

US EPA ARCHIVE DOCUMENT



APR 7 2009

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The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

First, thank you for meeting with the Local Government Advisory Committee on March 24th. While we have become familiar with your key focus areas and priorities, it is always instructive to hear them directly and have the opportunity to discuss them with you. Our role, as EPA's Local Government Advisory Committee, is to provide advice to you on how best to implement those policies and goals from the perspective of the thousands of local governments and authorities spread throughout the nation.

Every action taken, every regulation written, and every goal established is ultimately implemented within a local government of this nation. We do not represent special interests; we represent your partners who will ultimately see that our clean, healthy, green and economically sound environmental goals are carried out. Through a meaningful collaborative process and ongoing dialog with you and your agency leaders, we hope to provide advice on how best to achieve this.

With that in mind, we respectfully request that the agency seek a stay of the recent court order addressing pesticide applications over or near water bodies under the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES). To achieve the environmental goal in the most effective and efficient manner, we believe this stay of the court order is prudent and necessary.

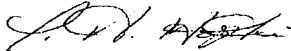
Additional time would give local governments the opportunity to work with states to develop various strategies for the implementation of such a permitting process, what discharges should be permitted, and how a model permit might be structured. A two-year stay, which some state water programs are seeking, seems a reasonable request for both state and local governments.

The need for pesticide control is clearly an important public health concern, but then too is the control of vector-borne diseases such as those carried by mosquitoes--a public health issue for which local governments are primarily responsible. In addition, regulation that is not strategically developed could possibly compromise local government options for responding to any emerging threats and emergencies, such as a pandemic or a natural disaster.

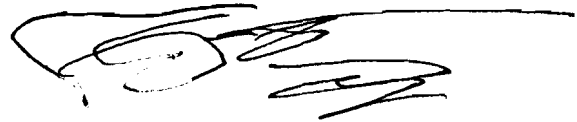
The LGAC fully supports the Agency's efforts to improve water quality, but we believe that the failure to approach the requirements of this court order in a very deliberative and thoughtful manner would result in actions that can be both costly and ineffective. We believe that EPA will be able to work with the states to develop an effective program that meets the requirements of the court order and also your goals of improving water quality in a comprehensive and sound manner.

Therefore, we request that the Agency work with the Department of Justice to request a stay of this court order. We look forward to working with you on a sustainable option to proceed.

Sincerely,



Paula Hertwig Hopkins
Chair, Water Workgroup



Roy Prescott,
Chair

Cc: Mike Shapiro, Acting Assistant Administrator, Office of Water
Jim Hanlon, Director, Office of Wastewater Management