

US EPA ARCHIVE DOCUMENT

U.S. Environmental Protection Agency
Local Government Advisory Committee

Full Committee Meeting

Meeting Summary

November 17 - 18, 2010

Held at the:

Hall of States
444 North Capitol Street, NW
Washington, DC

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

**U.S. Environmental Protection Agency
Local Government Advisory Committee**

**Hall of States
444 North Capitol Street, N.W.
Washington, DC**

November 17–18, 2010

Wednesday, November 17, 2010

Call to Order

Roy Prescott, Chair, Local Government Advisory Committee (LGAC)

Chairman Prescott called the administrative meeting of the LGAC to order at 8:30 AM. He gave a welcome, and invited Members to introduce themselves.

Welcome and Introductions

Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Affairs

Ms. Hospodor-Pallone welcomed everyone, and acknowledged that local government officials are on the forefront of environmental protection. At EPA, the Local Government Advisory Committee (LGAC) plays a crucial role for the Administrator because LGAC members are her connection to local government officials and her sounding board for environmental policy. “This is a vital function. Committee Members forge a link in the partnership between local and federal government. The impact of environmental actions is paramount to what EPA does.”.

Ms. Hospodor-Pallone asked participants, as government officials, to give their top 1 or 2 concerns. The following issues emerged:

agriculture and environment	culture change on environment	rebuilding a town after a tornado
air quality	renewable energy	renewable energy
groundwater aquifers	energy conservation and efficiency	riverfront development
balanced budget	environmental health	septic tanks & retrofitting them
brown fields	Gulf Coast crisis	site-specific, tailored programs
budget impact of EPA regulations	hazardous materials	solid waste
Chesapeake Bay water quality	public health and environment	stormwater
climate change legislation & its implementation	hydrofracking	superfund sites
coal-fired power plant near reservations	industrial impacts	sustainability & climate change
conservation	job creation	urban redevelopment
	pesticide exposure by farm workers	water quality
	wind power	wetland restoration

Serving on a FACA: Legal and Ethical Issues

Justina Fugh, Office of the General Counsel

Ms. Fugh explained Hatch Act provisions that prohibit federal employees in engaging in political activities or take part in partisan actions, e.g., solicit funds for a political party. State and local officials are similarly bound if they are employees of agencies which receive federal funding.

Marilyn Kuray, Office of the General Counsel

Ms. Kuray explained the provisions of the charter under the Federal Advisory Committee Act (FACA) statute which governs the management of the committee. The only function of an advisory committee is to advise the convening agency, in this instance, EPA. A committee cannot implement their recommendations. The charter contains legally required information, including openness and transparency. Therefore, with few exceptions, all meetings are open to the public (Note: This administrative portion of the LGAC meeting is not an official FACA meeting). All documents and reports are available to the public, including those produced by subcommittees, but not work groups.

A designated federal officer (DFO) is required (Fran Eargle, for this committee) and she approves the agenda, calls and adjourns meetings, and she or her designee must attend. Meetings may be held virtually and are open to public. She recommended not sending emails that copy everyone on the committee because that could be construed as a virtual meeting. Instead, send such a note to the DFO who can then send it to Committee Members as appropriate.

FACA committee members are not subject to federal government ethics laws and are not required to submit financial disclosures. Members do represent their representative interest (as stated in the EPA Letter of Invitation). EPA treats subcommittees (by policy) in the same way as FAC's, except the subcommittee does not have a charter. Subcommittees and Work Groups cannot provide advice directly to the Agency, only to the full committee, which then sends it to the Administrator (or not).

Formerly, EPA policy prohibited committee members to meet with members of Congress while attending FACA meetings. Since 2008, that policy has been revised (by LGAC request) and allows Members to meet with congressional representatives in four circumstances: that meeting occurs on their personal time (i.e., before or after a scheduled meeting); that meeting happens in a personal, non-LGAC capacity; the topics discussed with the congressional member are not the same as those LGAC is discussing; and you let the DFO know you will meet. (See the Memorandum in your Briefing Book.) It is prohibited for EPA employees to use appropriated funds to lobby Congress or encourage others to, including LGAC members.

Q&A

FACA regulations restrict political activities of employees of agencies that accept financial assistance from the federal government, but not if they exercise no functions related to this. If the member is an elected officer, he or she is exempt from the prohibition on encouraging people to vote for a candidate. But you can't use your elected position to coerce subordinates to work on or contribute to your campaign. Address specific questions to the Office of Special Counsel; their Web site is www.osc.gov.

Whatever restrictions state and local employees are subject to at home are the same ones they are subject to here. Members in their LGAC capacity cannot influence Congress, but they can engage in free-flowing discussion on policy matters that will go to the Administrator.

Call to Order & Remarks and Accomplishments of the LGAC

Chairman Prescott

Chairman Prescott summarized LGAC's accomplishments over his tenure. Those accomplishments included producing 16 white papers and more than 100 recommendations to the Administrator. He noted that before his time as Chair, their issues paper had contained some good

material, but were entitled, for instance, “Death of Hope,” “Death of Optimism”—titles that precluded any hope of getting to the desk of policymakers. LGAC is a committee whose members have seen themselves as foot soldiers who get things done. Individually and collectively, our goal is to advise the Administrator on how EPA policies will affect local governments. LGAC members are the “eyes, ears, and mouth of local government” and, as such, have real input to the EPA. The diversity at the table today is noteworthy because large and small communities are not the same, although they have some of the same issues. *“Ultimately, we have to look beyond individual interests and orient ourselves to the fact that LGAC will have results.”*

Ms. Hospodor-Pallone: The Administrator will rely on LGAC members to resolve issues and will rely on you to consider issues in light of how your representative interests will be impacted by EPA policies. Overall, the environment transcends politics. LGAC will also have, through the Administrator, the ear of the President. This Committee is unique to all federal agencies in that it is the only FACA committee composed exclusively of elected and appointed officials.

Appreciation for Outgoing Chair

Joyce Frank, Principal Deputy Associate Administrator, Office of Congressional and Intergovernmental relations (OCIR)

Ms. Frank thanked Chairman Prescott for the accomplishments made under his tenure (as Chair of the LGAC). *(In recognition of his service, he was presented with a letter of appreciation signed by David McIntosh, Deputy Associate Administrator, OCIR and the inscribed LGAC gavel officially retiring its use).* She noted that through his leadership, the LGAC’s work products rose from 2 to 32 advice letters per year, and contained as many as 108 individual recommendations in a year.

Ms. Frank also acknowledged Mr. John Muller’s service (this is his final meeting), particularly in his contributions to the Water Infrastructure DVD. She then thanked Councilman Dave Somers who continues to serve on the LGAC. Councilman Somers summarized Chairman Prescott’s contributions saying, *“He has done a fantastic job, including bringing large and small groups together, organizing a fieldtrip to Idaho, and getting people to see past their own issues.”* Mr. Muller joined in expressing his thanks for Chairman Prescott’s service. He also stated that the incoming Chair will also do a fine job. This is an opportunity, and he encouraged people to share their opinions and advice and to get out to the communities to see what is really happening.

Chairman Prescott thanked everyone for their kind words. He stated *“it was a privilege and an honor to serve”*. He also encouraged members to use EPA staff to further the Committee’s objectives.

Introduction of New Chair

Ms. Hospodor-Pallone

Ms. Hospodor-Pallone introduced and welcomed the incoming chair, the Honorable Heather McTeer-Hudson. She noted that Mayor McTeer-Hudson earned a Juris Doctorate from Tulane University. She is the first woman, and the first African-American to be elected mayor of Greenville, Mississippi. She noted that the Mayor sees the visible effect of the environment on a community's economy, particularly in small communities which want to attract business and tourism. (*Ms. Hospodor-Pallone presented the new gavel to Mayor Heather McTeer-Hudson*).

Mayor McTeer-Hudson expressed her appreciation to Mr. Prescott and all outgoing LGAC members for the standard they have set for the LGAC. LGAC is composed of action-oriented people. People want results, and they don't care who did it. LGAC members have the responsibility, regardless of whom they represent, to be sure that all parties are represented. It is very important that everyone do their share and that everyone understands the diverse issues.

(A round of applause followed).

The LGAC's Role in EPA Decision Making

Diane Thompson, Chief of Staff

Ms. Hospodor-Pallone introduced Ms. Thompson by explaining her critical role as Chief of Staff of the Agency. She also stated that she earned her Juris Doctorate from George Washington University.

Ms. Thompson thanked the LGAC for sharing their experience and wisdom, and acknowledged the Agency's intergovernmental team and Ms. Hospodor-Pallone. At no time in the Agency's history has the Agency undertaken such a robust solicitation for LGAC members, which has resulted in wide representation and an outstanding committee. She, too, recognized and thanked Mr. Prescott for his 12 years of service on the Committee, especially the award-winning video on water infrastructure (which has been exported to China and India), and advice on Clean Water Act permitting, and contamination from Department of Defense sites. Ms. Thompson also recognized the longstanding commitment of Mr. John Muller, a recipient of EPA's Environmental Leadership Award.

This Committee has a strong foundation on which to build. "*All politics are local,*" and EPA wants to ensure that your needs and concerns are reflected in EPA's policies and rulemaking. This is the only FACA committee (government-wide) made up exclusively of elected and appointed officials.

Members are EPA's key local administrators and advisors on implementing the Administrator's seven priorities. The LGAC interacts in three very important ways: meetings like this, your formal letters of recommendation to the Administrator, and leadership among your peers. Also important is the Office of Intergovernmental Affairs (managed by Ms. Hospodor-Pallone and Jack Bowles), which mirrors your concerns and influences EPA rulemaking.

EPA wants rules to be pragmatic and enforceable and to reflect the needs of the communities they serve. EPA takes advantage of intergovernmental teams to make sure there is an understanding of local issues. It is important that we don't just raise problems, but that the LGAC is part of the solutions. Ms. Thompson emphasized that LGAC has a huge amount to offer and that input will have an impact. It may not be obvious, but it will be reflected in nuances and in the way EPA approaches issues.

Q&A

Supervisor Salud Carbajal (District Supervisor, Santa Barbara, California) brought up cap and trade, the North American Free Trade Agreement (NAFTA), and greenhouse gases as international issues. He asked where the nexus is with the State Department and EPA on these matters.

Ms. Thompson said the State Department has responsibility for those issues as they relate to international issues, but when they relate to the environment, they fall under EPA's purview.

Dr. Hector Gonzales (Director, Health Department, Laredo, Texas) said, speaking as a resident of a border state, that even though the State Department oversees any changes with NAFTA, it is important for other officials to also be at the table. EPA is the model for inclusion, and he asked that EPA continue their work on these issues. Ms. Thompson will follow up. She agreed that EPA should be at the table discussing cap and trade and NAFTA.

In intergovernmental affairs, at the end of the Clinton Administration, how were issues different from today? *Ms. Thompson* sees that water infrastructure issues continue, particularly for small communities. There is a need to ensure that standards are the same for small communities as for large communities. Previously, not as much attention had been paid to non-point source pollution as point source, but that is really only half the story. If we are to restore waterways, there has to be movement on non-point source pollution, which relates to smart growth policies, etc. Awareness of environmental issues is stronger today than even 10 or 15 years ago. We also need to address renewable and clean energy and involve communities. Many issues remain the same; the change is in how to expand the conversation to local and tribal governments. These are challenging and difficult things to do, but we have come to a stronger sense of the importance of those things.

Going forward, we need to look at unfunded mandates passed onto local governments and the financial impact of EPA's regulations must be considered.

Does LGAC become an active party to the rule-making hearings EPA conducts, or is it active only through the advice it gives the Administrator? Ms. Thompson: Public hearings are ways to involve the public and where input from the public can be made in rulemaking.

What has changed? Mr. Prescott asserted that environmental issues are the same, but that the focus is evolving. Issues that come from the legislative side affect the details of what you look at.

Federal Advisory Committees (FACA)

Jim McCleary, Office of Federal Advisory Committee Management and Outreach (OFACMO) OFACMO manages 22 FACA committees and 23 subcommittees at EPA. The designated federal officer (DFO), for LGAC, Fran Eargle, is the main point of contact of the committee with EPA. *Mr. McCleary* explained the members' role as representative and unpaid. EPA looks to the LGAC not for technical advice per se, but the impact that the Committee Members (as representative members) observe as impacts coming from additional regulations. He suggested that as FACA members should: attend meetings, prepare for the meetings (in advance), participate, engage each other, and represent their respective interest group. He encouraged members to review the literature on FACA.

Ms. Hospodor-Pallone outlined the Administrator's seven priorities developed from a senior leadership gathering last year and is part of the strategic plan. They are:

- Taking action on climate change;
- Improving air quality;
- Assuring the safety of chemicals;
- Cleaning up our communities;
- Protecting America's waters;
- Expanding the conversation on environmentalism and working for environmental justice;
- Building strong state and local partnerships.

EPA's Strategic Plan and Budget Outlook

The Honorable Barbara Bennett, US EPA's Chief Financial Officer

Ms. Bennett welcomed everyone and thanked them for their willingness to participate. The Government Performance and Results Act (1993) requires EPA to develop a 5-year Strategic Plan (2011–2015) and update it every 3 years. EPA requires their Strategic Plan be tied to the budget so that it will serve as a management tool rather than a task list. Focus has changed in the

seven crosscutting, fundamental strategies, which determine how the Agency works and conducts its business. To achieve the key priorities (listed above), EPA is doing local outreach, including Twitter and Facebook, to communicate policy decisions, which implies a more inclusive approach. Environmental justice and children's health will be integral to all EPA programs. The programs will be based on rigorous scientific research and sound technology, and will involve state and international partnerships. Throughout, we will strengthen EPA's workforce and capabilities, including management and internal processes. Funding is important in these difficult budget and deficit times. The 2010 budget was the largest in EPA's history, however, the government is currently operating under a Continuing Resolution until December 3, and it is unclear what Congress will do or how soon. Meanwhile, EPA is working with the Office of Management and Budget (OMB) on the 2012 budget.

Q&A

Mr. Prescott asked where Ms. Bennett thought cuts would be made for local government. Ms. Bennett understands the financial pressure local governments are under and will try to ensure that budgets stay intact so work can get done. In fact, the 2011 budget took into account what they heard from state, tribal, and local levels.

Commissioner Robert Cope (Lemhi County, Salmon, Idaho): From a medical standpoint he is concerned by blanket statements made that misuse facts to prove points about lifelong health. Ms. Bennett assured him that sound research is the answer.

Mayor Jennifer Hosterman (Pleasanton, California) complimented Ms. Bennett on the Strategic Plan, especially on issues such as combined sewer overflow (CSO) and sanitary sewer overflow (SSO) issues. This sort of work will move cities in the right direction without hitting them with huge price tags (although the issues are huge).

Mr. John Muller (Chair, San Francisco Regional Water Quality Control Board, Half Moon Bay, California) asked about the likely impact of earmarks on the budget process. Ms. Bennett admitted that they have received earmark benefits over the years. In 2010 there was less than \$200 million worth of earmarks in the budget, but she knows only what is in the press.

Dr. Gonzalez was encouraged by the EPA-DOT-HUD (EPA-Departments of Transportation-Housing and Urban Development) Partnership and wondered if it would be expanded. *Ms. Bennett* agreed that it is a terrific partnership, and in tight budget times it makes even more sense than usual. Such partnerships are an overall organizing principle for the Agency, and the Deputy Administrator has been strong on community focus. How we can involve the private sector is another of her issues.

Mayor Carolyn Peterson (Ithaca, New York) asked whether the outreach involving community engagement, expanding conversation, cooperation, etc. is new for the Agency. *Ms. Bennett:* There has always been engagement, but what is new is Administrator Jackson's engagement as a key priority. This is the first time we have put crosscutting strategies in the Strategic Plan and this fundamentally influences how we work. Expanding the conversation on environmentalism and environmental justice gave rise to concern that if it is tied too directly to a budget amount, it becomes someone else's problem, so the strategies were framed to avoid that. The difference is in emphasis.

Mayor Marilyn Murrell (Arcadia, Oklahoma) asked for a definition of "Indian Country." *Stephen Ortiz (Chairman, Prairie Band of Potawatomi, Mayetta, Kansas)* said there are 565 federally recognized tribes in United States: each has treaty with the United States, working with tribes in a government-to-government relationship recognizing sovereignty. But many issues that relate to cities also relate to tribes. Tribes have been placed in isolated areas, but they own 25% of the remaining natural resources in United States, and EPA needs to help them protect what is left. Indian Country includes both population (city and rural) and geographic areas.

Aaron Miles (Manager, Nez Perce Tribe, Lapwai, Idaho) added that a tribe's government-to-government relationship with EPA implies a lot of work toward technical capacity-building because most tribes still live at a subsistence level. *Ms. Bennett* agreed that tribal issues are large and that EPA receives a lot of input from tribal leadership.

Will the air quality standard, scheduled to be published in December or January, be affected by Congress' financial decisions? *Ms. Bennett* cannot comment on regulatory aspects of what will happen, but generally EPA is governed by the laws Congress passes.

Mayor Lisa Wong (Fitchburg, Massachusetts): In some states, e.g., Massachusetts, environment is linked with other agencies, e.g., housing. *How can they approach environmental issues without getting off the topic?* *Ms. Bennett:* Goals are structured to fit regardless how any state organizes its agency.

Mayor Ronald Davis (Prichard, Alabama) asked what impact LGAC had on the current strategic plan. *Ms. Bennett* said EPA had received tremendous feedback at all levels and tried to incorporate as much as of it as they could.

Focus on Chesapeake Bay

Shawn Garvin, Regional Administrator, USEPA Region 3

The Chesapeake Bay is a good example of the importance of local government on environmental issues. But, there are many other equally important watersheds and water bodies. EPA has a role in

the environmental process, but will get nowhere without collaboration with state and local governments. For example, a successful activity that benefits the Bay is planting trees. Local vendors were encouraged to give citizens who wanted to plant trees discount vouchers. In addition to the 7,000 trees planted, this voluntary effort helped to stimulate the local economy and benefit air quality. Local government is an integral part for this Baltimore County pilot project, and EPA is trying to direct money to local governments to enable such initiatives.

The lightning rod issue is in the Chesapeake Bay's total maximum daily load (TMDL), which must be calculated by December 31. The real key, benefit, and path forward to restoring the Bay is the phase 2 watershed implementation plan, part of which is moving state focus to the local level. The new environmentalism embraces what we do at the local and individual level, e.g., the Green Streets Initiative undertaken in Edmonston, Maryland. They shared their experience by putting the approach for this initiative on the Internet. That sort of effort and communication is key to restoring the Chesapeake Bay. We should look at other people's experience that has provided tangible benefits to improve the environment and use what works for other areas. Environmental issues go hand in hand with economic activity, jobs, and public health, e.g., fishing and boating, stormwater infrastructure, and drinking water protection. These things must be done collaboratively as a government entity and as a society.

The other very important thing about Chesapeake Bay restoration is that often we get lost in the "main bay." To be successful, the restoration effort must focus not only on that, but also on all the local segments that feed into that. The Chesapeake Bay is also a recreational place for people nationally. Congressional constituents may never have seen the upper reaches of the Chesapeake Bay, and they may not like crabs, but everyone cares about the Bay because their water segments are part of it.

The Green Streets, Green Jobs Initiative was launched as a pilot project along the Anacostia River. EPA now wants to extend that pilot project to link the economy with the environment to 10 urban communities over the next 3 to 5 years. At the core will be accountability and ownership of various issues. The broader level can be taken to the local level if all levels are working together. Clean water cannot be decoupled from clean air and all the other issues.

Mr. Garvin encouraged LGAC members to remain very engaged and to take the messages to their colleagues.

Q&A

Representative Chris Ross (State Representative, Kennett Square, Pennsylvania) observed that tree planting and like activities improve water quality. These improvements are typically expressed as

pounds of things that must be removed by a certain date. This can be a daunting request of municipalities because compliance involves hiring (expensive) engineers to translate the requirement to useful terms. If the requirement could be expressed as a best management “cookbook” it would help. He encouraged the concept of ‘trading’ by allowing downstream municipalities to buy compliance from upstream communities to the degree possible. *Mr. Garvin:* EPA is trying to work with states and other jurisdictions to figure out what best works for particular localities. When EPA has to backstop, they have a limited toolbox. These requirements can be expressed in various ways and they are being considered. The notion of offset and trading is one way EPA will achieve its goals, although it will not solve all problems.

Mr. Muller: In the San Francisco Bay area, there is much concern about proposed legislation that could have a significant impact. The implementation of the Clean Water Act nationwide could have a different impact because of what is happening in the Chesapeake Bay watershed. *Mr. Garvin:* The Chesapeake Bay and other water bodies fall under the Clean Water Act, Section 117. The Chesapeake Bay restoration has not been reauthorized in 12 or 15 years, and this is another effort to reauthorize it and to include other legislative support, e.g., TMDL (which is court ordered because voluntary efforts didn’t work). Voluntary programs have had many successes, but we need more. A number of other parts of reauthorization are attracting attention because people wonder how they will affect them.

Councilman David Somers (Snohomish County, Everett, Washington): Stormwater runoff is one of the biggest problems in Puget Sound, and regulations have been imposed. *What success has there been in working with the business community to give economic incentive for low-impact development?* *Mr. Garvin:* There are many challenges surrounding combined sewer/stormwater overflow. The problem is the quantity of water that comes in contact with pollutants, so we need to reduce pollution or reduce the volume of water. Ideas of green streets and green roofs address that. Small grants offer some incentives, but the main piece is education and our ability to explain the benefits of green buildings—heating and air conditioning, lighting, Energy Star, pervious paved surfaces, green roofs, etc. Migration of birds to Washington, DC is one result of environmentally friendly initiatives. EPA is trying to get such information out to states and local governments.

Commissioner Cope: Watershed restoration and local collaborations are all good. But, taxpayers will spend tens of millions of dollars for the Chesapeake Bay, which is the equivalent of an unfunded mandate. *Mr. Garvin* appreciated the notion of unfunded federal mandates, but he doesn’t buy that interpretation in this case. They are not restoring the Chesapeake Bay because the federal government is telling them to do it. It is a national and community issue and we all need to provide resources and expertise. The federal family includes the US Department of Agriculture (USDA), EPA, the Department of Defense (DoD), the US Department of Housing and Urban Development

(HUD), and others. This problem translates to all watersheds. We all have responsibility, and that includes local businesses and consumers.

Focus on Great Lakes

Cameron Davis, Senior Advisor to the Administrator on the Great Lakes

Lake Michigan is the largest freshwater lake wholly within the US boundaries. The Great Lakes hold about 95% of the nation's fresh surface water and about 20% of the world's. These are not just your local swimming holes, but are of national and international importance, and we have a real obligation to attend to them. The President's Great Lakes Restoration Initiative is intended to attack the numerous problems in a coordinated way. In February 2009, President Obama added \$475 million for this initiative into the budget, and it catalyzed the region.

The Great Lakes–Saint Lawrence Cities Organization was a local effort and forerunner. They wanted to distill all the various plans developed over the years into something 'actionable'. From this came Administrator Jackson's Action Plan, which was released in conjunction with four of the eight Great Lakes state governors and 15 other government organizations (Departments of State, Interior, Agriculture, Commerce, HUD, Transportation, Homeland Security, Army, and Health and Human Services, and the White House Council on Environmental Quality). Harmonization is crucial to saving this ecosystem. The \$475 million was divided in half between EPA and the 15 other organizations. The 5 priority focus areas are:

- Cleaning up toxics and toxic hot spot areas of concern. Where pollutants from the past have settled in river sediments and are now bioavailable and make their way into the food chain, these toxins must be removed.
- Combating invasive species that disrupt and unravel the food web.
- Promoting near-shore health by protecting watersheds from non-point pollution such as polluted run-off.
- Restoring wetlands and other habitats. Wetlands are nature's sponge, and some states have lost 80 to 90% of their wetlands.
- Working with strategic partners on outreach, accountability, and education to track progress and see where the money is going. We have an obligation to do the most we can with the funding allotted. These are investments and in the future will pay real dividends, such as bolstering the ecosystem and providing healthier food sources. We want to make sure the public and the government can see where their money went. The Great Lakes Accountability System (GLAS) is a

Web-based program under development that anybody can use to track how a project is progressing, when it will finish, and how much it costs.

EPA would like more money to further action-oriented projects. We have many plans and strategies and we need progress. One issue involved in cleaning up places is the 35% match required of states, local governments, and private groups. This is a hardship for small entities. At the same time, EPA wants to make sure that people understand that they have to be “patient with the patient” and that the ecosystem is indeed like a patient. It is up to the ecosystem to recover, but it may not respond on our time scale. It took 150 years for the Great Lakes to get in the current situation and the lakes will not recover overnight. We want to create a new standard of care and proactively rehabilitate the Great Lakes. Funding has a way of making people come together, but that, too, did not happen overnight—people have organized for over 10 years to get to this point.

Q&A

Colorado, Utah, Montana, and Wyoming are all headwater states. *Should we be preventing destruction now?* *Mr. Davis:* That is a timely and very important question. Bundling some of these multistate water bodies together—e.g., the Mississippi River Basin—is under discussion.

Mr. Prescott: In 2009, the LGAC designated an ad hoc group to follow through with the Great Lakes Initiative. The ad hoc group concluded we need to incorporate the medium and small communities, who felt they had no voice, and the economics of clean-up impacts them greatly. They also discovered there were 35 or 40 members on that commission, and two-thirds were from large communities. The issue was what they were trying to do. *Mr. Davis:* In the Great Lakes area, we see some of them moving into the fold. We have two challenges: they need to understand, and we need to do a better job of education as into defining their connection with the Great Lakes. They wonder how they can help or benefit. We try to localize the problems, so the municipalities understand the nexus between them and the Great Lakes, e.g., we talk about beach closings rather than algal bloom and pollution (some 65 million people visit Chicago’s lakefront alone). We try to zero in on the problems as they relate to a particular municipality.

Commissioner Tom Hickner (Bay County Executive, Bay when City, Michigan): Bay City is surrounded by Saginaw Bay. About 5 years ago, they established a Saginaw Bay Coastal Initiative in which some 600 activists contribute to ongoing discussions. This is the best way to make things happen from a community standpoint. People can’t appreciate how big this lake is because, in the Midwest, you’re between New York and California, and most pollution is connected with industry. The Saginaw ecosystem is in pretty good shape and they have about 50 species of fish, but the river now freezes in winter.

Chairman Steve Ortiz related that the Potawatomi say, “when they left the Great Lakes that was the last time you could drink the water.”

Cleaning Up Our Communities

Lisa Feldt, Deputy Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER) To clean up our communities, we want to keep the lines of communication open with interest groups and others. The Superfund Program is the oldest such initiative. The Brownfields Program offers grants, technical assistance, and jobs. The Underground Storage Tank Program works to prevent contamination. We need a comprehensive suite of tools to provide assistance for these programs. EPA wants to make land clean-up as simple as possible. But, these are trying times for local governments with the economy slow and budgets drying up. Nevertheless, we can still share information, expertise, and lessons learned to make money stretch as far as possible—it’s all about sharing expertise and resources. Examples of OSWER collaborations follow:

-Community Engagement Initiative, In 2009, OSWER is providing communities with substantive information so EPA can draft a clean-up plan that serves the community and avoids costly delays. Community engagement is about early involvement, effective risk protection, and identifying points where the community plays a role, all of which speed decision making. It is not a consensus process. The process is detailed online and the communities are identified. Ms. Feldt hopes to have work plans for public feedback early next year. She welcomes ideas for improving the process and invited comment on the implementation plan (see epa.gov/oswer/engagementinitiative).

Part of everything OSWER does relates to environmental justice. They are implementing the 4-year Plan 2014, the Agency’s first-ever environmental justice plan, which involves five actions, focused on supporting community-based action plans.

-Integrated Community Clean-up Initiative- recognizes two realities: communities want to see clean-up, regardless who does it, and initiatives will be combined where appropriate. It will involve the communities, and when communities understand the goals and the initiative, it is easier for them to participate and hold EPA accountable with milestones.

-Brownfields Initiative -provides both grant and contractor support—namely, technical assistance grants, planning and technical assistance to help the community devise a good plan, market studies, and infrastructure analysis. A new focus is coordination to overcome “*tunnel vision*.”

OSWER will coordinate enforcement with air quality and water quality plans. Then they will identify key projects that can be implemented and coordinated among government agencies and state and local organizations. Pilot projects will benefit underserved communities. LGAC and OSWER collaboration on land clean-up is a large part, but many communities have not undergone

that. They are producing a tool kit to facilitate these efforts, which should be ready by summer. Problems are associated with the transfer of formerly federal land that is contaminated, and they have convened a group to discuss clean-up of federal facilities.

Q&A

Mayor McTeer-Hudson asked whether OSWER was involved in the Gulf Coast clean-up. *Ms. Feldt* said Assistant Administrator Mathy Stanislaus was in the Gulf Coast region and was highly engaged in outreach to the local communities. One issue is how EPA can more effectively communicate the issues of risks and challenges to local communities. EPA focuses on local interaction, of which lessons learned and process improvement are a large part.

Mayor Terry Bellamy (Asheville, North Carolina): EPA's brownfields work is appreciated, including the user-friendly Web site about superfund sites. However, nothing has been done with two superfund sites (in North Carolina) that were identified in the mid-1980s. They have been identified as areas of concern and relate to health quality. Testing done on this site is a mile away from a hot spot. The community, Asheville, North Carolina, has been very active, but nothing has happened. This is a real issue that has been ongoing for many years. *Ms. Feldt*: The situation Mayor Bellamy related is what community engagement is all about. *Ms. Feldt* knows there were challenges with this site. Region 4 has a new regional administrator who will bring attention to this and Ms. Feldt will follow up.

Mayor Teresa Coons (Grand Junction, Colorado): The Department of Energy convened a Legacy Management Meeting in Grand Junction. Part of the question about superfund sites is who has authority. In some areas the site could have been designated either Superfund or by Consent Decree. *Ms. Feldt*: Concerning federal facility questions, the designated federal agency has been delegated authority for its own sites under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA has a significant oversight role, and EPA has established a clear process as to that oversight role. One of those things is community engagement. As to whether a site falls under Superfund or Consent Decree, the latter can be under Superfund, CERCLA, or other legislation. We want to bring the best clean-up authority to the site to get it done as quickly as possible. The classic superfund procedure is one way, but many different factors come into play. First, is enforcement and bringing the responsible party to take the lead action.

Protecting and Improving the Nation's Air Quality

The Honorable Gina McCarthy, Assistant Administrator, Office of Air and Radiation (OAR)

Implementation assumes challenges, and we are under tremendous legal requirements to meet the Clean Air Act requirements. There are many opportunities for significant improvement in air quality. For the National Ambient Air Quality Standard, the Clean Air Act (CAA) requires an updating standard, and OAR has just updated the carbon dioxide (CO₂) and nitrogen dioxide NO_x standards. OAR deals primarily with two health-related standards: Carbon dioxide and NO_x are big issues, but particulate matter (PM) is an even bigger health driver. The fine particles known as and most notable because they get into the lungs and lead to premature death and disability. Ten of the coarse particles, such as PM_{2.5} are manmade and result from agriculture. We need to be aggressive in communicating this issue. OAR is recommending a change in the form of the standard commensurate with how we measure it. Contact Ms. McCarthy if you have those issues. OAR will be mounting an education effort and can focus attention on important areas.

The ozone standard is another important issue. The prior standard is not commensurate with the emerging science, so EPA is being reconsidering. A new standard will start a new state implementation planning process to decide how to achieve it, but it means a lot in terms of public health. The standard will be driven by the science. Implementing the NO_x standard places the burden not solely on the state and local community. They are moving forward with rules at the federal level that will change the background level so state and local governments do not have to deal with other people's pollution.

The Transport Rule (formerly the Clean Air Interstate Rule or CAIR) governs pollution from the transport industry that sends pollution to other states. The new rule gets to the issues and can be more readily achieved in cost effective ways.

Boiler Maximum Achievable Control Technology (MACT) regulation applies to the 183,000 source units at 92,000 facilities throughout the US. The proposal has been published, as required by the courts, which sometimes require a proposal before a good standard is in place. With input, it is evolving into a better rule. But, it is a sweeping rule because, in addition to industrial facilities, it also includes apartment buildings, churches, schools, etc. This is not a matter of whether it is right or cost effective, but of capital expense and timing. Any rule under the Toxic Substances Control Act (TSCA) has a 3-year window, which allows time to address the issues. Other rules apply to utility MACT (toxics rules not just related to mercury). OAR will also look at criteria for emitted pollutants. It is uncertain what the rules will be, but in March, they will consider the full suite of pollutants and devise a rule for all of them using tried and tested technologies. For example, we will know how much they cost, who supplies them, and how long they take. OAR wants to be as participatory as possible so appropriate energy can be supplied, recognizing regional differences associated with fuel supply. Nevertheless, 70-year-old units need to be cleaned up or replaced.

Greenhouse gas regulation is required under the Clean Air Act. The Supreme Court required that EPA decide whether greenhouse gases are air pollutants. Scientific bases were challenged, but EPA remains convinced that the climate science is real and that global sources contribute a great deal to greenhouse gases. A Greenhouse Gas Guidance Document was recently released. The first-ever national standard for miles per gallon to be achieved by cars has been published in the Light Vehicle Rule, a rule to which auto companies contributed. Regulation implies permitting. The Prevention of Significant Deterioration (PSD) Tailoring Rule allows tailoring to resources available. On January 2, they will regulate large facilities already in the system.

Throughout, OAR wants to be sure state and local governments do not have to regulate more than the federal government does.

Q&A

Mayor Wong: What is the official stance on the current debate about biomass facilities? Ms. McCarthy: Biomass facilities present a significant challenge, and boiler MACT has a significant impact on biomass. Biomass is part of a concerted effort to transition to alternative fuels. States have the ability to consider this and will provide additional guidance. The real challenge is how much carbon is sequestered and how fast it goes back into the environment. These issues are often not addressed in the permitting process. Just because some facilities emit greenhouse gases into the air doesn't mean they should be regulated for greenhouse gases. We have to consider everything in the context of the permitting process. Biomass is expected to come up more broadly.

Mayor McTeer-Hudson asked committee members to submit in writing remaining questions for Ms. McCarthy to address.

Protecting America's Waters

Mike Shapiro, Deputy Assistant Administrator, Office of Water (OW)

The Office of Water's mission is to ensure clean and safe water for all Americans. This requires the best efforts of EPA and all of its partners. LGAC has had input on important regulatory issues, e.g., pesticides, water infrastructure (the LGAC DVD is very successful). The Clean Water Act (CWA) protects surface waters, and the Safe Drinking Water Act (SDWA) protects the safety of water supplies. Here, we can take pride in our progress—drinking water exceeds health standards. But, these legacies are under increasing stress. About 40% of water monitored does not meet applicable water quality standards. And, challenges in the future will be tougher because of aging water infrastructure, while populations continue to grow, and stressed by global warming, and climate change. The following examples highlight work underway:

For drinking water the Total Coliform Rule (TCR) was designed to rationalize how we rate the performance of our systems in the water distribution systems. The Office of Water is moving forward to follow the guidance given by its FACA group, which will affect many community water systems. The strategy is to reframe how we look at our drinking water program which takes an enormous amount of work to get to the point where EPA is ready to make a rule. We must address new things found in drinking water, e.g., pharmaceuticals and personal care product, and address those contaminants as groups rather than one at a time.

EPA is trying to make better use of other sources of expertise, especially for toxics and pesticides. They are working within EPA's Office of Research and Development to revitalize efforts to find better technologies to address drinking water and waste water. It is difficult to get a comprehensive picture of the water system because EPA gets data only when there is a problem. They are working with states and municipalities to develop an information highway to improve data systems.

The Office of Water is in the process of charting a strategy for drinking water. To do this, they brought about 100 people together and published a draft strategy, *Coming Together for Clean Water: EPA's Strategy for Achieving Clean Water* (published in August, 2010), which went out for public comment. This Strategy will help to further watershed protection and promote sustainable communities.

Watersheds are subject to nutrient pollution because of growing levels of nitrogen and phosphorus, which constitute threats to water quality, ecosystems and public health. In addition, many surface waters are contaminated with algae which produce toxins. We need new treatments to address that kind of contamination. To address these issues the first set of water quality standards was finalized for the state of Florida.

States should do the bulk of the work for state standards, and EPA is working with other states to develop standards, e.g., nutrient pollution that results from agricultural processes. This is significant for watersheds such as the Chesapeake Bay.

Stormwater runoff is also significant in the Chesapeake Bay and a major under-addressed challenge surrounding the nation's water quality. A National Academy of Sciences (NAS) report says there is a general lack of success with stormwater remediation because the focus is more on performance than practice and address flow at the source. One potential opportunity is green infrastructure practices, e.g., use of rain barrels, porous pavements, rain gardens, roof-top gardens, and natural drainage patterns. The Agency is working on a new set of regulations for which a major issue will be whether additional urban areas have to be brought into the permitting program. EPA is under a

consent decree to propose regulations by 2011, during which they are sensitive to affordability and land-use planning issues.

Urban waters are particularly impacted by patterns of development, especially in underserved communities. By restoring waters, people can reinvigorate communities by providing new opportunities for jobs, recreation, etc. As such, revitalization of waters is a centerpiece of community revitalization efforts, and the Office of Water wants to tie in other community-based programs in the Agency.

Q&A

Ms. Sue Hann (Deputy City Manager, Palm Bay, Florida): A problem in small towns in Florida is that residential housing are often sited on quarter-acre lots with septic tanks. As development continues, resources to build a municipal sanitary source system is lacking. *Does OSWER have input?* *Mr. Shapiro:* The Office of Water has the lead, but OSWER also deals with these issues, particularly in brownfield areas. The Clean Water Act (CWA) does not give EPA authority to oversee septic systems because they are considered non-point sources. There is some funding available under the CWA, Section 319, Nonpoint Source Management Program grants is address these issues. Federal authority is not strong, but unless septic systems are addressed, communities cannot comply with clean water regulations.

Dr. Gonzalez: The state of Texas shares an international water boundary with Mexico and the Rio Grande River, and they must also protect against illegal discharges. *Mr. Shapiro:* In an international arena, international protocol must be followed and we must work with Mexico's government. This is still a work in progress.

Mayor Peterson: Ithaca, New York, has a successful pharmaceutical waste collection program to keep these pollutants out of the water supply, and a new phosphorus release plan. But it often comes down to air quality versus water quality. Specifically hydrosylate from sick cows and potential for prions are now entering drinking water systems because the incinerator was closed for air quality concerns. *Mr. Shapiro:* We still need a lot of information about prions and what effective treatment should be. We will face more and more problems like this around the country as water supplies become more heavily used. Mr. Shapiro will check for more information on this.

Partnership for Sustainable Communities

Rob Verchick, Deputy Assistant Administrator, Office of Policy, USEPA

The Office of Policy wants to make the federal government work in a cooperative way and we are finding that each of us can better accomplish goals when we work with others. People in a community, defined by geography, see themselves as part of a place, not as part of the Department

of Transportation (DOT) or EPA. A community is about participants in an interactive system that interacts with the environment. It is part of the built environment. These things shape the way communities look, the way people think about themselves, the way economic development can take place. Community is about built and natural environments.

The Department of Housing and Urban Development (HUD), the Department of Transportation (DOT), and EPA formed a partnership based on livability principles: people should have a choice of transportation; they should support groups that already exist; and they will value communities and neighborhoods wherever they are. Where you build parks affects where people play and the water system, and the way we spend money and legislate.

The Office of Policy has been saving money for taxpayers and creating choices for consumers by jointly drafting requests for proposals (RFP) and participating in making evaluations for how grant systems should work. With TIGER II grants, HUD and DOT developed a process where one application would be used for both. Technical assistance is provided to communities for smart growth, e.g., developing a plan for adapting to climate change (which will increase flood patterns and temperature), and tailoring transportation and housing needs around brownfields, e.g., the Roxbury, Massachusetts' "stone soup" approach. In Roxbury, the DOT built train stops in a neighborhood through which the train already went, EPA is cleaning up past pollution, and HUD is building new housing. Consequently, there are now more job options because residents will be able to use the commuter rail line.

Lauren Dunn, White House Domestic Policy Council

The White House supports the EPA–DOT–HUD partnership. President Obama wants to ensure that his administration is an effective partner for cities and metropolitan regions, recognizing them as places of opportunity. For this, he wants to put strategies on the ground and is working hard to address prosperity, environmental sustainability, and social inclusivity. The agenda focuses on health, education, transportation, and housing to strengthen communities through coordination and better use of the resources we already have. The President wants to listen to partners on the ground, so it is a bottom-up process. Work with local governments and the private sector go hand in hand. People have access to resources that they are not currently using. We want to make systemic changes where we can, and strategically align budget requests each year. The Partnership for Sustainable Communities illustrates this. On January 10, President Obama spoke to mayors and through their leadership has built partnerships such as the Neighborhood Revitalization Initiative.

Therese W. McMillan, Deputy Administrator, Federal Transit Administration, DOT

To reiterate and reinforce, two of the five major DOT goals deal with livability and environmental sustainability. DOT is trying to translate these goals to money on the ground via the TIGER II

Discretionary Grant program. The goal is to break down “silos” within and between agencies. DOT is not known for coordinating investment in modes, so TIGER is completely different for them. At the same time, there is no lack of demand for this type of investment. DOT will be working on reauthorization in the next 6 months to determine new policies, rules, and regulations that will govern DOT over the next few years. An opportunity with reauthorization is placing a livability initiative that is sustainable for the next generation. We also need ways to re-scope money in existing programs to further these things so we are considering retooling what we already have. The New Start Program uses alternatives analysis to address costs, benefits, environmental and community impacts, and financial feasibility, e.g., major new rail and bus projects. Extensive outreach is underway to find out how to evaluate existing programs. Funds have been identified that could be collected for streetcar projects across the country. Elsewhere, a bus-ability program may be established where the spectrum of need recognized.

Maria Zimmerman, Deputy Director, Office of Sustainable Communities, HUD

One way to combat loss of affordable housing is to ensure that transportation is available throughout the community. A fundamental shift in the marketplace has occurred over the last 10 years or so. Communities want to see vibrant main streets and are concerned about livability and how they can meet the demands in their community, and HUD wants to ensure that the federal government is not a hindrance. They have been working through conflicting regulations to ensure that HUD funds can be combined with DOT funds (e.g., one stipulates that local workers must be hired, but the other stipulates that they cannot be hired; one wants to establish residents in remediated brownfields, while the other says they cannot live there). There is a focus on housing and the need to maintain it, but there is also recognition that many communities facing the highest foreclosure rates are in the exurbs where few transportation options exist. More than 50% of household budgets go to housing and transportation and we need to think about better coordinating those two pieces. We need economic, environmental, and equitable sustainability. HUD also recognizes place-based strategies and gives grants and technical assistance to communities that want to implement a regional integrated planning approach.

Sustainable communities are not just about plans, but about places. The second grant program in partnership with DOT is for sustainable housing. They are committed to weatherizing housing units over the next 18 months, e.g., Power Saver provides loans to homeowners who want to do energy retrofits, such as insulation or solar roofs, which make communities and housing stock more sustainable. It won't succeed just based in Washington, DC; they have to go the field and regional offices. The US Department of Agriculture also needs to be a partner.

Q&A

Mayor Hosterman: We have to comply with state law to reduce greenhouse gases by a certain time, and we also have to devise a sustainable community strategy to locate affordable housing near transportation. How do we (9 counties and 101 cities) tap into your agencies? *Ms. McMillan:* Northern California has a huge housing gap. Comments capture the fact that these major initiatives cannot be accomplished by any single agency alone. From the transportation end, communities will have to band together and decide what portions of land will be associated with transportation or with housing. We can ensure that what we at the federal level we do what we can to not conflict with what you do. At the point where a community decides on the transportation initiative they want, then we develop the tools we already have to make that happen for that community. The conflict is between flexibility and accountability. *Ms. Zimmerman:* DOT grant programs were heavily oversubscribed, i.e., there were more than 900 requests for 85 grants. So DOT needed a stringent, competitive process. They are scheduling debriefings for applicants who want to try again. They will never have enough funds to give everyone money, but they can make available technical assistance, best practices, and models.

Supervisor Carbajal: Many programs go through the state, but he encourages federal agencies to find ways to directly fund local communities. It would be much faster and more efficient to cut out that bureaucratic layer. The Property-Assessed Clean Energy (PACE) program was embraced by many communities, and the Department of Energy (DoE) has allocated funds, but the Department of the Treasury has prevented funding. *What's going on?* *Ms. Zimmerman:* This is under discussion, and the White House is engaged in trying to bring this about. DoE does not have the same regional and field structure that HUD does, so it is difficult to get the money distributed. Otherwise, she does not know when the PACE issues will be resolved.

Mayor Adam Ortiz (Edmonston, Maryland): Older communities have an advantage because so much money has already been invested in transportation. They can't get their sidewalks fixed, which is an environmental justice issue. Ms. McMillan highlighted a forum in which this will be resolved. The challenge in transportation is that much of the funding gets trapped in modal categories. Relative distribution of how those funds are sorted is an interesting topic. You, as local elected officials, as well as stakeholders, can either change the distribution of funds, or use the TIGER II model—we'll have money for transportation, and the local community will decide what is best for them. One of the most critical parts of livability is not just new development, but also urban areas would have deteriorating transit. The largest rail systems have \$7 billion in deferred maintenance. In addition, rural areas have no transportation, e.g., to get 70 miles to health care. The balance will be critical.

PUBLIC COMMENT PERIOD

Julie Ufner, Associate Legislative Director, National Association of Counties: Ms. Ufner thanked EPA for moving forward with LGAC, and she thanked everyone for their service and participation on the LGAC and on your communities' behalf.

Children's Health Protection

Dr. Peter Grevatt, Director, USEPA Office of Children's Health Protection

To highlight current trends, EPA has identified five conditions of concern: lead poisoning, asthma, cancer, attention deficit hyperactivity disorder (ADHD), and autism. There has been tremendous progress on reducing lead in the nation over the last several years. The median of 15g/dL declined to 5g/dL of blood, largely because lead was removed from gasoline. The Centers for Disease Control and Prevention (CDC) guidance levels for lead has also decreased to the current 10 g/dL standard. Meanwhile, asthma has become epidemic in some parts of the country, with a 9% prevalence, with a 6% attack prevention rate. A gap suggestive of progress is in treatment. However, among children of Puerto Rican decent, prevalence is 19%, and an African-American child has twice the odds of visiting an emergency department because of asthma and 6 times the likelihood of death caused by it. (Emergency departments still serve as primary care for many children.) Cancer among children younger than 20 years of age is about 170 cases per million. While cancer incidence is increasing, mortality is slowly declining, but there is still a tremendous amount of suffering for the survivors with cancers later in life. ADHD reporting over the last 10 years has doubled for girls, and there is a significant increase in boys and all children. Issues of diagnosis and many other factors are involved. Autism has increased nearly 10-fold, but issues of changing diagnosis are involved such as autism spectrum disorders and Asperger's syndrome.

These diseases are not solely environmentally linked, but they are multifactorial. Environmental factors cannot be excluded. The key point is we are not done with children's environmental health issues. Add the burden of environmental exposure and obesity caused by an environment that allows children to be outside or not, some 30 to 40% of children have a disease or a condition (including obesity) that will lead to disease. Today's generation will be the first whose life expectancy will decrease. It is not all about the environment, but there is an environmental component.

Administrator Jackson sent out a memo reiterating her focus on children's environmental health. Her priorities include using the best science; establishing standards, policies, and guidance around pesticide exposure, e.g., bedbug treatment (spraying unknown chemicals on bedding); and coordinating community-based responses. In the new Strategic Plan there is a crosscutting strategy that includes children's health.

The Lead Action Collaborative is a nonprofit in Boston that evaluated some 14,000 homes and reduced the lead level in blood by focusing on the homes with the problems. EPA employs few physicians, so we need partners to understand key issues. EPA's collaboration with the Department of Energy (DoE) on programs such as the Weatherization Assistance Program is new. It is possible to do energy efficiency in a way that puts health at risk, e.g., making homes so tight that mold grows in them. We are creating voluntary protocols for home upgrades.

The Toxic Substances Control Act (TSCA) Title V requires development of two sets of policies: 1) school siting (e.g., siting a school next to waste management facility)—that draft was released on November 17th (today) and input is welcome; and 2) the state School Environmental Health Programs, which are directed more to the inside of the school, e.g., cleaning products, school labs. Each region has a children's health coordinator and a Pediatric Environmental Health Specialty Unit; their actions can be found on the Web site: www.epa.gov/children.

Q&A

Dr. Gonzalez: In Texas, they are working with their Mexican counterparts because of the influx of lead-based paint on furniture, pottery, etc. We need to continue that enforcement but also work with the US Department of Agriculture (USDA) and the Food and Drug Administration (FDA) because they are the ones who go to ports of entry. It is especially important to incorporate air standard for PM2.5 as part of the standard because of indoor air quality. We are not monitoring ambient air quality, and children who are not asthmatic are experiencing asthmatic episodes. *Dr. Grevatt:* A steering group has been established with the Department of Health and Human Services (DHHS), FDA, and USDA. One of the challenges of imported toys is cadmium which is the new issue of concern.

Commissioner Cope: *From the epidemiological point, are we including statistics from the World Health Organization (WHO), as well as CDC? Dr. Grevatt* thinks there is data on lead and asthma in other countries—asthma is certainly not just a US issue.

Chairman Steve. Ortiz: *Does EPA fund methamphetamine (meth) lab clean-ups?*

Dr. Grevatt: EPA is involved, but he will have to get back on details. It comes under the purview of OSWER.

Discussion of LGAC By-laws and Structure

LGAC and EPA Staff

Chairwoman Heather McTeer-Hudson led a discussion on the structure of the LGAC.

Key issues:

Mayor Murrell: Many of the great things that are happening are not delivered to small towns and rural areas. It is more difficult to reach small communities because of distance and the lack of resources. She would like to see creative actions that deliver these great programs to small communities.

Mayor Coons: Functionally, how does all this work get done when LGAC meets only 3 times a year? *Mayor McTeer-Hudson:* Work groups are key. *Mr. Prescott* offered six suggestions: 1) Be here. 2) Make sure the work groups you put in place address have what you are interested in. 3) Be ready to go to work those 3 times a year. 4) Chairs of the subcommittee and workgroups must convene teleconferences. 5) Remember that EPA staff will work to supply whatever is needed. 6) Pick the low-hanging fruit. *Mr. Muller:* Today's meeting is an orientation and members should not be frightened off, e.g., some members do not have Internet access.

Dr. Gonzalez thanked EPA for the effort to work locally. Not just EPA, but other federal agencies have to address small communities and border communities. The Texas Environmental Quality Commission is active, but by the time resources trickle down to the local level, there are not enough to work with, so EPA should work directly with the municipalities.

Commissioner Cope: "Best available" means there is disagreement and we need to distinguish between hard science from politically correct science. Moreover, "advice is best taken that is first sought." Information has been delivered to us in Lemhi County, but not much was requested. *What advice does EPA want?* That's what we need to deliver.

Ms. Hospodor-Pallone said the Administrator will address the LGAC with a Charge.

Representative Ross: We could be a useful go-between on best practices that would fulfill mandates.

Mayor Bob Dixson (Greensburg, Kansas): As Mayor Murrell said, in some small communities the mayor does everything. PM10 is a big issue in rural communities. However, the biggest problem with communication is that once verbalized, people perceive that it already happened. We need to get past that and provide real solutions.

Mayor Hosterman heard about real outreach in federal government's desire to partner with local government, which began with creation of the White House Office for Local Governments. We need to be able to coordinate and complement local rules because locals know best for their community. We need accountability with flexibility—with that attitude, things will happen.

Councilman Somers seconded the opinions on small communities' issues and partnerships with government. One thing the LGAC brings are the things they do that work and the hurdles they must face as communities.

Mayor Davis: This is an opportunity to see what programs are available. This Committee has the opportunity to give the Administrator feedback on EPA programs. Grants are already being activated at the local level and we need to keep pushing that onward. Municipalities have shown that they could not do things because they did not have resources; now we have to show we have the ability. If we bring these issues to Washington, we have to bring them back to our communities. We have to show accountability for the federal dollars we get.

Mayor Peterson thought it would be helpful to have a summary of recommendations. *Ms. Eargle:* The General Services Administration (GSA) has a FACA database on information for each FACA that can be viewed by the public and Members of Congress. All Committee workproducts are also sent to Library of Congress.

Mayor Peterson: As for communication, what about educating the community? And, how do we partner with higher education? New York State has opportunities to partner with academia. In Ithaca, the university is almost another city, e.g., they have one of the best urban forestry programs because the university has an excellent horticulture program. *Ms. Eargle:* EPA regions have cooperative agreements in place partnering with academic institutions, and there are tools available on the Internet. Region 4 has a very good example of that partnership as well as the Environmental Finance Centers.

Mayor Wong: Environmental justice is important in Fitchburg, Massachusetts, and she did not hear much about it. She wants to be sure it is a goal.

Mayor Bellamy has three issues to address—superfund sites, unfunded mandates, and needs for EPA and how we get there (the last is more of an internal discussion in EPA). EPA is considering monitoring air quality around Asheville, but the Tennessee Valley Authority (TVA) causes pollution when the polluted air blows over Asheville and gets trapped there. This particulate matter impacts economic development and transportation. We need more communication on cause and effect.

Mayor Murrell: The National Small Town Alliance started an initiative to work with historically black universities and their towns. Historical Black universities, the towns, and the counties meet to discuss all aspects of development. It is a critical issue. Maybe government will reenergize the federal work group on environmental justice—every agency has an office. She hopes we can push to say this is needed. We cannot do these things if each agency operates in isolation.

Ms. Hann thought LGAC should consider a work group based on Mr. Shapiro's presentation on water. She encouraged partnerships for livable communities, which encompass many of the issues discussed today.

Mr. Muller recommended that the Chief Financial Officer travel with the LGAC on field trips—*"she's the one who will write the check"*.

Supervisor Carbajal would like to see the children's health initiative broadened beyond schools by expanding on the good work already done. We should adopt integrated pest management (IPM) strategies. We need to look at low-hanging fruit processes EPA has that we might strengthen, e.g., attainment exemptions—to get an exemption, you have to fill out a 150-page form. In this way we can help EPA be a better partner. Third, converging technology and solid waste: California has not built a landfill in 20 years, and we need to address deterrence of solid waste into landfills. Emissions issues have impeded converging technology, but it is a major environmental issue and EPA could play a leadership role.

Chairman Steve Ortiz: In Indian Country, a key point is solid waste management. Many people don't understand that when the tax rate is raised in counties, people dump appliances, trash, and pets on the reservation. Of the 565 federally recognized tribes, 283 have casinos, but only 12% of those make money from the casinos. And, reservations do not tax their citizens. So, tribes do need grants. Another issue is the superfund site in Oklahoma that needs work. But, he fears that over the next 2 years, LGAC will spend time deciding what to keep at EPA rather than what to add.

Mayor Davis saw this as a good opportunity for EPA to take the lead on vision to find out how the government can impact communities. EPA, HUD, and DOT can go to the communities and ask residents what they want; then match the dollar amount to the vision. He would also include the Army Corps of Engineers.

Wrap-Up

Mayor McTeer-Hudson thanked everyone for their comments. She did not hear any discussions on jobs and economic development. *"It takes people with jobs to sustain a community on the most basic level."* We have to be able to take this information back and communicate it to our constituents and colleagues, which gives us a base of information to bring back here. She wants to visit local areas so she can see first-hand what the actual issues are.

Ms. Hospodor-Pallone noted that the Administrator's Charge to the LGAC is included in the Briefing notebooks, so Committee Members can prepare to engage in discussion with the Administrator. The Charge issues can be divided among work groups and in the coming weeks can be followed up by conference calls.

The day's meeting adjourned at 5:20 PM.

Thursday, November 18, 2010

Call to Order

The Honorable Heather McTeer Hudson, Chair, LGAC

Chairwoman McTeer-Hudson opened the meeting at 8:34 am. Members approved the minutes of the last meeting (Mr. Prescott made a motion, and was seconded by Councilman Somers).

Mayor Murrell asked for a compilation of LGAC list of issues. *Mayor McTeer-Hudson:* They have been compiled and provided to you. From there, we will structure subcommittee and workgroups and assign things based on your interests. *Ms. Hospodor-Pallone* thanked everyone for yesterday's discussion, and confirmed that a list of issues was compiled and a structure drafted for the approach to the address the LAGC Charge.

Chairman Steve Ortiz asked whether EPA will review its tribal consultation policy. He heard that they would not.

Ms. Hospodor-Pallone: The Assistant Administrator, of the Office of International and Tribal Affairs, The Honorable Michelle DePass, "*is passionate about consultation with tribes and improving the relationship with tribes. EPA has made a serious and strong commitment to that.*" The American Indian Environmental Office was housed in the Office of Water, but it was moved to International Affairs to better reflect the government-to-government relationship with tribes. One element of the Strategic Plan is to develop policies and actions that will re-set our relationships with tribes. *Ms. Joyce Frank:* This also relates to implementation and funding, and the crosscutting plan addresses tribal relations.

Gulf Coast Ecosystem Restoration Task Force

John Hankinson, Executive Director, Gulf Coast Ecosystem Restoration Task Force

The Executive Order that established the Gulf Coast Ecosystem Restoration Task Force (October 5, 2010) strongly emphasizes local government, non-governmental organizations (NGO), and stakeholders. Some 90% of domestic oil and gas comes from the Gulf of Mexico, which accounts for 30% of the US oil supply; as well as a third of domestic seafood. The Deepwater Horizon Oil

Spill, April 20, 2010, released about 4.9 million barrels of oil. We need to restore the Gulf and move forward.

Seafood safety is not a problem—the natural system is very resilient. The currents kept oil in the central part of the Gulf, so, now almost all of the seafood areas have been reopened, but concern remains. We need to get the word out that seafood from the Gulf is as good as it has ever been.

On the Task Force, twelve agencies (including Interior, Defense, Commerce, Agriculture) and five states are represented, as appointed by the President. The Task Force must prepare a Restoration Strategy within a year (engage stakeholders, communicate with 11 or so affected tribes, including the Choctaw); coordinate intergovernmental efforts; coordinate research needs and the consideration of relevant science and technology knowledge; support the National Resources Damage Act (NRDA) process by referring potential ecosystem restoration actions (an exhaustive effort by the National Oceanic and Atmospheric Administration; the Department of Fisheries, et al. has been undertaken to identify damages); focus on health and economic benefits; and prepare biennial updates. A Restoration Strategy is due by October 4, 2011. It will define goals for restoration, receive input from all those affected, identify performance indicators to track progress, develop means of coordinating intergovernmental restoration efforts, and consider ways to align relevant proposals and authorities. The Task Force is transitioning from response to restoration. BP put \$500 million into remediation. We want to engage local stakeholders, communities, the public, and other officials throughout the Gulf Coast region, and there may be a role for LGAC. We need a vehicle to get together with local governments, which are very active in the Gulf discussion.

Q&A

Mr. Jeffrey Tiberi (Executive Director, Montana Association of Soil and Water Conservation Districts, Helena, Montana): Include county government and conservation districts, and people actively engaged in restoration work for 75 years. LGAC members are locally elected and know who all these people are.

Commissioner Cope: The oil spill brought Gulf environmental issues to the forefront, but the bigger challenge is loss of wetlands. BP will finance the oil spill clean up, but wetlands are a bigger challenge. Thousands of miles of oil pipeline run under saltwater marshes because the only place tankers can land is off the Louisiana coast, so the oil has to be piped to land. The pipelines were made to go under freshwater and when they leak, it will dwarf the BP oil spill. Offshore oil revenues should be spent on restoring freshwater marshes. Engineers from Louisiana State University thought seven years ago that \$30 billion would pay for it. *Mr. Hankinson* agreed. Navigation, digging canals, and pipelines through the wetlands have allowed saltwater to intrude.

Mayor Hosterman: California has the Bay Delta, which is essentially trashed, and remediation has been undertaken by some 30 different groups (with lots of egos). No one can figure out a roadmap to resiliency. *What is your approach? How do you get the money where it is needed? Mr.*

Hankinson: That is the crux of the problem. First, Louisiana local government is at ground zero, so it is important to involve it soon and strongly. The Gulf spill affected everyone on an emotional level and that brings people together—business as usual may not work anymore. There are challenges in our region, too, to get an approach to work. We can set up a funding structure and list who does what. A Restoration Strategy evolves.

Mayor Davis: In Alabama, the Governor started a restoration task force. But when it comes to an ecosystem, how will regional people in various states interact with their different approaches? Each state has a different mind-set. And Alabama is preparing to change governors. *How will EPA do this? Mr. Hankinson:* This issue points out the complexity of the task. Florida and Alabama are bordering states with very different views, as does Louisiana. We try to stay grounded in the science. Another issue is what types of projects should be undertaken, e.g., Louisiana is interested in economic development in the Gulf area. Indeed, revenues come from oil and gas, but jobs come from tourism. It is a huge challenge. *Mayor Davis* comments that that EPA is seeking his input. How is what the Navy and Secretary Mabus is doing impacting what EPA is doing? *Mr.*

Hankinson: By and large establishment of this Task Force was a response to the Navy report.

Chairman S. Ortiz: Restoration is needed in Kansas too. Tractors are pouring tons and tons of fertilizer into the ground, and that soil will eventually wind up in the Gulf (creating dead zones). Dead zones in fishing areas are getting larger and larger. *Mr. Hankinson:* This will absolutely be taken into consideration. The Hypoxia Subcommittee focuses on nutrient pollution, and good prototype work is being done in Iowa. They are trying to coordinate other parts of the effort. Dead zone issues will not be solved without addressing nutrient issues.

Mayor Phil Gordon (Phoenix, Arizona): The University of Arizona is noted for grass restoration and wetland restoration. *Is the Army Corps of Engineers involved? Mr. Hankinson:* Yes. He awaits staff from the Corps; they are a critical partner. *Mayor Gordon:* The Tres Rios/Rio Salado and Rio Estes Conservation Restoration has 20 miles of dry river bottom and is now a flowing natural habitat using nature to purify water and create a habitat for cranes and beavers, which hadn't been there for 100 years. The Corps was integral and won an award for it last year.

Mr. Aaron Miles (Nez Perce) observed that a lot of our industry is supported by various parties, but EPA is blamed for not being ready for something of this magnitude. Industry wants less regulation, but points the finger at EPA when something goes wrong. We all need to sacrifice to protect resources. Maybe in reality it is a small sacrifice to prevent something of this magnitude. *Mr.*

Hankinson: With resources like we have at stake, we need to do a better job and stakeholders need to ensure this.

Mayor Murrell: The National Resource Conservation Service (part of USDA) is very good, but we still had the energy crisis of the early 1970s. Once the task force makes its report, how do we go about making recommendations for long-term and permanent remedies without becoming a political football. *Mr. Hankinson:* Part of our work will be maintaining multijurisdictional agencies. There will be significant resources, at least coming from BP, but there should also be a stream of federal resources for this effort.

Mayor McTeer-Hudson asked Representative Ross, Commissioner Hickner, and Councilman Somers to submit their questions in writing.

Remarks by EPA's Deputy Administrator

The Honorable Bob Perciasepe, Deputy Administrator

Mr. Perciasepe thanked participants for helping EPA do its job and welcomed new members. EPA has a high-level mission, and local governments share a common desire for citizens to be healthy and have a high quality of life. Science is the basis, but decisions and implementation depends on local people, and this requires dialogue. The local perspective is integral such as how much science has been done on the ozone, and all of the many issues which the Administrator has to take into account when she makes her decision. Geography will result in an important diversity of views—things are different in different places, e.g., in a New England town government is very strong. Mr. Perciasepe is anxious to hear and participate in these discussions. The success EPA has had in implementing laws depends on how they are carried out at the local level. The average amount of lead in children's blood had declined in the past 40 years because of dealing with lead in gasoline. Air pollution has declined 50% even though the population and GDP have grown. We make choices about the environment and public versus economic health. Meanwhile, the US is an exporter of environmental technology.

Q&A

Representative Ross: The nature of EPA and how it goes about its mission starts with complex science, backed by legal authority. When that comes down to local government, regulations wind up looking very complicated and force municipalities to hire costly engineers and assistants to implement them. *Could there be some thought about providing a suite of best management practices to be responsive in a more economical way?* Mr. Perciasepe hopes to have that kind of dialogue with the LGAC. He agrees that more common sense approaches need to be implemented. EPA is scrutinizing how programs work at the municipal level, and states have a preeminent role to

play.

Similar concerns are involved with superfund site clean ups. Discussion of that topic resulted in the Brownfields Program, which continues to be oversubscribed. They trained some 3,000 people for local employment, so there is a more intimate relationship between clean-up and future use (parks, houses, businesses). EPA is moving toward giving local governments more technical assistance. Another promising program is in the area of water. Most towns have issues with sewage treatment plants, of which there are 15,000 or 16,000 in the US. Since 1972, all have been treated as secondary treatment sites. Waste treatment systems may not be visible, but their development is as important as development of the interstate highway system. The collection system varies throughout the country, as does the geography, all of which is related to hydrology. When we develop areas, the hydrology changes. Hydrology is influenced by many things, e.g., streets and green roofs. And, all of it is at the community level. It is not simple, but it is local level efforts that show great promise for dealing with a complicated engineering problem, creating amenities, and solving the problem. EPA is open to working with these kinds of ideas. *Representative Ross* would like to add a stormwater model approach to the discussion.

Councilman Somers: In Puget Sound, are working hard to align transportation, housing, etc., and he commends the DOT–HUD–EPA Partnership. *Are further partnerships expected?* *Mr.*

Perciasepe: We are in the second year of that Partnership, and have done joint grant making. So far the Partnership is working in the regions. We also need to bring in USDA to deal with rural community development. The concept has great potential and will move forward.

Mayor Wong understands brownfields and she commends EPA for the evolution of that program. In Massachusetts, they have used all aspects of the program. But, they are having problems with asbestos. Steam plants no longer in use can cost more than \$1 million per building to remediate, and there are not enough funds. *What are your thoughts?* *Mr. Perciasepe:* Nothing immediately comes to mind. Some money is available, but the magnitude of this problem is something we need to look into, especially since we are not looking forward to large increases in funding. Nevertheless, we might redirect some funds.

Mayor Bellamy was encouraged to hear that Mr. Perciasepe will talk to the staff about green issues. He should also talk about ozone emissions. North Carolina has one of the more stringent smokestack laws in the country, and last year they sued the Tennessee Valley Authority (TVA). But the courts are not moving aggressively enough. TVA is the reason North Carolina is getting polluted, and nonattainment levels impact their transportation. *Mr. Perciasepe* agreed that we are observing a real phenomenon—regional transport of constituents of ozone. The largest part of

good, but some people are experiencing this now, and people in the area of these watersheds have not dealt with resource extraction in a long time. We should get these people together with people from areas that have been extracting resources over recent years, e.g., Wyoming. EPA is preempted by federal law, but there is also the potential for local and state regulation; e.g., EPA would not regulate the drilling process. If the practice impacts drinking water, the practice would have to be changed. The answer is regulation, if you have concerns. As for concern about greenhouse gases, many things can be done. Methane is more potent than carbon dioxide (CO₂), and anything done to prevent gas leakage earns the gas companies more money and has more effect on preventing greenhouse gases than CO₂.

Mayor Dana Redd (Camden, New Jersey) thanked Administrator Jackson for addressing the clean-up of a superfund site in New Jersey. She noted, however, that often programs announced by this Administration get caught up at the state level. If EPA can work at the local level, it would be more effective. She also thanked the Administrator for the focus on low-income communities and communities of color. Her role is to take information back to the community and let other mayors know what programs EPA has in place. *Administrator Jackson* wished EPA had more ability to work locally on wastewater issues. The cost/benefit war cannot be won with smaller communities. A frequent discussion is whether small communities can ever meet federal water standards because they will never have the resources. Yet, people care tremendously about clean air and clean water.

Administrator Jackson thanked everyone for coming.

LGAC Discussion of Charge and Issues—Subcommittee and Workgroups Structure

Chairwoman Heather McTeer-Hudson opened a discussion on structure of the Committee. She indicated that there are some suggested workgroups, and one standing subcommittee of the LGAC:

Air, Climate, and Energy (a good place to include energy conservation)

Protecting America's Waters

Gulf Coast Waters

Expanding the Conversation, Reaching Environmental Justice Communities (including health issues)

Cleaning up Our Communities (including brownfields and superfund sites)

The *Small Communities Subcommittee* will continue as a standing subcommittee.

Discussion of the Charge and LGAC Structure

Mayor Peterson asked about sustainability issues, such as smart growth, and suggested adding a workgroup on sustainability, including green development and green jobs.

Representative Ross asked if members could serve on more than 1 work group.

Mayor McTeer-Hudson: The optimal number of people on each workgroup is desired. The amount of work mitigates the number of committees a person would want to be on.

Ms. Frances Eargle, DFO: The standing subcommittee is required to be chartered, but it works like a committee. However, members can serve on more than 1 work group. Work groups are treated similarly—i.e., meetings are recorded and records sent to the Library of Congress.

Mayor McTeer-Hudson: There are 5 work groups, 1 subcommittee, and 30 members. Members will have a primary work group, for which a chair and co-chair will be selected. *Ms. Frances Eargle*: Work groups can also bring in other elected and appointed officials who are not members of the LGAC—it is a good way to bring in other representation.

Mr. Muller recommended that people not get lost in the subcommittee/work group discussion. The most important is to not get too spread thin. Designated Chairs could form an executive committee. Each workgroup should bring in expert advice when needed—past committees have brought in expert advisors from universities, etc.—but you are all experts. *Commissioner Somers* agreed with *Mr. Muller*; this is a good number of working groups. We will have to prioritize issues, such as smart growth, and let the chair assign them. *Mayor McTeer-Hudson* added that all workgroups will have notice of all meetings and reports from all.

Mayor Bellamy suggested sustainable communities. *Mayor Hosterman* thought each group could include sustainability.

Ms. Hann, Commissioner Cope, Mayor Murrell, and Mayor Adam. Ortiz concurred that livability and sustainability are important and should be a crosscutting part of all work groups, recognized as a priority, but not allowed to overwhelm the work group.

Commissioner Hickner moved that sustainability be a part of each work group.

Councilman Somers seconded and the motion carried.

Council Member Jill Duson (Council Member, Portland, Maine): Where would livability issues fall? *Mayor McTeer-Hudson*: They are part of the environmental justice conversation—the inclusion of all these elements to make a sustainable, livable community.

Mayor Adam Ortiz: For small communities (population less than 50,000), a small subset of LGAC members are eligible, so by default they are members of that work group.

Ms. Frances Eargle: Introduced *Javier Araujo as the DFO for the Small Community*

Subcommittee. Mayor Peterson: Do residents of small communities belong to 2 work groups?

Mayor McTeer-Hudson: Those voices are needed in that Small Community Subcommittee, but they can work on others. But, most important, each person should be assigned somewhere.

Mayor McTeer-Hudson: LGAC will have 5 work groups and 1 subcommittee. EPA's standing definition of a small community is a population of 50,000. A motion was made by *Mayor Adam Ortiz* and seconded to define 'small communities' as 10,000. The motion carried.

Mayor Peterson suggested that, since Gulf Coast issues have been pulled out of America's waters, the work group become Protecting America's Waters and Air, and include climate and energy.

Mayor Evelyn DeLorme Camacho (Vieques, Puerto Rico) is concerned about federal facility sites and would like that included in the "Cleaning Up Communities" Workgroup. Can this group concentrate on clean up of formerly federal sites?

Mayor McTeer-Hudson said that would be addressed in the Cleaning Up Our Communities work group.

Mayor Peterson asked for clarification on the responsibility of chair and co-chair?

Ms. Frances Eargle said the chairs lead the work of each workgroup, and they have found it helpful to have a chair and a co-chair who are interchangeable so they can convene monthly conference calls. The Executive Steering Work Group is made up of Chairs of workgroups and responsible for assigning tasks to work groups as we get assignments from EPA. EPA works with the LGAC to designate work group and subcommittee Chairs. The chair assigns work to the members or an ad hoc group. Work groups offer an opportunity to involve other experts within EPA and other federal agencies. All matters have to go through the full Committee and deliberated and recorded in a public meeting as a matter of record.

Mayor McTeer-Hudson agreed. Work groups meet at least monthly, minutes need to be taken and submitted, and EPA needs to be informed so they can participate. LGAC meets 2-3 meetings a year. *Mayor McTeer-Hudson* wants LGAC members to go out to sites to see for themselves and then come back and make realistic recommendations.

Councilman Somers thought it useful to share each other's personal community experiences.

Commissioner Cope challenged members to think outside their own jurisdictions. We need to educate ourselves because many of these concerns are national issues.

Mayor Murrell asked if brief biographies of members could be made available.

Ms. Eargle: The bios on file are the ones provided by the organizations that nominated the members, so members should review, amend, and return their bios with permission for EPA to post them on the website? Representative Ross made a motion, seconded by Mayor Hosterman to do both; it was unanimously approved. Ms. Eargle will send out the bio which is on file with the Agency, and she asked that they be returned by Friday (November 26).

Supervisor Carbajal suggested that members prioritize 3 work group choices. Mayor McTeer-Hudson instructed members to write on a piece of paper the 3 work groups of interest and whether the member is willing to serve as chair or co-chair.

Mayor McTeer-Hudson asked members to prepare for a December meeting (details to follow) and have 5 critical goals for your work group. She urged the Committee to contact her on any questions and thanked everyone for their participation and for a great meeting.

The meeting adjourned at 12:15 PM.

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

Submitted by:

 1-15-11

Signature Date

Frances Eargle, EPA DFO

 1-18-11

Signature Date

The Honorable Heather McTeer Hudson, Chairwoman, LGAC