

US EPA ARCHIVE DOCUMENT

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

December 2, 2011

Meeting Summary

I. *Welcome*

Mayor Heather McTeer Hudson, LGAC Chairwoman, called the meeting to order at 10:11 a.m. (EST) and welcomed the members of the Local Government Advisory Committee (LGAC). She thanked the Committee members for their hard work. Furthermore, she stated the issues the Committee brings to the EPA as locally-elected and appointed officials are important in understanding the practicalities of policy implementation. There is also beneficial exchange so that the Committee Members take home what is discussed and add to the discussion at the local level. [*A quorum of the members was established and present*].

II. *Remarks to LGAC*

Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, welcomed the members to EPA headquarters. She indicated that bringing issues forward to advisory committees of the agency emphasizes the importance of a working government to government relationship and dialogue. She thanked all of the members for the tremendous amount of work that they have done in a short period of time. A significant number of recommendations have been made, and advice has been put forward in public dialogues. She said the Gulf Coast Workgroup had a significant impact, and the dialogue of the workgroup was important in the development of Draft Preliminary Gulf Coast Strategy prepared by the Gulf Coast Taskforce (chaired by the Administrator). Also, a proposal within the agency on wastewater management and stormwater management was significantly aided by the insights and comments of Representative Ross and the Water workgroup.

III. *Introductions*

Mayor Hudson discussed some housekeeping items and asked those present to introduce themselves.

IV. *Air, Climate and Energy Workgroup*

Supervisor Salud Carbajal, Chair, said that they have continued to have phone conferences and had another meeting on December 2, 2012 (earlier today) to attempt to refocus

US Environmental Protection Agency

Local Government Advisory Committee (LGAC)

MEETING SUMMARY - December 2, 2011

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 meeting 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.

the agenda for comment to the Administrator. The workgroup was informed that a response from EPA on exceptional events is forthcoming. When it is received, the workgroup will provide another comment letter building on its previous comments on that issue. The workgroup is looking into the appropriateness of providing comment on the workgroup's "disappointment" regarding the abandoned reconsideration of the 2008 National Ambient Air Quality Standard (NAAQS). The group also plans to provide comments at the appropriate time on a cohesive wildfire strategy. Hydraulic fracturing was discussed in the context of potential impacts on energy and air quality. The workgroup also requested a synopsis of energy issues and how they relate to ongoing rulemaking in order to provide more in-depth comments.

Supervisor Carbajal said **Councilor Somers** asked the workgroup to explore incorporating 'acidification' into the workgroup's watch and discussion issues. **Councilor Somers** said he is committed to providing more information on acidification of marine waters related to atmospheric deposition of carbon dioxide. Acidification is starting to become an economic issue, particularly as it relates to shellfish. **Mayor Hudson** made the suggestion that the Gulf Coast Workgroup may also want to be involved on this issue. Councilor Somers said he had already provided some information to the workgroup. **Supervisor Carbajal** said Ms. Rebecca Cook has been instrumental in starting the workgroup off on getting a matrix of ongoing rulemakings in order to identify opportunities to provide comment.

Ms. Hospodor-Pallone agreed that a matrix would help the agency to focus and inform the Committee's work in a timely and efficient way, but she added "*that it wouldn't preclude comment on issues popping up that had not been on the radar.*" With regard to acidification, there are a series of rulemakings coming up. The Boiler MACT Rule is also being rolled out, and information will be provided to the Committee.

Mayor Lisa Wong said the information passed out at the Small Communities Subcommittee meeting on December 1, 2012 (yesterday) has items that are part of the five-year cycle of retrospective review plan would be helpful for the full Committee. She also suggested there could be a way online for the Committee to see everything that's going through the pipeline in order to enable the Committee to act as early as possible. The issue of formaldehyde is being explored with the Office of Green Chemistry.

Councilor Teresa Coons asked if notices of webinars or similar meetings could be given in a more timely way ahead of the briefings to enable broader participation.

V. *EPA's Air Quality Updates*

Gina McCarthy, Assistant Administrator, Office of Air and Radiation, said EPA's five-year review for the National Ambient Air Quality Standard (NAAQS) for ozone is underway. This review uses the most recent scientific data and is scheduled to be finalized in 2013. Currently, the 2008 standard is in effect. The agency has been working with communities on designations. Next week the 120-day letter is going out so that an agreement can be reached. The number of non-attainment areas will encompass those that currently exist as well as some that are in maintenance now. Since the current administration has put in place federal rules that

will drive down contributors to ozone, most areas will be able to be in attainment with very little action necessary at the state or local level.

The Cross-State Air Pollution Rule (CSAPR) was finalized a few months ago. It replaces the Clean Air Interstate Rule (CAIR), which was vacated by the courts and remanded to the agency. CSAPR is a more scientifically credible and legally defensible way to address transportation of air pollution from upwind to downwind states. Many actions required of industry have already been taken because of CAIR. The benefit to cost ratio is about \$40 to one, and it will allow many downwind states not to have to move to such expensive controls.

Today, EPA issued proposed reconsiderations for rules to reduce emissions of air pollutants from existing and new Boilers (Boiler MACT). The agency has not yet been able to establish toxic emission standards for boilers. There are thousands of boilers at major sources, and there are many more that are area sources. Incinerators with boilers are treated slightly different. The rule was finalized in March after data was gathered in the comment period. Today's new proposal is for a reconsidered standard to adjust for the different kinds of sources and to include changes to the definition of solid waste. The new rule will provide a similar level of protection at half the cost with significant additional flexibility.

With regard to mercury and air toxics standards, electric generating units were called out in the 1990 Clean Air Act rules. There is no national standard to manage toxic emissions from utilities. Rules were proposed but were not found to be legally worthy and consistent with the Clean Air Act. The agency did more studies and looked at available technologies. A rule will be finalized in a few weeks. Around 17,000 premature deaths per year may be avoided (starting in 2015 when the rules will be required). The impacts on electricity prices and energy reliability have also been considered. Independent assessments have been conducted. Major retirements of energy generating units are not anticipated. There may be localized reliability considerations, and there is a path forward to look at those.

On indoor air quality, economic stimulus dollars (*American Recovery and Restoration Act of 2009 - PL. 111-5*) were made available for retrofitting homes, and it is important to ensure there is no negative impact on indoor air quality as buildings become tighter and more efficient. There continue to be significant challenges related to radon, including raising the public awareness of the issue. Radon exposure is the second leading cause of lung cancer, which is responsible for 22,000 deaths per year. There are inexpensive ways to deal with radon when building a new home.

On diesel emissions, there is a program that works with local communities and industry updating school buses as well as looking at ports, rail yards, and other large sources of concentrated emissions. Working with local governments on energy efficiency is a significant opportunity to inexpensively lower emissions of traditional pollutants while lowering reliance on fossil fuel and lowering greenhouse gases.

Supervisor Carbajal hoped that any delay would not result in restarting the process. He asked how the boilers and incinerators rule might affect conversion technology. He also

asked if EPA is involved in the PACE or other similar programs. **Ms. Gina McCarthy** answered by saying the President asked EPA to defer the new standard on ozone and roll it into the five-year standard, for which there is a defined timeline. Although the ozone standard may be delayed, the pollution reductions associated with it are going forward. Another rule that may be contentious governs wood-burning stoves, a significant challenge for NAAQS compliance. She agreed that the PACE program is essential, but she was unsure what the hold-up was. EPA worked with the Department of Energy on technical assistance for industrial facilities which would be challenged to enact controls and to identify resources to support loans for purchase of new equipment with the energy efficiency savings used to offset the loans.

Mayor Lisa Wong expressed appreciation for the mercury pollution rule and for the level of public participation given the hundreds of thousands of comments received. Her community recently replaced all school boilers and there were immediate net savings to the city, given the 80% reimbursement from the state. The funding was from ARRA federal economic stimulus dollars used by the state for green schools. There is a need for further efforts, including churches. We need standards for biomass facilities so that projects may move forward without the fear of unknown regulations.

Assistant Administrator McCarthy said that it was very helpful to have success stories at the local level, and it would be helpful for the Agency to have more of these.

VI. *Public Comment*

Mr. Robert Stewart, Executive Director, the Rural Community Assistance Program, was recognized by **Chairwoman Hudson** to address the Committee. He began by thanking the Committee for their work, and said the environmental concerns of small communities are very important issues. He noted that water and wastewater utilities are large users of energy. The Rural Community Assistance Program is a nonprofit organization which gives technical assistance to small communities. RCAP has recently begun a new initiative to do energy audits for small communities. Savings from 10 to over 60% can be achieved with retrofits and different practices.

VII. *Congressional Update*

Mr. Arvin Ganesan, Associate Administrator, Congressional and Intergovernmental Relations, said the appropriations process is characterized as “*uncertain to when long-term appropriations will be passed, what the levels will be, and what, if any, policy riders may be attached to such a bill.*” Congress has passed a short-term extension that goes through the end of the month. The hope is that by December 16 long-term (for approximately one year) funding will be in place, either through a ‘mini-bus’ or a continuing resolution. A mini-bus could mean cuts of 12-15% of EPA funding, which could be to wastewater and drinking water SRF funding, making the work of state and local governments more difficult. If negotiations on a mini-bus fail, a continuing resolution of current funding will be passed, likely resulting in significantly smaller funding cuts across the board. With regard to riders, the President has articulated that he wants “*to separate policy from funding,*” but it is unknown

whether or not that will happen.

Many air regulations will culminate in final or proposed rules over the next six months, and there will be attempts by Congress to modify or eliminate those rules. Challenges under the Congressional Review Act are fast tracked, and cannot be filibustered. If the challenges are successful, the agency is prevented from issuing a regulation similar to the overturned rule. For example, if the CSAPR is overturned by use of the Congressional Review Act, (5 U.S.C. § 801-808), EPA could not issue any regulation on down-wind air pollution. Congressional Review Act resolutions are likely to be filed on many rules, including Boiler MACT and utility air toxic standards. The House has already overturned, modified, or removed rules, so the majority of action on EPA rules in the next six months will take place in the Senate.

Mr. Jeff Tiberi asked whether the focus of the Clean Water Act Section 319 (Nonpoint Source) program is going to change to getting a project done as opposed to programs. **Mr. Ganesan** said that is a possibility, but there is not yet a clear pathway. **Councilor Somers** asked for clarification of the Congressional Review Act process. **Mr. Ganesan** said that with a certain number of signatures a resolution can be fast-tracked, going around the Committee process and also around the process whereby the leader of the body controls which bills are considered on the floor. **Commissioner Robert Cope** asked how Boiler MACT would work for combination burners such as a co-generation plant burning biomass and household waste. **Mr. Ganesan** stressed that any data available should be shared during the public comment period. **Commissioner Cope** asked if there is any possibility of regionalization of the standards and noted that removing biomass to burn in a controlled way is better than all of that biomass burning at once during a forest fire.

VIII. *Remarks to the LGAC*

EPA Administrator Lisa P. Jackson began by thanking Mayor Hudson for her work and leadership in chairing the LGAC. She said the Committee "*has done what local governments do, be nimble and responsive to the questions and needs of the day*". She talked about the promise of small communities using energy efficiency block grants to rewrite their budgets. She thanked the members of the Small Communities Subcommittee for their work and Mayor Dixson, Chair of the subcommittee, for inviting her to the meeting. She thanked the Committee for their input in the Gulf Coast Restoration Strategy (<http://www.epa.gov/gcertf/>), and the work of the workgroup in convening the local government piece to aid her in her role as Chair of the Gulf Coast Ecosystem Taskforce.

Mayor Marilyn Murrell talked about the importance of local officials meeting with EPA Senior leaders, and she indicated that she hosted the EPA Region 6 Administrator, Al Armendariz, in her city of Arcadia, Oklahoma. She said that they discussed the importance of communication at the regional level with local communities and state agencies. **Administrator Jackson** acknowledged the importance of being a resource for communities, particularly with dwindling state resources.

Councilor Dave Somers brought up the restoration of Puget Sound and marine

acidification affecting shellfish growers and inquired about future discussions on greenhouse gas emissions, carbon dioxide, and other related issues. **Administrator Jackson** said there will be more discussion of climate change with the upcoming election. The President has used the executive branch to address major drivers of climate change, including historic fuel efficiency standards and greenhouse gas standards for utilities to be proposed early next year. Meanwhile, we can aggressively move forward at the community level where we can make a difference in energy efficiency.

Mayor Carolyn Peterson talked about invasive marine plants in the Great Lakes and asked for information on the tar sands pipeline. **Administrator Jackson** said the State Department's decision on the Keystone XL pipeline was driven in part by the reaction from the State of Nebraska. The EPA twice commented on State Department's EIS document, particularly in regard to the lack of a robust examination of alternatives. The State Department has announced additional work looking at alternatives. The process is expected to take place through the next calendar year. It is a two part process looking at both the environmental impacts and the national interests.

Mayor Ronald Davis stated that he appreciates the work of Administrator Lisa Jackson and the efforts she has made in getting out to communities and her leadership of EPA on the Gulf Coast restoration, particularly the openness and dialogue. He asked if there's anything they can do to move forward on other community initiatives. **Administrator Jackson** said, "Yes, but the programs can't be created from nothing". The agency is reprogramming funds to ensure that community-focused programs are protected and reinforced, including the CARE and brownfields programs. There will be continually decreasing funds for water and sewage infrastructure. There is a new need for smart growth planning grants.

Mr. Aaron Miles thanked the Administrator for addressing the Committee and expressed support and encouragement for continuing to work with Indian tribes. **Administrator Jackson** said they will continue to increase Tribal GAP funds as much as possible. She thanked the members for their stories which show the importance of EPA's work.

Administrator Jackson also expressed full support for the continued work of the Committee, and whatever they need to continue bringing these issues forward for EPA. She mentioned that if other subcommittees or workgroups are needed, she encouraged that work. She thanked the Committee for their work, and turned the meeting back to Chairwoman Hudson.

IX. *Clean Water*

Ms. Nancy Stoner, Acting Assistant Administrator, EPA's Office of Water, thanked the members for their work on the Committee. **Ms. Cynthia Giles, Assistant Administrator, EPA's Office of Enforcement and Compliance Assurance,** said they work with state and local governments to achieve compliance with standards. It is important to make 'smart choices' about use of available funds. **Ms. Stoner** noted the foundational importance of water and wastewater infrastructure for every community. They discussed the Memorandum, "*Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans,*"

released by the Agency on October 27, 2001. The purpose of this memorandum “*is to make sure that EPA proceeds to work with states and communities to get the most effective as well as cost-effective approaches for meeting shared objectives of clean water that protects the public health and the environment.*” (<http://cfpub.epa.gov/npdes/integratedplans.cfm>). She stated that there are excellent systems and some of the best tap water in the world. There has been a lot of progress since passage of the Clean Water Act, but there are large challenges ahead, including an aging water infrastructure, population growth, climate change, and financial difficulties. There will be opportunities for engagement with communities next year on making the best investments. Ms. Giles talked about green infrastructure and improving water quality. It can be an economic, public relations, and community improvement win.

Representative Ross asked if a community or groups of communities develop an integrated water management plan, will it add to or relieve compliance burden. **Ms. Stoner** said communities are situated differently, so one answer won’t work for everyone, but there is sufficient flexibility in regulation to allow integrated planning to meet requirements. **Ms. Giles** said they want to do what they can to encourage integrated, multi-jurisdictional planning. **Representative Ross** said there needs to be assurance that their planning will be fruitful and that EPA needs to think about whether they will accept infiltration to the first inch or one-year storm as a marker for pollutants.

Councilor Coons brought up concerns over proposed nutrient discharge standards. **Ms. Stoner** agreed that nutrient pollution is a major focus and growing pollution issue in many areas of the country. It is necessary to develop the science and the criteria for particular areas given the varied needs of different bodies of water. **Commissioner Cope** talked about watershed restoration and the extension and further definition of waters of the United States under Clean Water Act. There is the possibility of jamming up the permit system, thereby holding up beneficial projects which may have critical timing elements. **Ms. Stoner** said one proposal is to identify categories of waters that are not jurisdictional, though that is not currently contained in regulations, as well as trying to clarify protections for previously protected waters, restoring existing authority. **Mayor Davis** asked about drilling water wells. **Ms. Stoner** said EPA does not regulate drilling for water or water rights; all that is handled by the states.

X. *Expanding the Conversation (EJ) Workgroup*

Mayor Wong reported that the workgroup was briefed by EPA’s Office of Environmental Justice on *Plan EJ 2014*. It is a roadmap that will help EPA integrate environmental justice into the Agency’s programs, policies, and activities. It was released in July 2010 for public comment. (<http://www.epa.gov/compliance/ej/plan-ej/>). It set forth a four year process for integrating environmental justice (EJ) into programs, policies, and activities. EPA has developed an agenda for five focus areas: incorporating EJ into rulemaking, considering EJ in the permitting process, accelerated compliance and enforcement initiatives, supporting community action programs, and fostering inter-agency action and cooperation on EJ issues.

The EJ workgroup commends the agency on its efforts, especially the formal consultation with federally recognized tribes. The workgroup has submitted a draft letter of

recommendation with a motion to approve. The letter commends the Administrator on *Plan EJ 2014*, commends the consultation with federally recognized tribes, and requests active engagement to expand the conversation with local governments, especially on permitting and regulatory involvement with regard to projects like the Keystone pipeline. The workgroup plans to meet via teleconference in early January to make comments on the contents of the *Plan EJ 2014* permitting. The workgroup wants to work with the Office of Environmental Justice to seek ways to better define 'environmental justice' given the evolution in the field, to develop measures for accountability, to look at public health, environmental and economic impacts, and to work more broadly to engage local government, especially prior to any permitting issues.

Mayor Hudson asked if there are examples of groups to be included for consultation in the future. **Mayor Wong** said it is important to connect rulemaking with every local community. **Ms. Sue Hann** suggested we also need to consider the parameters around which we get to the end of the permitting process. **Mayor Wong** said permitting is just one part of the process and that it is too late to engage groups after permitting has begun. **Dr. Hector Gonzalez** applauded the workgroup and highlighted the importance of incorporating EJ into every aspect of the process. **Mayor Marilyn Murrell** agreed that EJ has to be part of the thought process long before permitting. **Supervisor Carbajal** talked about the conditions for migrant workers and the lack of clean water. **Commissioner Robert Cope** said all federal agencies should work closely with local government and suggested addressing regionalization issues through EJ. He also stated that it should be part of the culture of EPA.

Mayor Hudson asked for a motion to finalize the letter and submit it to the Administrator. It was moved and seconded. **Ms. Hann** suggested some of the points made in today's discussion should be included, incorporating EJ as an early consideration in the process and working with local governments to tailor regulations and programs to local needs. **Mayor Wong** agreed with the incorporation of those comments. **Mr. Adam Ortiz** suggested that the body accept the letter with leeway for non-substantive changes to the document. The friendly amendment was seconded. The Committee approved the motion.

XI. *Plan EJ 2014*

Mathy Stanislaus, Assistant Administrator, EPA's Office of Solid Waste and Emergency Response, gave a background of his office, which is involved in clean-up of contaminated land, emergency response, and management of solid waste. Brownfield grants are targeted resources and open up opportunities for rebuilding. Brownfields are critical for revitalization of downtowns. There is a focus on completion of clean-up. There are 23 area-wide planning grant pilots designed to provide resources to identify potential uses of brownfield sites. The office is coordinating with the Partnership for Sustainable Communities. The focus is on plans that can be implemented. A recent study looked at changing property values in close proximity to Superfund sites. There was a 19% increase in property values within one kilometer from the pre-proposal stage to the point where a site comes off of the Superfund list; a 6% increase for properties within three kilometers of a site.

In conjunction with the proposed reconsideration of the Boiler MACT, the Agency is

proposing to clarify what non-hazardous secondary materials are, or are not. Materials historically used should continue to be used as secondary materials, not solid waste. The proposed rule adds a petition process for the Administrator to identify a material as a secondary material. Certain materials have been identified categorically as fuel. The proposed rule also provides a decision framework with legitimacy criteria to determine what is and is not a solid waste. Materials are compared to the traditional fuels that boilers are intended to burn.

We are consciously shifting away from a waste management paradigm to a sustainable materials management paradigm, looking at waste in terms of opportunities for recovery and reuse. The President has announced the National Strategy for Electronic Stewardship, which ensures safe recycling of electronics and focuses on the urban mining of electronic waste. The agency has partnered with industries to look at voluntary ways to redesign equipment to accommodate reuse. This ensures that valuable components can be more readily separated.

Plan EJ 2014 is aimed at institutionalizing EJ considerations within EPA decision making. The agency is looking at the intersection of funding, policy, and permitting with land use. A number of local governments have identified best practices to communicate to other local governments. The goal is to provide technical assistance, not to step beyond the agency's authority with regard to land use.

Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, and Senior Advisor to the Administrator on Environmental Justice, thanked everyone for the work on the Gulf Coast Task Force recommendations, especially the very close collaboration with NEJAC. She was excited that the LGAC is reviewing *Plan EJ 2014* and is sending a letter in support of the plan. In addition to land use, there have also been discussions about permitting, rulemaking, enforcement, and compliance. The agency is looking at ways that community concerns can be mitigated, including buffers and control technology. It is essential to look at the data, tools, and resources and how to use those to bring about sustainable, healthier communities and revitalize certain areas.

Mr. Adam Ortiz said in Prince George's County there is an issue with a clump of several industrial uses near residential neighborhoods, including crushing facilities, an asphalt plant, and a recently permitted concrete batching plant. All are in compliance with their permits, but the cumulative effect is rather overwhelming. **Ms. Garcia** said that is an issue that they have heard a lot. The Office of Research and Development is leading a work group to look at the data supporting assessment of cumulative impacts, including the possibility of requesting a health impact analysis. The American Public Health Journal has just published EPA commissioned articles dealing with health impacts (*Supplement 1, 2011, Volume 101, No.S1*). **Mr. Stanislaus** talked about work on a cumulative reduction strategy, looking at a model similar to CARE funded by external sources.

Ms. Hann commended the agency for the Sustainability partnership with HUD and DOT and asked if there has been any thought of expanding the partnership to other agencies. **Mr. Stanislaus** said EDA, USDA, and HHS are part of the partnership. **Mayor Wong** commended the agency for looking at how they can do better around land use and equitable

development and hoped it would lead to bridging the gap between environmental and economic justice issues.

Mayor Davis stated that the CARE program is very beneficial for local governments because it provides for the opportunity to identify community needs and put plans into place to deal with long-term problems and crisis situations.

Mr. Stanislaus ended by saying that as the Agency moves forward in considering land use and the intersection with *Plan EJ 2014*, EPA would like to consult with the LGAC.

XII. *SCAS and LGAC Workgroup Report Outs and Discussion*

Mayor Hudson opened the floor for the additional workgroup reports.

A. Subcommittee on Small Communities (SCAS)

Mayor Bob Dixon, Chair, thanked the EJ Workgroup for joining the previous day's meeting. **Ms. Lena Ferris** from EPA's Office of Policy gave a presentation on EPA's efforts related to Executive Order 13563, which requires federal agencies to review existing regulations, including looking at whether individual regulations apply to public health and safety and whether they hinder job creation. **Mr. Robert Stewart** from the Rural Community Assistance Program made interesting presentations. The Subcommittee, along with the EJ Workgroup, supports a letter to the Administrator supporting the Partnership for Sustainable Communities, particularly supporting USDA's involvement. **Mayor Wong** said there is not a draft but they would like to forward the recommendation to the Executive Committee to draft the letter representing every workgroup.

Mayor Hudson said the Executive Committee's draft would go to all the LGAC members for final approval. **Commissioner Coons** agreed with the idea and suggested looking at what other agencies might be included. **Mayor Wong** said the letter would go to the Administrator, who could then reach out to other agencies. **Commissioner Cope** noted that according to FACA, the LGAC is only empowered to advise the EPA Administrator. The recommendation was moved and seconded. The Committee approved the recommendation.

B. Gulf Coast Workgroup

Mayor Ronald Davis thanked EPA staff for their technical support in helping the workgroup pull everything together. He also thanked the LGAC for their help in meeting the deadline set by the Administrator. **Commissioner Cope** emphasized that the workgroup is addressing many issues beyond the Deepwater Horizon oil spill. **Dr. Gonzalez** commended the group given the diversity of Gulf Coast communities and for incorporating EJ and health. **Mayor Davis** said the restoration plan is due to be released soon and asked the LGAC to focus on the implementation of that plan.

C. Protecting America's Waters

Representative Chris Ross expressed appreciation for staff support. During a recent conference call there were presentations on the integrated wet weather strategy planning and seeking consensus on the definitions of waters of the U.S. There is ongoing interest in hydraulic fracturing and defining EPA's role. Nutrient standards for discharged water are continuing to be monitored.

With regard to hydraulic fracturing, **Supervisor Carbajal** requested information on the federal perspective as part of proposed joint work in this area. **Ms. Hospodor-Pallone** discussed putting together a briefing with the agency's senior policy advisor as soon as possible. **Dr. Gonzalez** talked about the Eagle Ford Shale and the link between hydraulic fracturing and EJ. **Representative Ross** noted that the EPA review will be only on the literature.

D. Protecting America's Communities

Mayor Hudson asked for a motion to table the discussion until the next meeting. It was moved and properly seconded. The motion was approved.

XIII. *Public Comment*

Mr. John Rosenthal, President, National Small Town Alliance, was acknowledged to address the Committee, stating that his organization has focused their efforts on technology, such as supplying small towns with surplus computers and setting up technology centers, partnering with historically black colleges and universities (HBCUs) so they can provide technical assistance and other services to their communities, and the State of Environmental Justice in America Conference.

XIV. *LGAC Business Meeting*

The meeting summary of the October 24 teleconference was briefly reviewed. There was a motion and second to approve the minutes. **Mr. Tiberi** said his assistant "Jan Fontaine" was on the call, and asked that her presence be noted, if appropriate. The Committee approved the motion.

The 2012 work plan (developed at the meeting on the workgroups report out) was reviewed. Topics from SCAS include sustainable communities and drinking water, the deliverables are to contribute to the LGAC letter on Partnership for Sustainable Communities, and a briefing on upcoming drinking water standards. For the Gulf Coast Workgroup, the committee received a presentation from Mayor Davis, and there were no action items in terms of deliverables. From the EJ Workgroup the LGAC approved a draft letter with some modifications; deliverables include comments plan and EJ permitting. Topics from the Air, Climate and Energy Workgroup are exceptional events, ozone standard, wildfire strategy, hydraulic fracturing, and acidification of water due to increased atmospheric CO₂, with a number of deliverables. **Supervisor Carbajal** added one item to provide for an energy report and related rulemakings in the pipeline.

Commissioner Cope suggested developing a matrix and tracking timetables of proposed regulatory actions would be more proper under the Executive Committee because it would affect all the workgroups and subcommittees.

Topics from Protecting America's Waters include integrated municipal storm water and wastewater management plans. **Representative Ross** added a review of the proposed waters of the U.S. definitions and of hydraulic fracturing. **Mr. Tiberi** suggested talking about numeric standards for nutrient discharge and getting an update on available technology for using wetlands for municipal wastewater. He also suggested a topic for wetlands treatment of wastewater. **Fran Eargle** mentioned that this topic is covered by EPA's Office of Wastewater Management, and that there is guidance for these systems. Topics for the Executive Committee include sustainability partnership and the matrix and update on current regulations and items the LGAC may comment on. **Ms. Hann** reiterated Mr. Stanislaus's point about the intersection of land use and decision making. **Mayor Davis** suggested the Executive Committee should examine expansion of the CARE program.

XV. *Wrap-up and Next Steps*

Mayor Hudson thanked everyone for a wonderful meeting and noted she is leaving office on January 1. Members of the LGAC thanked Mayor Hudson for her leadership.

XVI. *Adjournment*

Mayor Hudson, Chair, adjourned the meeting at 3:40 p.m.

**Environmental Protection Agency
Local Government Advisory Committee
Full Committee Meeting
December 2, 2011**

Participants

LGAC Members

Mayor Heather McTeer Hudson, Chairwoman
Mayor Robert Dixon
Supervisor Salud Carbajal
Councilor Teresa Coons
Commissioner Robert Cope
Mayor Ronald K. Davis
County Judge Edward Emmett
Dr. Hector Gonzalez
City Manager Susan Hann
Director Aaron Miles
Mayor Marilyn Murrell
Deputy Director Adam Ortiz
Mayor Carolyn Peterson
Representative Chris Ross
Councilor David J. Somers
Executive Director Jeffrey Tiberi
County Executive Tom Hickner
Senator Mary Margaret Whipple
Mayor Lisa Wong

EPA Representatives

The Honorable Lisa P. Jackson, Administrator
Sarah Hospodor-Pallone, Deputy Associate Administrator, Intergovernmental Relations
Mr. Arvin Ganesan, Associate Administrator, Congressional and Intergovernmental Relations
Frances Eargle, Designated Federal Officer, LGAC, OCIR
Catherine Davis, Designated Federal Officer, SCAS, OCIR
Mr. Jack Bowles, Director, State and Local, OCIR
Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, and Senior
Advisor to the Administrator on Environmental Justice
The Honorable Cynthia Giles, Assistant Administrator, EPA's Office of Enforcement and
Compliance Assurance
The Honorable Gina McCarthy, Assistant Administrator, EPA's Office of Air and Radiation
The Honorable Mathy Stanislaus, Assistant Administrator, EPA's Office of Solid Waste and
Emergency Response

The Honorable Nancy Stoner, Acting Assistant Administrator, EPA's Office of Water
Ms. Cynthia Jones-Jackson, Director, OFACMO
Mr. James McCleary
Ms. Sonya Scott, OCIR
Ms. Portia Banks, OCIR
Ms. Toni Rousey, OFACMO
Ms. Tanya Lawrence, General Counsel, OECA
Ms. Victoria Robinson, Designated Federal Officer, NEJAC
Ms. Sherri White, Special Assistant, OECA
Ms. Kathy Hurd, Wetlands Division
Ms. Marjorie Wesley Copeland, OGWDW
Ms. Anita Cummings, OSWER

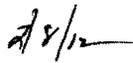
Members of the Public

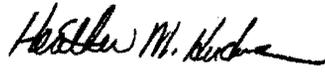
Mr. John Rosenthal, President, National Small Town Alliance
Mr. Robert Stewart, Executive Director, Rural Community Assistance Program (RCAP)

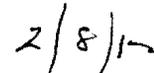
We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

Submitted by:


Signature


Date


Signature


Date

Frances Eargle, EPA DFO

Mayor Heather McTeer-Hudson, Chairwoman, LGAC

