



National Advisory Council for Environmental Policy and Technology (NACEPT) Meeting (via Teleconference)

**Monday, November 3, 2014
12:00 p.m. – 2:00 p.m. EST**

**William Jefferson Clinton Federal Building East, Room 1132
1201 Constitution Avenue, NW
Washington, D.C.**

MEETING SUMMARY (FINAL)

Welcome, Introductions and Overview of the Agenda

*Eugene Green, Designated Federal Officer (DFO) for the National Advisory Council for Environmental Policy and Technology (NACEPT), U.S. Environmental Protection Agency (EPA);
Denise Benjamin-Sirmons, Director, Office of Diversity, Advisory Committee Management and Outreach (ODACMO), EPA;
Toni Rousey, Acting Staff Office Director for Committee Management, ODACMO, EPA; and
William Ross, Jr., NACEPT Chair, Visiting Professor, Nicholas School of the Environment,
Duke University*

Mr. Eugene Green (NACEPT DFO) welcomed the Council members participating via teleconference and thanked them for their attendance. He noted that the meeting would serve an informational purpose for veteran members, as well as new members who were recently appointed to the Council. Meeting discussions would address the impact of the NACEPT's comments on the *Fiscal Year (FY) 2014–2018 Draft EPA Strategic Plan*, and how the published *Strategic Plan* is designed to advance the Agency's priorities. The meeting also provided an opportunity for the Council to receive an update on EPA's sustainability efforts. Mr. Green explained that another purpose of the meeting was to engage the Council members in a dialogue about the NACEPT's future efforts. Information about Advisory committee functions and committee management operations would be reviewed for the benefit of returning and new members alike. Mr. Mark Joyce (ODACMO, EPA) called the roll, and Mr. Green noted the public attendees for the record.

Given that the Council members were participating by teleconference, Mr. Green urged the participants to mute their lines when not speaking to reduce background noise that might interfere with the call. He asked the participants to identify themselves when speaking to ensure accurate attribution in the meeting minutes that will be produced.

Ms. Denise Benjamin-Sirmons (Director, ODACMO, EPA) expressed appreciation to the Council members and presenters for participating in the teleconference and extended a special welcome to the new members to their first NACEPT meeting. She emphasized the vital role that the NACEPT serves in providing advice to the Agency as new policies are developed and implemented. Council members also serve an indispensable purpose in reviewing and evaluating the work of existing programs. She stated that she was looking forward to engaging with the Council members in their great work in the coming year.

Ms. Benjamin-Sirmons explained that several Agency functions are consolidated in ODACMO, which focuses on diversity, inclusion, outreach and committee management. The advisory committee branch is

organized into two teams. One is focused on oversight and policy direction to EPA's 21 Federal Advisory Committee Act (FACA) committees. The second team provides management support to 4 of the 21 advisory committees, including the NACEPT. Ms. Benjamin-Sirmons expressed great pleasure in introducing Mr. Green as the new DFO for the NACEPT. She noted that Mr. Green has provided excellent support to ODACMO for many years, and he is committed to the Council's success. He will provide exceptional assistance in the NACEPT's operations. Ms. Benjamin-Sirmons informed Council members that Ms. Cynthia Jones-Jackson had retired from EPA, adding that Ms. Toni Rousey (ODACMO, EPA) serves as the Acting Staff Office Director for Committee Management, and Mr. Joyce serves as the Associate Director for ODACMO. She expressed appreciation to returning NACEPT Chair Mr. William Ross, Jr. (Nicholas School of the Environment, Duke University) for his leadership.

Ms. Benjamin-Sirmons explained that the agenda items for the meeting comprise a review of activities from the previous year, as well as a look ahead to future NACEPT efforts in support of the Agency. Ms. Rousey also extended a warm welcome to the new and returning NACEPT members, and relayed her anticipation for the excitement that they will bring to the Council. Mr. Green thanked Ms. Benjamin-Sirmons and Ms. Rousey for their comments and invited Mr. Ross to provide his opening remarks.

Mr. Ross welcomed the new and returning Council members, congratulated Mr. Green on his designation as the NACEPT DFO, and expressed appreciation to Ms. Benjamin-Sirmons and Ms. Rousey for their remarks. Mr. Ross noted with delight that Ms. Erica Bannerman (Prince George's County Maryland), a former NACEPT member, has returned to serve on the Council again. He welcomed new members Ms. Lauren M. Boles (Philadelphia Office of Water), Dr. Carrie Castille (Louisiana Department of Agriculture and Forestry), Mr. Matthew C. Howard (City of Milwaukee), Mr. Jeffrey M. Mears (Oneida Tribe of Indians of Wisconsin), Dr. Dale G. Medearis (Northern Virginia Regional Commission), and Ms. Kathryn L. Schaberg (Georgetown Tribal Council) and thanked them for their contributions of expertise to the Council. Mr. Ross introduced NACEPT Vice-Chair Mr. Howard Learner (Environmental Law and Policy Center) and expressed appreciation for his leadership.

Mr. Ross referred to the published *FY 2014-2018 EPA Strategic Plan*, which he noted reflects much of the input provided through two advice letters developed by the NACEPT and transmitted to the EPA Administrator. He remarked that it is gratifying that the NACEPT is having an impact. Mr. Ross encouraged all Council members to read the *Strategic Plan* in its final form to appreciate how sustainability is woven into the fabric of the plan.

Advancing the Agency's Priorities and Mission Outcomes Through the FY 2014–2018 EPA Strategic Plan and Overview of NACEPT's Comments on the Draft

Rita Smith, Deputy Office Director, Office of Planning, Analysis and Accountability (OPAA), Office of the Chief Financial Officer (OCFO), EPA; and Vivian Daub, Planning Staff Director, OPAA, OCFO, EPA

Ms. Rita Smith (OPAA, EPA) sent regards on behalf of OPAA Director Kathy O'Brien, who was unable to attend the meeting. Ms. Smith thanked the Council for inviting her and Ms. Vivian Daub (OPAA, EPA) to speak about EPA's performance management framework and to discuss the NACEPT's comments on the *Draft Strategic Plan*, which were discussed and approved at the December 2013 meeting. She commented that the Agency always finds the Council's input to be valuable in developing the strategic plans, which EPA has been publishing periodically since 1997.

Ms. Smith explained that the Government Performance and Results Modernization Act of 2010 reinforced the need for accountability for government agency activities. EPA's strategic plans describe the Agency's long-term direction and results, as well as strategies and approaches to achieve them. Ms. Smith noted that the FY 2011–2015 plan reflected the strong investment from senior Agency leadership. The explicit goal was to create a "meaningful document that is used to manage," not a publication that would sit unused on bookshelves. A lot of time was spent crafting appropriate messages, goals and strategies. As a

result of the careful planning in the previous iteration, the *FY 2014–2018 EPA Strategic Plan* did not change dramatically. Some topic areas, such as sustainability, were updated, but the primary message was to sustain the direction.

Ms. Smith presented EPA Administrator Gina McCarthy's themes used to frame the *FY 2014–2018 EPA Strategic Plan*: (1) Making a Visible Difference in Communities Across the Country; (2) Addressing Climate Change and Improving Air Quality; (3) Taking Action on Toxics and Chemical Safety; (4) Protecting Water: A Precious, Limited Resource; (5) Launching a New Era of State, Tribal and Local Partnerships; (6) Embracing EPA as a High-Performing Organization; and (7) Working Toward a Sustainable Future. Ms. Smith noted that the *Strategic Plan* is comprised of five Strategic Goals that describe Agency activities (Climate Change and Air Quality; Water; Cleaning Up Communities; Chemical Safety and Pollution Prevention; and Enforcement and Compliance) and four Cross-Agency Strategies that describe how the goals are accomplished (Sustainability; Communities; Partnerships; and High-Performing Organization). One important objective is to work holistically across the Agency to reduce stovepiping.

Ms. Smith commented that Sustainability was integrated as a Cross-Agency Strategy as a result of the NACEPT's comments. The Agency also appreciated the Council's call for annual action plans. Although the *Strategic Plan* is a short, aspirational document, annual action plans are available on EPA's website (<http://www2.epa.gov/planandbudget/fy-2014-cross-agency-strategies-action-plans>). The FY 2015 action plans are nearing completion and will be posted soon.

The *Strategic Plan* defines a high-level, 4-year framework that depicts the direction and priorities of the Agency. Annual planning and budgeting activities then outline resource and effort decisions that are guided by the *Strategic Plan*. Operations and execution processes decompose the plan further to determine how EPA Program and Regional Offices will collectively meet the goal. The final step to operationalizing the *Strategic Plan* relates to results measurement, reporting and evaluation. To hold EPA accountable, a performance report will be published every year to convey Agency accomplishments to Congress and the public. New for FY 2014 is a strategic review, which evaluates the *Strategic Plan* objectives in relation to performance and budget measures to determine areas of adequate progress and where more attention is needed. FY 2014 will serve as the baseline. Ms. Smith noted that the *Strategic Plan* is intended to be a living document; adjustments can be made as conditions warrant.

Ms. Smith called for any questions. Ms. Bridgett Luther (Cradle to Cradle Products Innovation Institute) requested an overview of EPA's budget given the government-wide spending limitations. Ms. Smith noted that the Agency is working to complete FY 2014 reporting, EPA's FY 2015 operating plan has been submitted to the Office of Management and Budget (OMB), and the FY 2016 budget is being developed. She acknowledged that the FY 2015 and 2016 budgets are reduced in terms of full-time equivalent (FTE) and financial resources based on targets supplied by OMB. The Agency has engaged in discussion about how to use the limited resources to best accomplish EPA's objectives. Additional conversations and adjustments to the budget may be needed following a verdict from the Committee on Appropriations. Ms. Smith noted that EPA is operating under a Continuing Resolution until December 11, 2014.

Mr. Learner asked about selection of the Agency's priorities given the perennial budget uncertainties. Ms. Smith replied that EPA's senior leadership participated in a planning meeting in May 2014 to discuss how the Agency can best continue to advance the Administrator's key themes. State, tribal and local government representatives also were invited to the meeting to give advice on their priority needs and opportunities. Several additional meetings engendered a collective discussion to ascertain how Agency staff can work smarter to accomplish tasks more efficiently. Mr. Learner acknowledged the budgetary challenges facing the Agency.

Ms. Daub, who led the Agency effort to develop the *FY 2014–2018 EPA Strategic Plan*, discussed the NACEPT’s comments on the *Draft Strategic Plan*, and how those remarks were addressed in the final version. She stated that the Council’s comments clustered into three areas: sustainability, cross-Agency strategy implementation and cross-program collaboration, and enforcement. Ms. Daub expressed appreciation for the NACEPT’s strong endorsement of sustainability, and noted that sustainability was incorporated throughout the *Strategic Plan* as a key operating theme. To address the NACEPT’s advice to increase visibility of the theme, an Administrator’s Message was added to the beginning of the document to set the tone of sustainability. The message addresses how sustainable approaches are instrumental in solving myriad challenges. Additionally, the introduction lays the foundation for the sustainability theme by addressing the use of sustainable actions that deliver significant environmental and health benefits; incorporating sustainability principles into regulatory, enforcement, incentive-based and partnership programs; and focusing on building resiliency to extreme storms or droughts to help adapt to a changing climate.

Regarding the NACEPT’s suggestion to revise EPA’s mission statement, Ms. Daub expressed appreciation for the suggestion but asserted that now was not the time to make that change. Greater visibility to sustainability was, however, also included in several goal chapters. For example, Goal 3 contains an entire objective dedicated to promoting sustainable and livable communities, addressing how local planning and zoning codes can account for the environmental impacts of development and support smart growth. This objective also discusses engaging with citizens and informing local decision making to support sustainable growth. A joint effort between three agencies—EPA, Department of Housing and Urban Development (HUD) and Department of Transportation (DOT)—is cited as an example of aligning federal resources to improve environmental outcomes for development through technical assistance, grants and training. These three agencies are using a common set of tools to coordinate their efforts and investments to protect the environment, promote equitable development and help address the challenges of a changing climate. Goal 2 addresses sustainable infrastructure and planning related to protecting America’s waters. The goal describes how EPA can work with partners to protect infrastructure, conserve water, adopt green infrastructure, and improve the resiliency of infrastructural and natural systems. Other examples are distributed throughout the chapters. Greater prominence of sustainability also was achieved by the inclusion of a dedicated Strategy entitled, “Working Toward a Sustainable Future,” and presence of sustainable principles in the other three Strategies. The Communities Strategy speaks to expanding the support of community efforts to build healthy, sustainable, green neighborhoods through a variety of mechanisms. The Partnerships Strategy addresses the expansion of collaborative efforts to increase international commitments to sustainability goals. The High-Performing Organization Strategy includes meeting or exceeding federal sustainability targets through enhanced sustainable workforce principles, while sharing lessons learned with other agencies.

With regard to the second category of feedback on how EPA intends to conduct cross-Agency strategies and ensure cross-program collaboration, Ms. Daub explained that the design of the *Strategic Plan* as a high-level, aspiration document also provides flexibility to adapt to a changing environment. Although the Council called for a separate goal addressing the development of action plans, Ms. Daub asserted that annual action plan development is a routine activity and not required as a separate goal. The new governing structure, including facilitation teams dedicated to each Cross-Agency Strategy, will encourage cross-media activity within the Agency. The facilitation teams are led by the Deputy Administrator and comprised of senior career leaders in Headquarters and Regional Offices. The cross-Agency nature of the facilitation teams will provide an opportunity to evaluate the Strategies, identify the most significant actions, assess progress, and raise issues to senior leadership.

Ms. Daub addressed the NACEPT’s third category of comments regarding apparent inconsistencies in statements and commitments related to enforcement. EPA received many comments on this area, including an email campaign of 25,000 individuals. To relay EPA’s commitment to maintain a strong enforcement presence, sections were revised considerably to address concerns. Ms. Daub read the new language incorporated in the revised *Strategic Plan*: “EPA is focusing federal enforcement resources on

the most important environmental problems where noncompliance is a significant contributing factor and where federal enforcement attention can have a significant impact. This strategy means EPA's top enforcement priority will be pursuing large, complex cases that require significant investment and a long-term commitment. We anticipate that this strategy will result in a higher level of public health protection because of the significant impacts associated with the large cases and the precedent they set for performance of large facilities across the country. In this way, we can address the most serious pollution problems, direct EPA's limited resources to important cases on which EPA is best suited to take action, and still maintain the program's effectiveness."

Ms. Daub reiterated her appreciation for the care and attention the NACEPT members used to craft their advice, which she hoped was adequately represented in the final plan. She emphasized that the Agency benefitted greatly from the Council's thoughtful input. Ms. Daub solicited questions or comments.

Mr. Kurt Erichsen (Toledo Metropolitan Area Council of Governments) referred to the NACEPT's suggestion regarding the recognition of harmful algal blooms as an emerging issue within the *Strategic Plan*, which speaks to the importance of water as a limited resource. In August 2014, the Toledo water system was shut down for 2 days because of toxic algae. He noted that every coastal area is affected and reiterated his call for EPA to prioritize the establishment of a science-based standard for algae toxins in the water supply. Ms. Daub acknowledged his comment and noted that the harmful effect of algal blooms was mentioned in the *Strategic Plan* in relation to protecting human health. She relayed the tension between including detail about priority issues and creating a readable, high-level document. Ms. Daub acknowledged the importance of the Toledo calamity and the need to address the issue of algal blooms.

Dr. Medearis volunteered to share his ideas and time in support of partnership strategies. Dr. Medearis suggested that there are policy and technical innovations in other countries that could be applied to benefit the EPA's domestic programs. These lessons from overseas that can be applied in the US and in support of EPA's domestic mission include, among other innovations, green infrastructure and smart growth innovations. When formerly institutionalized, strategically focused and outcome-oriented, international programs compliment and integrate nicely into EPA's domestic mission and mandates. This can especially be the case with an applied research program but also works with, other policy, and technology transfer programs of the Agency's domestic mission to make communities stronger and healthier.

Ms. Nena Shaw (OP, EPA) commented that the NACEPT might be asked to engage in that discussion soon. Two areas of international overlap include food waste and sustainable products and purchasing. Mr. Ross agreed that it was an important topic, and a potential focus for a future NACEPT meeting.

Ms. Luther expressed appreciation to the EPA staff for incorporating the NACEPT's comments into the revised *Strategic Plan*. Mr. Learner acknowledged the Agency's efforts to address comments related to enforcement.

Public Comments

Eugene Green, NACEPT DFO, ODACMO, EPA

Mr. Green called for public comments and none were offered.

Update on EPA's Sustainability Efforts

Nena Shaw, Director, Integrated Environmental Strategies Division, Office of Strategic Environmental Management, OP, EPA; and Derry Allen, Office of Environmental Policy Innovation, OP, EPA

Ms. Nena Shaw leads the Cross-Agency Strategy on Sustainability. She acknowledged that sustainability is not a new issue, and the NACEPT has provided much helpful advice on the topic in recent years. Former EPA Deputy Administrator Mr. Bob Perciasepe had been a strong and passionate advocate for

sustainability, and current Acting Deputy Administrator Mr. Stan Meiburg is a key leader who will carry the efforts forward.

Ms. Shaw acknowledged the NACEPT's interest and passion around sustainability. She remarked that developing the *Strategic Plan* took longer than anticipated, explaining the delay in engaging with the Council. Ms. Shaw stated that she was excited to work on a variety of sustainability-related issues. She commented that the Agency worked hard on foundational steps for sustainability in the FY 2014 Action Plan. Key elements included EPA "inreach," such as developing a SharePoint site as well as Internet and Intranet resources. Four focus areas related to sustainability—green infrastructure, sustainable materials management, sustainable products engineering, and sustainable energy efficiency—were selected to bound the conversation and ensure concrete accomplishments. For each of these focus areas, a cross-Agency goal was identified. Remarkable progress was made on the internationally important issues of sustainable materials management and food waste. The Office of Solid Waste and Emergency Response (OSWER) has worked for a long time on the Food Recovery Challenge, and an opportunity exists to engage the rest of the Agency with regard to food waste. For example, the issue of anaerobic digesters aligns well with the Office of Chemical Safety and Pollution Prevention (OCSPP). Ms. Shaw acknowledged that setting measurable targets was a challenging effort, but the goals should be finalized by the end of 2014, presenting an opportunity for an in-depth conversation with the NACEPT in spring 2015.

The other large component of sustainability involves tools, metrics and indicators; Ms. Shaw informed the Council that Mr. Derry Allen (OP, EPA) was a leader in those efforts. The National Academy of Sciences (NAS) described such tools in *Sustainability and the U.S. EPA* (also known as the "Green Book"). A new report, released in September 2014, describes the most recent decision support tools. EPA's Office of Research and Development (ORD) and the OP has endeavored to employ decision making strategically, and increasing awareness of available tools takes the operationalization to the next step. Ms. Shaw commented that the varied Council members' expertise will be helpful for the Agency's future work.

Mr. Allen was delighted to speak again with the NACEPT and he expressed his appreciation for the advice letters. He commented that more details about a future charge for the NACEPT will be discussed at the next meeting. In response to a question, Mr. Allen clarified that the *Sustainability for the Nation: Resource Connection and Governance Linkages* NAS report was released in 2013, and the September 2014 report was entitled *Sustainability Concepts and Decision-Making: Tools and Approaches for the U.S. Environmental Protection Agency*. Mr. Green mentioned that he had sent a copy of the report to the NACEPT members in September, and he offered to distribute the publications again to the Council members who did not have them.

Overview of NACEPT Moving Forward

Mark Joyce, Associate Director, ODACMO, EPA

Mr. Joyce referred to the previous presentations in emphasizing the value and impact of NACEPT advice on Agency planning and programs. He expressed his gratitude to the Council members for their time, effort and commitment to EPA. Mr. Joyce provided an update for future NACEPT activities, noting that senior agency leadership is being engaged to identify high-priority topics for the NACEPT's consideration. The intent is to select two to three priority issues in early 2015.

Mr. Joyce informed the new members that NACEPT's broad charter is designed so that the Council can address any high-priority issues identified by the EPA Administrator. He explained that typically, after priority issues are identified, discussions between the NACEPT Chair, Vice-Chair and Council members will refine the topic(s) on which the Council can provide the most valuable advice. These conversations will occur during the next several months, and the next NACEPT meeting is targeted for March 2015.

Mr. Joyce stated that he was looking forward to working with the NACEPT members to address the new topics.

Mr. Joyce solicited questions and comments. In response to a question from Mr. Ross, Mr. Joyce acknowledged that the topic(s) might relate to sustainability, which is an important priority of the Administrator that cuts across many EPA program areas. Ms. Luther asked whether the Council might be asked to address technology. Mr. Joyce replied that previous NACEPT assignments involved evaluating EPA's role in the development and commercialization of environmental technologies. EPA leadership will discuss where the Council brings the most benefit to EPA. As an aside, he noted that former EPA Administrator Ms. Lisa Jackson now leads the sustainability team at Apple. Mr. Ross asked Council members to send him an email regarding possible topics on which the NACEPT could provide assistance to EPA.

Mr. Green reiterated that the next NACEPT meeting likely will be planned for February or March 2015, and it might be a face-to-face meeting.

Overview of NACEPT Subcommittee

Kathleen Hurld, Environmental Protection Specialist/National Lead for CWA 404 Assumption, Office of Wetlands, Oceans and Watersheds (OWOW), EPA

Mr. Joyce informed the Council that NACEPT subcommittees are formed periodically. During the Council's 20-year history, dedicated subcommittees have addressed total maximum daily load (TMDL) levels, commercialization of environmental technologies, and reauthorization of environmental statutes. EPA asks the NACEPT to form subcommittees, which then are managed by Program Offices.

Ms. Kathleen Hurld (OWOW, EPA) requested that the NACEPT establish a subcommittee to address an element of the Clean Water Act (CWA), Section 404. Ms. Hurld elaborated that Section 404 established a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. She explained that EPA is responsible for approving state and tribal requests to assume dredge and fill material permits. In 48 of the 50 states, the U.S. Army Corps of Engineers (USACE) assumes permits. The CWA, as written, provides states and tribes with the primary role in managing the Nation's aquatic resources, including assumption of permitting responsibilities.

Ms. Hurld explained that the Section 404 program is similar to the CWA, Section 402: National Pollutant Discharge Elimination System (NPDES), which authorizes states and tribes to permit discharges of wastewater. Ms. Hurld noted that many states have taken on the permitting role in wastewater discharge but not dredge and fill. One big difference in Section 404 is that states and tribes cannot assume responsibility of permitting dredge and fill into certain waters, such as large interstate waterways used to transport interstate or foreign commerce (e.g., Mississippi River, Potomac River, Gulf of Mexico), to ensure unrestricted commerce and navigation. This exclusion of individual waters created challenges for states and tribes to assume permitting responsibilities because of the lack of clarity in determining which waters are retained under control of the USACE. The issue was further complicated in the 2000s as federal court decisions used previously reserved terms to describe waters of the United States. Ms. Hurld clarified that the issue is not the requirement of a permit, but rather the identification of the permitting authority.

On April 30, 2014, the Association of Clean Water Administrators submitted a letter requesting that EPA provide clarity on the issue so that states could determine whether or not to build a dredge and fill permitting program. EPA committed to providing the requested clarity. Ms. Hurld remarked that the best way to achieve consensus on the issue was to conduct an open discussion with appropriate state, tribal, and technical individuals and develop recommendations to the EPA Administrator. The purpose of the NACEPT subcommittee is to establish recommendations on the process and definition used to determine permitting authority for certain waters of the United States. The recommendations should be clearly

understood and easily implementable. Ms. Hurld informed Council members that she will work with Mr. Green and Mr. Ross to establish the subcommittee. She recommended that the subcommittee include one or two current NACEPT members to keep the Council apprised of the deliberations. Ms. Hurld then solicited questions and comments.

Dr. Olufemi Osidele (Southwest Research Institute) requested clarification concerning any links between the subcommittee charge and the proposed rule to define waters of the United States. Ms. Hurld remarked that the proposed rule was released on April 21, 2014, and the comment period on the rule has been extended twice. She explained that the proposed rule, which considers which waters are regulated by the federal government or states, is broader than the dredge and fill permitting program under consideration by the NACEPT subcommittee.

Mr. Ross requested an explanation about the composition of the NACEPT subcommittee. Ms. Hurld replied that EPA is soliciting state and county representatives for subcommittee membership. USACE, tribes, environmental groups, and permit-requesting sector representatives also will be asked to serve on the subcommittee. A *Federal Notice* requesting nominations will be published. Mr. Joyce elaborated that a successful model for past subcommittees has been to include one or two NACEPT members with relevant expertise on the subcommittee. He reminded the Council members that the subcommittee cannot directly advise the Administrator. Typically, following completion of a subcommittee report, the Council will review and approve the report prior to transmittal to the Administrator. Mr. Joyce requested that any NACEPT members with an interest and expertise in the topic inform Mr. Green, Mr. Ross and Mr. Learner about their desire to participate on the subcommittee. Mr. Erichsen expressed his interest in participating on the subcommittee or helping to identify appropriate individuals. Mr. Green and Mr. Ross noted his interest.

To inform the selection of NACEPT liaisons, Mr. Learner asked whether the subcommittee topic was more concerned with policy or legality. Ms. Hurld responded that the Agency only has the ability to change regulation, which must be consistent with the statute. EPA does have some discretion concerning how the statutes are implemented, but consistency is important. The waters that need a CWA Section 404 permit are known; what is unclear is whether the federal government or states has permitting authority. Ms. Hurld opined that it was more of a policy question, although EPA lawyers will be enlisted to ensure that the regulation is consistent with the statute. As there is more than one way to clarify who is responsible for permitting waters and adjacent wetlands, the issue deals more with policy.

Mr. Green reiterated that the ODACMO staff will work closely with Ms. Hurld, Mr. Ross and Mr. Learner to establish the NACEPT subcommittee.

Overview of ODACMO and the Roles and Functions of EPA Advisory Committees

Toni Rousey, Acting Staff Office Director for Committee Management, ODACMO, EPA

Ms. Rousey provided an overview of FACA to educate the new NACEPT members, who she welcomed to the Council. She explained that Council members should be aware of the requirements mandated by FACA, which establishes procedures for the management of advisory committees such as the NACEPT.

Ms. Rousey stated that the 1972 FACA governs the establishment, operation and termination of federal advisory committees. FACA might apply when EPA utilizes or convenes committees to obtain group advice. Committee members serve at the discretion of the Administrator, and committees must be balanced with regard to perspective and functions to be performed. EPA appoints two types of members: representative members are asked to depict the perspective of a group (this applies to all NACEPT members), and special government employees provide the Agency with their best independent judgment and expertise.

FACA requires openness, transparency and public access. Meeting notices are published in the *Federal Register*, and opportunities are provided for public comment and access to meetings. Detailed meeting minutes, certified by the Chair, as well as other committee documents are available to the public; this requirement applies to all FACA meetings. Members are expected to review materials in advance and participate in the meeting by engaging in a candid exchange of views and perspectives. Members also are asked to represent their interest group or organization, work toward consensus and provide feedback to the Chair. The Chair provides leadership to the committee and, along with the DFO, develops agendas, schedules activities, coordinates work and obtains consensus. Committee members are expected to collaborate to accomplish the charge, serve the appointed term and discuss any conflicts with the DFO.

Regarding travel and ethics considerations, EPA may pay travel and *per diem* for members on official travel. Members are expected to maintain an environment that promotes the participation of individuals regardless of race, color, national origin, age, sex, religion, disability or sexual orientation. They may not lobby Congress in their capacity as advisory committee members.

Committees provide advice directly to EPA. Subcommittees may be formed to gather facts and draft documents, but subcommittees must report their findings directly to the parent committee for full deliberation, approval and discussion. At EPA, subcommittees follow all FACA requirements, including guidelines for openness, transparency and membership. Subcommittee members must be approved. Committees also may form working groups to conduct research, perform studies or gather facts. Working groups are small, informal meetings not subject to FACA regulations; however, EPA encourages working groups to hold open meetings and make documents available to the public.

Ms. Rousey encouraged Committee members to contact NACEPT DFO Mr. Green as necessary. She referred participants to the FACA website (<http://www2.epa.gov/laws-regulations/summary-federal-advisory-committee-act>) and EPA's FACA program website (<http://www2.epa.gov/faca>) for more information. In closing, Ms. Rousey reiterated EPA's appreciation for the Council members' service, knowledge and experience, and thanked them for accepting the invitation to serve as a FACA member at EPA.

General Administrative Procedures: Travel and Reimbursement

Stephanie McCoy, Program Analyst/Travel Specialist, ODACMO, EPA

Ms. Stephanie McCoy (ODACMO, EPA) described travel and reimbursement procedures pertaining to the NACEPT members. She noted that the last face-to-face meeting was a long time ago, and the presentation would serve to refresh returning members and educate new members. Ms. McCoy presented an image of the EPA Traveler Identification Form and explained that all Council members must complete or update the form to ensure accurate reimbursements. Direct deposit allows for the most expedient reimbursement.

For face-to-face meetings, airline and train reservations are booked through EPA's travel agency, Omega Travel. Hotel reservations must be completed by the participant, but this expense is reimbursable along with *per diem* expenses, mileage and parking, and taxis. Internet access and baggage fees are decided on a case-by-case basis. Ms. McCoy described where expenses are recorded on the Travel Voucher Expense Report. She noted that receipts are requested for expenses in excess of \$75, and can be submitted electronically via email. All travel vouchers are audited by EPA. Expense Reports are collected at the conclusion of meetings or can be submitted afterwards. Ms. McCoy presented an image of EPA's Travel Voucher and pointed out where Council members should sign. She also described the local travel reimbursement procedures; local members are reimbursed for mileage and parking.

Ms. McCoy noted that she and Ms. Shirley Jones (ODACMO, EPA) will serve as the points of contact for travel and reimbursement activities. She requested that Council members copy both of them on travel-

related correspondence. Mr. Ross extolled the competence of Ms. McCoy in assisting the NACEPT with travel and reimbursement activities.

Meeting Summary and Action Items

William Ross, Jr., NACEPT Chair, Visiting Professor, Nicholas School of the Environment, Duke University

Mr. Ross thanked the speakers and organizers for planning an excellent meeting. He remarked on EPA's evident regard for the NACEPT's advice, described in part by Ms. Smith and Ms. Daub. Mr. Ross said that he was eager to learn the Council's next charge in early 2015. Mr. Ross congratulated the new members, returning members and Mr. Green.

Mr. Green expressed appreciation to the NACEPT members for their participation, and also extended his thanks to the speakers. Mr. Joyce added his thanks and said that he looked forward to working with everyone. Mr. Green reminded members that the next NACEPT meeting probably would be held in February or March 2015, and said that a Doodle poll will be circulated soon to finalize a date for the meeting as EPA continues to develop the NACEPT's next charge.

Mr. Green adjourned the meeting at 2:07 p.m. EST.

Action Items

- ✧ Mr. Green will distribute the *Sustainability for the Nation: Resource Connection and Governance Linkages* and *Sustainability Concepts and Decision-Making: Tools and Approaches for the U.S. Environmental Protection Agency* reports to the Council members.
- ✧ Council members will send Mr. Ross a note regarding any possible topics on which the NACEPT could provide assistance to EPA.
- ✧ Any interested council members will inform Mr. Green, Mr. Ross and Mr. Learner of their desire to serve on the NACEPT subcommittee.
- ✧ A Doodle poll will be circulated to ascertain availability for the next NACEPT meeting in February or March 2015.

**National Advisory Council for Environmental Policy and Technology (NACEPT)
Meeting Participants**

NACEPT Members

Dr. Fernando Abruña

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Ms. Erica Bannerman

Energy Manager
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Ms. Ondrea Barber

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Ms. Lauren M. Boles

Civil Engineer and Environmental Planner
Office of Watersheds
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Dr. Carrie Castille

Associate Commissioner for Government
Affairs
Louisiana Department of Agriculture and
Forestry
Baton Rouge, LA

Mr. Kurt Erichsen

Vice President
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Toledo Metropolitan Area Council of
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I, William Ross, Chair for the National Advisory Council for Environmental Policy and Technology (NACEPT) certify the meeting minutes for November 3, 2014 (video/teleconference) are complete and accurately reflect the discussions and decisions of said meeting.



William Ross
NACEPT Chair

Date: January 21, 2015