unanimously with the understanding that the first sentence of the first full paragraph on page two would be changed to read: "... explore ways to expand the database to *all* states ..." (Change noted in italics).

- **LGAC Advisor:** A motion to appoint Mr. Jarocki as a non-voting advisor passed unanimously.
- **Increasing Membership Diversity:** LGAC agreed that adding to the LGAC is important, and that special effort should be made to reach out to national Native American organizations and request their input for nominating an LGAC member.

B. Workgroup Reports

1. SCAS

SCAS will complete a report on small communities to capture recommendations from the Sun Valley meeting and tour of small communities, with assistance from Mr. Jarocki. They also will continue work on the Compendium of Best Practices by posting executive summaries of existing case studies on EPA's website, and a request go out for additional examples to post. SCAS also agreed that no further LGAC action was required on the emergency management issue. Mr. Fallows was selected to serve as vice- chair.

2. Military Workgroup

Chair John Duffy reported that members have done the groundwork needed to become a valuable resource for EPA. Recently, the Agency requested the Workgroup to give input on developing case studies and toolkits for acquiring Department of Defense properties and a checklist for disposal. However, obtaining funding for the programs is a challenge. Joe Palacios will serve as vice-chair.

3. Water Workgroup

The Workgroup thanked EPA for supporting the DVD and will continue to monitor users' and their feedback. The Water workgroup reviewed the ideas for a national water trust fund proposed by Mr. Weaver and will continue to review this proposal. The Workgroup also will continue its partnership with the EPA and move forward with its work on educational tools and the wastewater management report. Particular attention will be paid to continued promotion of EPA's Sustainable Water Infrastructure Initiative and the Agency's action strategy for managing wet weather flows with green infrastructure. Mr. Griffin was selected serve as vice-chair.

4. Solid Waste Workgroup

The Workgroup will keep apprised of progress with the ACAM project. The group also will schedule interviews for the DVD and arrange for further conversation with the Montgomery County (Maryland) Department of Public Works and Transportation about their recycling program. A vice -chair will be selected.

5. Indicators Workgroup

The Workgroup's primary focus was reviewing EPA's activities. The Agency accepted about half of the LGAC comments on its report on the environment. The scorecard recommendation was not included because the Agency was unable to establish standard rating criteria. The predictive trends recommendation also was tabled. The report is now scheduled for release in May 2008, and it was suggested that LGAC be involved in roll-out of the Report. The Agency will soon announce the availability of a Web-based interactive indicator gateway that will include a state-by-state list of indicator projects. In other business, members agreed that Ms. Michelle Hiller-Purvis will establish a timeline for a communications outreach effort. Members also agreed that Msrs. Duffy and Tobey will co-chair the Workgroup and Ms. Jimino will be vice-chair.

6. WAC

The Workgroup agreed that EPA's watershed management approach would be strengthened by the addition of further information about small communities and that additional data was needed to make the CWNS more complete. WAC will work with Mr. Weitman, the EPA OWOW representative, to promote NPS activities. Ms. Todd was selected to serve as vice-chair.

Chair Jimmy Kemp asked for a motion to approve the letter to Mr. Hooks as modified during the Workgroup session. A motion was made and then amended to note that necessary typographic and stylistic changes will be made before the letter is finalized and sent to LGAC. These will include: (1) changing the second paragraph to read "... *as a valuable...*," (2) striking the first mention of "tool" from the third sentence of the last paragraph, and (3) substituting "...*many* local governments" for "... most local governments..." in the third paragraph. (Change noted in italics.) The amended motion passed unanimously.

A second motion was made to add contact information for state EPA offices to the draft "Synopsis of the CWNS Report" and to submit the amended report to LGAC. The motion passed unanimously. LGAC will prepare a transmittal letter for the report and circulate it for review.

7. Regulatory Workgroup

Chair Bruce Tobey reported that the Workgroup session focused primarily on the Federalism issue and its implications for Executive Order (E.O.) 13132. Members agreed that the Federal agencies should consult with affected state and local governments when implementing the E.O. The workgroup will develop recommendations and submit them to LGAC in March; these will emphasize the importance of consultation and the need to delete the thresholds in the E.O.

The workgroup also reviewed: (1) FACA rulemaking on drinking water and (2) EPA's plans for regulating ozone emissions. More information about the rulemaking will be provided at the next LGAC meeting. The workgroup's draft

was reviewed and a motion to prepare the letter for transmittal passed unanimously with the following amendments: (1) space should be provided for both the LGAC Workgroup Chairs to sign the letter and (2) Mr. Griffin should make the second paragraph on page 2 into two paragraphs, the new paragraph beginning: "With a more stringent standard ..."

8. Green Building Workgroup Update

Ms. Beltrone reported that the workgroup will focus on how EPA can promote green buildings. This might include providing feedback on zoning issues. Mr. Fende invited Ms. Jimino and Msrs. Somers, Griffin, Linder, Fallows, Johnston and Bernal to be part of the group. They all tentatively accepted. Ms. Gross will participate as available. John Muller also will be asked to join workgroup, as well as Ms. Laura Fiffick. The membership will be finalized at the next LGAC Steering Committee meeting.

IX. Next Meeting

Members agreed that climate change should be discussed at the next meeting. Mr. Somers will draft a briefing paper on the impact of climate change on local communities with assistance from Mr. Duffy and Ms. Beltrone. In addition, Ms. Gross will send Ms. Eargle a template on local climate change initiatives for circulation to LGAC. Ms. Beltrone cautioned that "climate change" was a sensitive term and suggested that "emerging carbon economy" be used instead. The LGAC also agreed to:

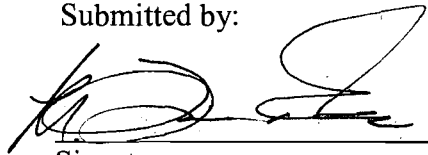
- Convene the next full face-to-face meeting in Seattle, Washington in May 2008. The tentative dates are May 28-30. (However, this date could change given EPA Region 10's availability).
- Review the option of piggybacking the fall LGAC meeting on the September ECOS conference in Branson, Missouri. Other possible locations for the fall meeting are Mississippi and Boston, Massachusetts.

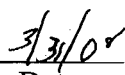
Before concluding, LGAC thanked EPA and the logistical staff for their support.

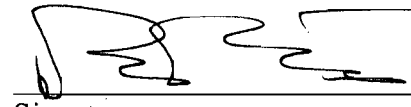
(Meeting adjourned at 6:15 p.m.)

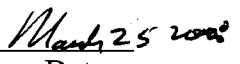
We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

Submitted by:


Signature
Frances Eargle, EPA DFO


Date


Signature
Roy Prescott, Chair, LGAC


Date

Environmental Protection Agency
Local Government Advisory Committee
Full Committee Meeting
February 5 - 6, 2008

Participants

LGAC Members

Mr. Roy Prescott, Chair
Commissioner Peggy Beltrone
Mr. John Bernal
Honorable Kenneth Fallows
Mr. Ivan Fende
Mr. Jerry Griffin
Mr. James Gitz
Ms. Paula Hertwig Hopkins
Mr. Lurlin Hoelscher
Ms. Barbara Sheen Todd
Commissioner Randy Johnson
Mr. Mike Linder

Commissioner Kathleen Jimino
Mr. Steve Jenkins
Mr. Jimmy Kemp
Mr. Michael Linder
Mr. Joe Palacios
Commissioner Dave Somers
Commissioner Penny Gross
Mr. Bruce Tobey
Honorable Melanie Worley
Mr. Elam Herr
Honorable William Chegwiddden

EPA Representatives

Honorable Stephen L. Johnson, EPA Administrator
Phillip Bass, EPA Gulf of Mexico Program
Christopher Bliley, Associate Administrator, EPA's Office of Congressional and Intergovernmental Relations
David Bloom, Director, EPA's Office of the Budget
Andrew Crossland, Sustainable Infrastructure Coordinator, EPA's Office of Water
Robert Cunningham
William Finan, EPA's Office of Emergency Management
Karen Fligger, EPA's Office of Waste Management
Sarah Hartwell, EPA's Office of Solid Waste
Mayor Randy Kelly, Deputy Associate Administrator, EPA's Intergovernmental Relations
Jennifer Molloy, EPA's Office of Wastewater Management
Kevin Nelson, EPA's Office of Policy, Economics, and Innovation
Ken Sandler, EPA's Office of Radiation and Indoor Air
Kelly Sinclair, EPA's Senior Advisor to the Administrator
Ronald Slotkin, EPA's Office of Technology Transfer and Regulatory Support
Dov Weitman, EPA's Office of Wetlands, Oceans, and Watersheds
Doug Gutro, EPA Region 1 Administrator
David Gray, Director, Office of External Affairs, EPA Region 6
Adele Cardenas Malott, Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) Program Coordinator, EPA Region 6

Roger Wilmoth, EPA Region 6 Industrial Multimedia Branch and EPA National Risk Management Research Laboratory
Frances Eargle, LGAC DFO
Anna Raymond, SCAS DFO
Michelle Hiller-Purvis, EPA's Intergovernmental Office
Loreto Tillery, LGAC
Sonya Scott, EPA's OCIR, Intergovernmental
Javier Araujo, LGAC
Jessica Kemler, EPA's OCIR, Intergovernmental
Andy Hanson, EPA's OCIR, Intergovernmental
Khanna Johnston, EPA's Office of Cooperative Environmental Management
Sylvia Malm, EPA's Office of Water, Drinking Water Program
Stacy Hudek, EPA's Office of Water, Drinking Water Program

Members of the Public

Emily English, National Association of Home Builders
Bill Jarocki, Director Environmental Finance Center, Boise State University
Eileen Kao, Chief, Waste Reduction and Recycling Section, Montgomery County Department of Public Works and Transportation
Alan Pultyniewicz, Recycling Coordinator, Montgomery County Department of Public Works and Transportation
Jim Taft, Executive Director, Association of State Directors of Water Administrators
Robert C. Weaver, Kelly & Weaver, P.C., Washington, D.C.