

US EPA ARCHIVE DOCUMENT

Local Government Advisory Committee Meeting

MINUTES

Denver, Colorado
May 11-12, 2000

Local Government Advisory Committee Meeting

ATTENDEES

Denver, Colorado
May 11-12, 2000

Public

Jon Blubaugh-Facilitator
Rita Wayco, Conference of Southern County Assns.
Sarah Fox-City of Fort Collins
Diana Shannon-Boulder County Health Department

EPA

Paul Guthrie
Deirdre Nurre
Shirley Dorsey
Dallas Miller
Mark Flory
Bill Jernigan
Denise Ney
Lisa Lund
Mohammad Razzazian
Kerry Clough
Becky Snider

Members

Bill Anderson
Fred Battle
Oliver Bennett
Chris Bird
Clarence Brown
Teree Caldwell-Johnson
Judy Duncan
Gary Edwards
J. Kalani English
Ivan Fende
Robert Hadfield
Sarah Lile
Stanley Michels
Anne Morton
Susan Ode
Linda Pratt
Carol Rist
Kay Slaughter
Kit Smith
Arlyn Stepper
John Stufflebean
Bruce Tobey
Christine Weason
Beverly Weaver
Dick Zais

MINUTES

Denver, Colorado

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Chair Teree Caldwell-Johnson convened the meeting at 9:00 a.m. and welcomed participants. Caldwell-Johnson reviewed the agenda of the two-day conference and motioned that the meeting be held tenaciously to the time-line. Motion accepted.

Facilitator Jon Blubaugh began with introductions of all attendees, starting with Denver's Deputy Mayor, Stephanie Foote. In her brief greeting, Deputy Mayor Foote welcomed the LGAC to Denver and emphasized the importance of partnerships between EPA, cities, counties and towns. Facilitator Blubaugh directed introductions. After a ten minute break at 10:45 a.m., Chair Caldwell-Johnson reconvened the morning session, emphasizing her intent to stay on task and on time. Introductions were then concluded.

Chair Caldwell-Johnson launched into the first agenda item, "A Review of Orientation." She welcomed the new members to their first full-fledged meeting and asked for questions on any items presented at the New Member Orientation.

The next agenda item, "A Recap of the Chattanooga Meeting," was presented by Chris Bird, Policy Subcommittee Chair, and Linda Giannelli Pratt, Outreach Subcommittee Chair. Chris Bird highlighted the concerns discussed at the Chattanooga Meeting:

- Barriers which hindered issue resolution, particularly barriers set up by State governments;
- TMDL's and the need for local government, the EPA and state government to work cooperatively toward resolutions; and,
- "Smart Growth" issues.

Linda Giannelli Pratt's recap stressed that the status quo continued to hold. Vital points included for the Subcommittee were:

- Emphasizing the significance of the "*Building the Network*" document. The document referenced processes, not specific topics, and enhanced the EPA's ability to help local governments facilitate processes within an entire "cradle to grave" experience.
- Setting forth better ways to communicate, including a letter to Administrator Browner for her consideration of such action.
- Full-Committee adoption of the Subcommittee's recommendations concerning the Agency's implementation of the Federalism Executive Order (13132) and transmission to the Agency.

Chair Caldwell-Johnson then moved immediately to the next item on the agenda, "the 'SCAS' Update," and introduced Anne Morton and Oliver Bennett, Small Community Advisory Subcommittee (SCAS) co-chairs to deliver the SCAS update. Mayor Morton conveyed that it was SCAS' mission to ensure that "everybody has clean water, clean air, and be able to live healthily" in the environment. Morton touched on the five workgroups created to handle issues of interest to SCAS. The workgroup

issues include Ombudsman, Sustainability, Funding Inventory, Small Business Regulatory Enforcement Fairness Act (SBREFA) and Federalism. The Sustainability Workgroup is also identifying funding sources for implementation of environmental protection projects by small local governments. In addition to these workgroups, SCAS has formed other groups to scope out issues to determine whether an issue is one on which SCAS wishes to work. The current issues include the National Forest Road Legislation, Arsenic, Policy on Flexible State Enforcement Responses to Small Community Violations, and TMDLs. These efforts are necessary, according to Morton, to ensure that SCAS stays focused on its mission. SCAS is also working on a process for identifying new issues, Morton added.

At 11:35 a.m., Chair Caldwell-Johnson dismissed members for lunch. The LGAC meeting was reconvened at 1:00 p.m. with the first agenda item, "Presentation and Discussion of Survey Results," presented by Facilitator Blubaugh. Blubaugh suggested members use the Issue Selection Worksheet to identify issues or subjects that will drive LGAC planning for the next year.

Issue Selection Worksheet

- A. Water pollution and/or development of Total Maximum Daily Load (TMDL) Program
- B. Storm water management/permitting
- C. Drinking water protection issues/problems
- D. Air climate quality problems from stationary sources (power plants, etc.)
- E. Air quality problems from traffic and congestion
- F. Climate change issues
- G. Land fill issues
- H. Sprawl development/growth management
- I. Brownfields redevelopment
- J. Federal financial assistance
- K. Voluntary programs
- L. Noise pollution management
- M. Concentrated animal feeding operation
- N. (Establishing a model for intergovernmental relationships)

** LGAC members agreed that this general concept flows through all twenty-six (26) other listed concerns.*

- O. Environmental and economic statuses are conveyed in a simple-language fact sheet
- P. ESA listing
- Q. Pesticide restrictions
- R. Island issues
- S. Underground storage tanks
- T. Health issues impacted by contamination
- U. Environmental justice issues
- V. Watershed management
- W. Mandates, both funded and unfunded, in reference to implementation and process issues
- X. TMDL
- Y. Water conservation practices/water rights
- Z. Energy efficiency
- AA. Natural areas protection

LGAC members prioritized these topics by means of a voting process which considered two specific categories -- local and State/regional.

Local	State/Regional
Sprawl	Air quality/traffic
Air quality/traffic	Sprawl
Drinking water	Drinking water
Mandates	Mandates
Storm water management	Watersheds

LGAC members agreed that, although these five issues were the priorities, all twenty-seven issues were interconnected. Members then asserted that the sprawl issue remains among the top five LGAC concerns. Chair Caldwell-Johnson reiterated these five key areas to be concerns the Committee must address in upcoming work.

Chair Caldwell-Johnson then moved to the next item on the agenda, the "Public Comment Period." The following members of the public presented: Diana Shannon, Boulder County Health Department; Sarah Fox, University of Colorado at Fort Collins; and Rita Wayco, Conference of Southern County Associations.

Diana Shannon emphasized the importance of cooperation among all local authorities when working on an issue. Shannon indicated this was crucial to create successful and meaningful change. Shannon cited the absence of trust among authorities as the culprit that caused the breakdown of constructive community effort. Sarah Fox saluted community volunteers as essential to the forward progress of small communities. Fox asserted that community members must take ownership of their own problems and that the dynamics of each community are different.

Following a ten minute break, Chair Caldwell-Johnson moved to the final item on the agenda for the day, "Committee Structure/Organization and Communication." The focus for this discussion was to agree upon a committee structure and organization to facilitate the Committee's work on the five priorities.

A steering, or "oversight," subcommittee was recommended to address the framework concern. Linda Giannelli Pratt suggested the creation of two new subcommittees -- a Process Subcommittee and an Issues Subcommittee. Pratt stated this structure would allow for completion of current work and allow the Committee to move forward with the new priorities.

Members discussed the parameters of these two subcommittees and Chair Caldwell-Johnson asked for a motion, which was made and passed, to adopt the structure. Caldwell-Johnson directed members to self-select for either the Process or the Issues Subcommittee, stating that members who did not self-select would be assigned to a subcommittee. Following is a list of the membership for all three committees:

Process Committee

Linda Giannelli Pratt, Chair
J. Kalani English
Bob Hadfield
Judy Duncan
Susan Ode
Ivan Fende
John Stufflebean
Fred Battle
Dick Zais

Issues Committee

Chris Bird, Chair
Stan Michels
Christine Weason
Sarah Lile
Carol Rist
Beverly Weaver
Arlyn Stepper
Oliver Bennett
Anne Morton
Clarence Brown
Kay Slaughter

**LGAC members not in attendance will self-select after the meeting.

Oversight Committee

Teree Caldwell-Johnson
Bill Anderson
Chris Bird
Linda Giannelli Pratt
Anne Morton
Christine Weason
Susan Ode
Kit Smith
J. Kalani English

Following subcommittee membership selection, Caldwell-Johnson introduced Lisa Lund, Deputy Associate Administrator for the EPA Office of Congressional and Intergovernmental Relations. Lund expressed the EPA's appreciation for the work of the LGAC and detailed her background.

Chair Caldwell-Johnson adjourned the meeting for May 11, 2000 at 4:40 p.m.

Friday, May 12, 2000

Chair Caldwell-Johnson reopened the conference with a welcome to all LGAC members and reviewed the agenda for the day. Caldwell-Johnson recapped the future priorities discussed on the previous day and reiterated that the two new subcommittees -- Process and Issues -- would develop individual work plans during a working lunch that day.

"The Subcommittee Membership Selection Process and Discussion," which had been deleted from Thursday's agenda, was quickly detailed. Kay Slaughter asked that Subcommittee chairs keep in mind Island issues and environmental justice issues when reviewing processes. Deirdre Nurre suggested EPA staff involvement in the Subcommittees, to which Caldwell-Johnson responded by explaining that EPA staff were already involved in an informal way. Caldwell-Johnson then expanded on the Steering

Subcommittee and ad hoc workgroups, explaining that the Steering Subcommittee will determine the need for ad hoc workgroups.

Prefacing the next item on the agenda, “Federalism Discussion,” Chair Caldwell-Johnson clarified for LGAC members that they would be able to express their opinion of the Federalism Executive Order (13132) but the Committee needed to focus on providing comments on EPA’s implementation guidance and consultation strategy. Caldwell-Johnson then introduced Paul Guthrie, one of the Committee’s Designated Federal Officers, who updated the members on Federalism Executive Order 13132 (EO 13132).

Guthrie led off the discussion with background about EO 13132 and described “what it is and what it isn’t.” Guthrie stated it was a “linear descendant of the Unfunded Mandates debate.” The ability of agencies to work with seven national associations that represent State and local governments (commonly referred to as the Big 7) is unique to the EO. Guthrie stated that the EO applied to “regulation and policy development, and to legislative proposals developed by agencies.” The three new concepts that guided the development of EPA’s consultation guidance document were:

- initial consultation -- before pen is set to paper, gain some understanding of the implications of the action for State and local governments
- development of a flexible consultation plan as part of the regulatory development “blueprint”
- consultation with *elected officials* on major, significant rules

He also stated that EPA was working with the Big 7 in an attempt to develop a process wherein we can effectively communicate actions with Federalism implications as they begin to develop and use the Big 7’s resources to provide not just “inside the Beltway” comments, but those from local and State officials.

Guthrie explained that Committee members had three documents: (1) *Interim Guidance on Executive Order 13132: Federalism*, the Agency’s internal guidance to help regulation managers comply with the requirements of the EO; *Planning for Intergovernmental Outreach and Consultation*, guidance to help implement the consultation requirement; and (3) a three-page document he assembled using the minutes from the Committee’s Chattanooga meeting, and formatted in such a way as to be a possible outline of a Committee report. He believed that it was most important for Committee members to spend their limited time on documents Two and Three. He explained that EPA, more so than many other agencies, could not do its job effectively without heavy involvement of State and local governments and had therefore chosen to go beyond minimum requirements. Guthrie strongly urged the Committee to provide advice to the Agency as to whether or not we were on the right track.

After some discussion, Committee members agreed that the LGAC should recommend to the EPA Administrator that the guidance contain a preface or forward that explains the rationale behind the Agency’s decision to go beyond the requirements of the EO and the opportunity afforded by the EO.

In response to a question about the role of the Office of Congressional and Intergovernmental Relations (OCIR), Guthrie explained that OCIR would review all consultation plans. One member also suggested that the consultation guidance needed to reference the role of the Regional Offices.

Anne Morton, SCAS Co-Chair, followed up with concerns and recommendations from SCAS regarding EO 13132. The areas of concern were as follows:

- Piece meal approach to intergovernmental relations
- Inordinate emphasis on elected officials
- Inordinate emphasis on representative national organizations
- Need for adequate small community representation
- Clarification of ambiguous language and terminology

The SCAS recommendations are as follows:

- An integrated, coordinated approach to intergovernmental consultation with development of a single comprehensive guidance document
- Consultation with both elected and non-elected officials
- Representation of local government organizations along with the national organizations
- An EPA advocate for small communities to ensure adequate consultation
- Clarification of the following terms: meaningful and timely involvement, rule of reason and diminuous readable minimum level impacts
- Inclusion of small community definitions

Linda Giannelli Pratt reviewed the LGAC's Outreach Subcommittee Key Priority Comments to Federal Executive Order 13132. The Outreach Subcommittee Comments are:

- Build on existing communication links
- Additional language to support utilization, define accountability and clarify the need for consistency with implementation of the Executive Order throughout the Agency
- Communication regarding Congressional Mandates and the deadlines to allow time for local government input
- Application within Regional offices as well as Headquarters
- Broaden definitions on consultations to coordinate a more consistent level of communication

Caldwell-Johnson took a moment to explain to new members that the Committee had expected to be finished with its Federalism recommendations before they came on board. Various circumstances prevented that from happening and an agreement was reached to resolve the issues face-to-face in the meeting. She urged members to respect the fact that SCAS had spent an inordinate amount of time reviewing documents and developing their recommendations. She encouraged LGAC members to honor the report as a whole and not get into its details. She then called on Linda Pratt to present the Outreach Subcommittee's report.

Ms. Pratt began by acknowledging how well the Outreach Subcommittee and SCAS recommendations dovetailed with each other, one being focused on process and the other on details. The major recommendations contained in the Outreach Subcommittee's report included:

- Build accountability and consistency into the implementation process
- Allow adequate time for consultation, both in deadlines the Agency sets for itself and those imposed upon it
- Involve EPA's Regional Offices and State-level affiliates of the national associations that represent local governments
- Provide a role for the LGAC in reviewing the Agency's progress toward implementation of the EO.

Chair Caldwell-Johnson asked for a motion to adopt recommendations drafted by SCAS and LGAC. Bruce Tobey contested the motion, stating he found the SCAS recommendations unacceptable. Caldwell-Johnson asked for an amendment to the motion that would allow a vote on SCAS recommendations first, followed by a vote on the LGAC Outreach Subcommittee recommendations. Following a brief discussion to clarify the role of the LGAC in receiving SCAS recommendations, both sets of recommendations were approved and a task force was formed to work on a joint transmittal letter for both sets of recommendations. Task force members included:

Teree Caldwell-Johnson
Chris Bird
Bill Anderson
Linda Giannelli Pratt
Anne Morton
Oliver Bennett
Stanley Michels
Sarah Lile
Bob Hadfield

After a fifteen minute break, Chair Caldwell-Johnson reconvened the meeting and proceeded with the next agenda item, "Subcommittee Assignments and Leadership." Caldwell-Johnson reviewed the process, issues and oversight subcommittee assignments.

The next agenda item, "Review of the Work Plan Development Process," was presented by Facilitator Blubaugh. Using an analysis from Teamwork: What Must Go Right, What Can Go Wrong by Larson and Lagaso, he noted eight key points each Subcommittee should utilize while working on individual action plans. The eight points are listed below:

- A clear, elevating goal
- A results-driven structure
- Competent team members
- Unified commitment
- A collaborative climate
- Standards of excellence
- Recognition and rewards
- Principled leadership

Blubaugh suggested Subcommittees keep these points in mind when working on “Subcommittee Sessions–Work Plan Development,” the next agenda item. Blubaugh handed out an outline to guide the members during the work plan development process. Each set of questions on the outline defined the major topics for discussion. These were:

- Goals
- Activities/Accomplishments
- Schedule
- Resources
- Responsible Party/Work Assignment

Blubaugh emphasized that the Subcommittee’s work would be to set goals and create a time-line for accomplishing them. Caldwell-Johnson commented that the action plans should focus on outcomes and accomplishments.

Members then divided into the Process and Issues Subcommittees to begin constructing work plans during a working lunch.

At 2:30 p.m., Chair Caldwell-Johnson reconvened the plenary session, calling the group to order and requesting presentation of the work plans for the agenda item, “Report Out and Commitments.” The Issues Subcommittee initiated the presentation on action plans.

Kay Slaughter presented three workgroups the Subcommittee had created and listed the LGAC members on each of the workgroups (see below). An Issues Oversight group, comprised of Sarah Lile, Carol Rist, Chris Bird and Kay Slaughter, was created to help narrow the focus within two weeks (by June 1). Subcommittee conference calls were scheduled to be conducted by June 15. A large group conference call was planned for midsummer to identify issues and resources in preparation for the September LGAC meeting.

Issues Group Substructure

Issue	Committee Members
Air Quality	Christine Weason Beverly Weaver Mark Flory
Water Quality	Kay Slaughter Stanley Michels Sarah Lile Oliver Bennett Carol Rist Mark Flory

Smart Growth

Sarah Lile
Arlyn Stepper
Clarence Brown
Mark Flory

The Process Subcommittee was represented by its Chair, Linda Giannelli Pratt, who gave the action points of the group's plan:

- Improve and encourage communication with regional offices as part of Federalism.
- Support the successful implementation of New Federalism through the development of an accountability system.
- Provide and enhance local government participation in the development of the Innovative Community Partnership Program
- Finalize and then transmit the report, "Building the Community Network between Federal and Local Governments"

Upon conclusion of Pratt's presentation, Caldwell-Johnson commended the two groups' efforts and reiterated that the action plans should address the work for the LGAC through the end of 2001.

Chair Caldwell-Johnson moved onto the next agenda item, "Other Business," by thanking various participants. Caldwell-Johnson recognized Facilitator Jon Blubaugh, the EPA's independent contractors and the EPA staff. The next LGAC meeting was announced for September 7 - 8, 2000, in Alexandria, Virginia.

Chair Caldwell-Johnson called for a motion to adjourn. The meeting concluded at 2:50 p.m., Friday, May 12, 2000.

Submitted by: /s/
Denise Zabinski Ney
Designated Federal Officer

Date: 6/15/00

Approved by: /s/
Teree Caldwell-Johnson

Date: 7/12/00

Chair

AGENDA

Local Government Advisory Committee Meeting

US EPA Region VIII Offices
Rocky Mountain & Bison Rooms
999 18th Street
Denver, Colorado
(303) 312-6312

Thursday, May 11, 2000

9:00 - 9:30 a.m.	Call to Order/Welcome	Teree Caldwell-Johnson , Committee Chair Lisa Lund , Deputy Associate Administrator, EPA Office of Congressional & Intergovernmental Relations
9:30 - 9:45	Welcome/Remarks	Kerry Clough , Associate Regional Administrator, EPA Region VIII
9:45 - 10:30	Introductions	Jon Blubaugh , Facilitator
10:30 - 10:45	Break	
10:45 - 11:30	Review of Orientation and Recap of Chattanooga Meeting Objective: To ensure everyone has the same understanding of what resulted from the Chattanooga meeting and what has transpired since. Also, so members know what was covered during orientation.	Teree Caldwell-Johnson Chris Bird , Policy Subcommittee Chair Linda Giannelli Pratt , Outreach Subcommittee Chair

11:30 - 11:45	SCAS Update Objective: Ms. Morton and Mr. Bennett are newly-appointed to the LGAC and will give an update on SCAS activities. This update will be given at each meeting in the future.	Anne Morton, SCAS Co-Chair Oliver Bennett, SCAS Co-Chair
11:45 - 1:00 p.m.	Lunch	
1:00 - 2:30	Presentation and Discussion of Survey Results Objective: Review tabulated results of member interest survey and discuss. Ensure all have a common understanding of issues.	Jon Blubaugh
2:30 - 3:30	Public Comment Period Objective: To give visiting local officials the opportunity to discuss their pressing issues with LGAC members.	Teree Caldwell- Johnson
3:30 - 3:45	Break	
3:45 - 4:45	Issue Selection Objective: Select the priority issues/goals on which the LGAC will work using a voting process. Ensure that the Committee supports the goals.	Jon Blubaugh
4:45 - 5:45	Committee Structure/Organization and Communication Objective: Determine the most effective structure and communication channels/ mechanisms to execute the goals. Options could include long-term subcommittees and short term task forces.	Jon Blubaugh

5:45 - 6:00 Subcommittee Membership Selection Process Discussion Jon Blubaugh

Objective: Determine members on subcommittees/task forces. Members will leave written preferences with the Committee leadership to make assignments overnight.

6:00 Adjourn

Friday, May 12, 2000

8:30 a.m. Call to Order Teree Caldwell-Johnson

8:30 - 8:45 Recap of Previous Day Teree Caldwell-Johnson
Jon Blubaugh

8:45 - 9:45 Federalism Discussion Teree Caldwell-Johnson
Anne Morton, SCAS
Co-Chair

Objective: Discuss and vote to adopt subcommittee recommendations and transmittal letter.

9:45 - 10:00 Break

10:00 - 10:30 Subcommittee Assignments and Leadership Jon Blubaugh

Objective: Announce subcommittee/task force membership and assure members' interests are adequately addressed.

10:30 - 10:45 Review of Workplan Development Process Teree Caldwell-Johnson

Objective: Review workplan template and expectations for workplan development.

10:45 - 2:30 p.m.	Subcommittee Sessions – Workplan Development (includes working lunch at noon)	Subcommittee Chairs
	Objective: Develop workplans.	
2:30 - 3:30	Report Out and Commitments	Teree Caldwell- Johnson & Subcommittee Chairs
	Objective: Report back to full Committee plans and commitments made by subgroups.	
3:30 - 4:00	Other Business	Teree Caldwell- Johnson
4:00	Adjourn	

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6582-5]

Meeting of the Local Government Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Local Government Advisory Committee will meet on May 11-12, 2000, in Denver, Colorado. Subcommittee sessions will take place on May 12th. The Committee will engage in a strategic planning exercise during this meeting in order to determine their agenda and structure through the end of 2001 and develop work plans to accomplish their goals.

The Committee will hear comments from the public between 2:45 p.m. and 3:00 p.m. on May 11th. Each individual or organization wishing to address the Committee will be allowed a minimum of three minutes. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule agenda time. Time will be allotted on a first come, first serve basis.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the number listed below if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible. However, seating will be on a first come, first serve basis.

DATES: The meeting will begin at 9:00 a.m. on Thursday, May 11th and conclude at 4:00 p.m. on the 12th.

ADDRESSES: The meetings will be held in Denver, Colorado at the EPA Region VIII Office located at 999 18th Street in the Rocky Mountain and Bison Conference Rooms.

Requests for Minutes and other information can be obtained by writing the DFO at 1200 Pennsylvania Avenue, NW (1306A), Washington, DC

20460.

FOR FURTHER INFORMATION CONTACT: The DFO for this Committee is Denise Zabinski Ney. She is the point of contact for information concerning any Committee matters and can be reached by calling (202) 564-3684 or by email at ney.denise@epa.gov.

Dated: April 12, 2000.

Denise Zabinski Ney,

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. 00-9922 Filed 4-19-00; 8:45 am]

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