

US EPA ARCHIVE DOCUMENT

I. Welcome and Introductions

Chairman Commissioner Robert Cope called the meeting to order and made a roll call of SCAS Members, EPA participants and members of the public.

A. Meeting Purpose

The purpose of today is to deliberate a charge by the EPA to review and provide the EPA comments and recommendations on the *Draft 2014-2018 EPA Strategic Plan* and how it effects small communities.

B. Remarks of the Chair

Chairman Cope made introductory remarks stating that he was from Lemhi County, Idaho, of roughly 7,800 people scattered over 4,500 square miles. He stated that he is cow veterinarian by profession.

The SCAS deliberates and decides on actions which, if agreed to by the SCAS, will be brought before the Local Government Advisory Committee following this meeting. He added that it is an open and public meeting.

He welcomed and invited members of the public to speak. He indicated written comments could also be submitted to the DFO Frances Eargle, at EPA.

The SCAS is a group of elected and appointed officials of state, local and tribal, appointed by the EPA Administrator, who represent small communities with populations under 10,000. Small communities face many environmental challenges including providing the basic needs of – clean and safe air and water. Also, small communities have many compliance issues with state and federal regulations, which sometime conflict.

The Chair gave an example of his communities' water bill which is approximately \$130 a month. Due to the source water and conveyance through the watershed it may contain cryptosporidium. The community of 3,000 people had to install a \$6 million membrane filter on their water treatment plant. The bond payment alone added \$130 a month, plus the charge for the water. He also indicated that there was 12 to 13 percent unemployment and poverty rates in excess of 20 percent. He stated these are some of the challenges of small communities and stated that this is why the partnership with the EPA is very important. Through the SCAS, "EPA can be made aware of the needs of these small communities and how regulations affect us."

Chairman Cope also gave an example of Mayor Marilyn Murrell's city of Arcadia, Oklahoma, which has a population of 400 people. He indicated that air quality standards compliance on particulate matter (generated in Oklahoma City) affect the city of Arcadia's attainment status. The location makes it tough for the city to reach attainment. Chairman Cope stated

that “the LGAC and the EPA’s partnership are critical and we try to be a voice for our communities and the issues we face.” “It’s not always about compliance, but sometimes because we’re smaller we can provide innovative approaches that we can share with others.”

II. **Remarks by Mark Rupp**

*Deputy Associate Administrator for Intergovernmental Relations,
EPA’s Office of Congressional and Intergovernmental Relations*

Mark Rupp thanked the Chairman and SCAS Members. He thanked the SCAS and the LGAC members for all of their work in a fairly short period of time. He indicated that it was an unusual arrangement not to have met in person for these meetings. He stated his appreciation for the understanding of the financial times in which EPA and other federal agencies have found itself, which is not wholly different from states and local governments.

He stated that local governments are important: 90,000 local governments; 40,000 of those are county governments, municipal governments and townships and approximately half of those have populations of 50,000 or less, which extrapolating amounts to about 20 percent of the U.S. population living in these small communities. The importance of this committee to EPA is that we can learn and recognize the challenges that face small and disadvantaged communities across the country. He thanked the SCAS for the work on water infrastructure, and he looked forward to their advice and recommendations that will be decided at this meeting and the LGAC.

III. **Public Comments**

Commissioner Cope announced the time on the agenda for the public to comment. No public presenters came forward.

IV. **Remarks of Kelly Kubena and Eric Governo, EPA’s Office of Wastewater Management (OWM)**

A. **Remarks**

Kelly Kubena said that at the LGAC meeting in Denver, Colorado, in April, 2012, that SCAS recommended that the EPA should provide tools to local officials to be able to evaluate the waste water and drinking water infrastructure proposals (received from engineering firms and designers). She indicated that EPA took those recommendations and she wanted to give feedback on those recommendations.

We learned that in small communities local officials were unfamiliar with waste water infrastructure. They often relied upon consultants of engineering firms for recommendations on infrastructure.

They also had limited access to knowledge and skills to consider alternatives to conventional options. We also learned that waste water engineers and designers would often rely on standard centralized waste water infrastructure to meet the waste water needs.

They also had limited experience and knowledge of alternatives like decentralized green infrastructure or other low-cost waste water treatment options.

Centralized waste water is expensive for small communities without a large population to support that cost. And the costs go beyond the capability and capacity of a small community to finance.

The feedback from community leaders was that tools and guidance is needed to help make informed and cost-effective infrastructure decisions. The feedback from engineering and design firms was that design and operation of alternatives were needed.

EPA's Office of Water contracted assistance to conduct interviews with community leaders, small engineering firms, consultants and national organizations to assess what technical tools would be needed. The other tasks were to do a literature review and provide recommendations on products, tools and services.

The results were a list of the top five: a centralized website on small community wastewater planning; a focused training program for small communities; use existing tools to support their planning and management efforts; a system database of cost and operational issues for decentralized wastewater systems; alternative technology testing and verification program to promote state approvals for centralized waste water management systems; and development of an outreach document for community officials to manage and evaluate decentralized and centralized waste water alternatives.

B. Discussion

Mr. Jeff Tiberi congratulated the Office of Water on this project and stated that it was "a very systematic approach and very impressive". Eric Governo indicated that Task 3 of the work had been completed to provide recommendations for the products, tools and services. Task four is to develop the product, and the SCAS will be briefed as that goes forward. He also indicated that SCAS' input could be helpful on this project.

Commissioner Cope indicated that the SCAS has worked on a draft letter recommendation over the last months which has findings and the recommendations concerning small community waste water treatment tools and training.

Mayor Peterson indicated that the development of the centralized website for these tools and training for wastewater treatment will be valuable to small communities and counties.

V. SCAS Business Meeting

A. Small Community Water Infrastructure Letter

Commissioner Cope began by saying that there is a lot of interest in addressing issues on a regional and local level rather than nationally. He stated that "no cookie cutter, one size fits all, approach works from the Atlantic to the Pacific."

Mayor Dixon commended the work of the SCAS on the draft letter of recommendation: “These are issues that, we, as local committees, are going to have to implement. So it is so critical that the regional offices are our contact points because they know our communities; they know our regions, and they know our micro- climates. And They will have to implement it, not from the national level. “

Councilor Dave Somers indicated that the National Association of Counties’ (NACo) Leadership met, and one of the three top 2014 priorities was water and waste water infrastructure. He suggested that the NACo language be considered.

Councilor Somers said that under “Funding and regulatory relief for clean water and drinking water systems” there were approaches that balance environmental protection and cost benefit considerations while promoting water and affordability. The critical thing (from his viewpoint) “is that different communities have different abilities to fund infrastructure and, we all want a clean environment, but there’s vastly different abilities to support technology and solutions need to be fit for the community.” Councilor Somers said that he could bring it to the LGAC which could probably better address it or by the executive committee rather than SCAS, since there was no specific language for small communities.

Commissioner Cope raised the issue to EPA officials whether or not the LGAC could address funding issues and whether or not the EPA Administrator had discretionary authority in regard to budgetary decisions or is it a congressional authorization issue.

Mark Rupp responded by saying that it is more congressional appropriation issues. However, he suggested that Councilor Somers was addressing a broader NACo question regarding the State Revolving Loan Fund program. Jack Bowles responded that the committee’s purview could address funding issues, but it was not within EPA’s authority to suggest that they do that. It is prohibited for EPA staff to do that.

Commissioner Cope stated that the SCAS is addressing these comments and recommendations to the administrator on wastewater infrastructure and the question is whether funding is an option in these recommendations?

Mark Rupp added that EPA does transmit budget ideas to OMB prior to the President’s release of the budget through pass back. If the SCAS considers this important then it could be suggested within this context.

Commissioner Cope turned to the LGAC chair for guidance asking whether the full committee would want to consider this. Mayor Dixon said that the LGAC could consider it if it were a SCAS recommendation.

Commissioner Cope acknowledged that he appreciated Councilor Somers’ raising this information. Mayor Dixon went on to say that, “we want our communities to be healthy and safe, but we also know that there is a financial cost to that, and we had to be financially sustainable and resilient in our local communities.” He said that he did not have a problem adding it.

Mayor Carolyn Peterson questioned whether this should be added within a short time of the committee vote on it. Mayor Dixon said that, "it seemed consistent with the letter that the regulatory and funding flexibility was priority, but, if it complicates the situation, that's fine, not to include as well."

Councilor Somers said that he'll forward the language but stated that it was not critical to be added. Mayor Peterson indicated that it could be included in the sections of the letter, "funding assistance and capacity building' or "partnerships".

Mr. Jeff Tiberi stated that he supported Mayor Peterson's suggestion. He stated that it was important to recognize and support our partners in our advisory role.

Mayor Peterson said that it was a very long paragraph to include. She said there was a recommendation "to partner with USDA and other entities to provide greater flexibility and open opportunities for small communities and providing clean and safe water infrastructure."

Councilor Somers suggested that NACo's language specifically addressed the regulatory clean water and drinking systems. He suggested that it could be addressed in other venues, and that it may not fit the current letter of recommendation (readily).

Commissioner Cope indicated that he agreed and that it could be addressed "down the line." He said that he wanted to be careful not to endorse some of the organizations but not others (e.g. U.S. Conference of Mayors). Mayor Dixon said that this is a city government priority as well. Jeff Tiberi indicated a similar issue with Conservation Districts.

Commissioner Cope suggested that the SCAS consider a separate letter down the line. He also commented that he was pleased to see the consensus on the issue. He also said that he wanted to explore how NACO, USCM and Conservation Districts recognize the importance of this issue and prioritize it. Commissioner Cope indicated that he would like to consider not including it in the current letter of recommendation. Councilor Somers concurred.

Commissioner Cope called for the vote on the letter to go to the full committee, as written. Mayor Peterson made a motion to accept the water infrastructure letter to go forward. Mayor Dixon seconded the motion to approve. All said, "Aye".

Mark Rupp was recognized by the Chair and stated that NACO and the USCM have been meeting with the EPA leadership largely around the topic of integrated storm water planning as part of the Integrated Water Quality Planning. He indicated that a meeting on "affordability" would happen on December 13th. He said that he could report out a SCAS meeting. Commissioner Cope said that he would appreciate that.

B. Air, Climate and Energy Workgroup Letters

i. Climate Action Plan Letter- There was a paragraph added by the Executive Committee to reference the three LGAC members that were appointed to the President's Climate Change Taskforce. SCAS did not raise a concern in reference to small communities.

Commissioner Cope recognized that the SCAS did not need to vote for this action to go forward. Mayor Dixon indicated that a vote by SCAS would be supportive to the LGAC.

Commissioner Cope asked if there were any suggestions for modification to the letter that could be discussed. Mayor Dixon make a motion to approve. Mayor Peterson seconded the motion. She also commented that, "it is a broad-based letter and we all understand that all of the work groups will have quite a bit of detailed input on the climate action plan in the future." All said, "Aye".

ii. Near Roadway Letter- Mayor Peterson indicated that this letter was significantly reworked to address concerns raised by the Executive Committee (EC). The EC raised that with additional data available what would these additional measurements of air pollutants data be used for. Also, it was presented that there are substantial populations living near four-lane highways and are significantly impacted by health considerations. Affordable housing and transportation networks could raise issues for local governments.

The letter was significantly rewritten by the Expanding the Conversation (EJ) workgroup and they did a good job to address these concerns. Commissioner Cope said that he hoped that Dr. Hector Gonzalez could join the discussion because this issue has been a priority concern he has addressed.

Commissioner Cope said that measuring nitrogen oxide, carbon monoxide and particulate matter and using that data as a planning tool addresses that concern. Commissioner Cope said that, "once the data shows an impact; a highway cannot be moved, but the data could be used as a planning tool." Mayor Dixon agreed it is a planning tool.

Mayor Peterson indicated that there is a new paragraph that supports the HUD DOT/EPA Partnership for Sustainable Communities. Also a specific example of the city of Denver was added to show where this data was used in planning to achieve reductions. Commissioner Cope said that information and citations for vulnerable populations and risk factors were also added.

Mayor Peterson made a motion to accept the letter as written. Mayor Dixon seconded the motion. All said, "Aye".

iii. Air Advance Letter –The EC discussed this action in depth, and Dr. Gonzalez added language in the EJ workgroup review of the letter. Mayor Peterson expressed that she liked the additions of the footnotes to give citations to the health data presented. There was one grammatical correction made. Jeff Tiberi made a motion to accept, it was seconded. All said, "Aye."

C. **Cleaning Up Communities Workgroup Letter of Recommendation**

The Brownfields and Job Training Program Letter was discussed with one suggested change to add for small waste water treatment systems operator training.

Commissioner Cope called for a motion to insert “provisions in the Brownfields Program for training small waste water systems – for small waste water systems operator training and that EPA should widely disseminate information regarding this program.”

Mayor Dixon made the motion to insert the language and it to go to the Full Committee. Jeff Tiberi seconded the motion. All said, “Aye”.

D. SCAS Letter of Recommendation on EPA’s Draft Strategic Plan

Commissioner Cope said that there was a lot of opportunity to add small community issues into the EPA Draft Strategic Plan. Mayor Peterson said that, “on a cursory look, it mentioned a lot about communities, but no specific mention of the LGAC or SCAS. She said that it might be a good thing to add in.”

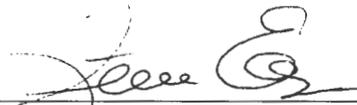
Commissioner Cope agreed this would be a good addition. Commissioner Cope said that he would like to make a motion for the executive committee be delegated the task to draft a letter of recommendation, with the input of the SCAS and the work groups, to provide comments by the January 3, 2014 deadline. Mayor Dixon made the motion. All said, “Aye”.

VI. Wrap Up

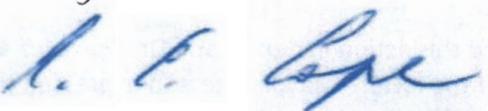
Commissioner Cope announced that the next meeting would be December 17, 10:30-11:30 ET. Mark Rupp said that he would like to give a report out on affordability of water systems. Mark Rupp thanked Commissioner Cope for his leadership on SCAS. Commissioner Cope thanked everyone.

VII. Adjournment

Commissioner Cope adjourned the meeting at 11:29 am ET.

Submitted: 
Frances Eargle, DFO

Date: January 28, 2014

Approved: 
Small Community Advisory
Subcommittee, Chair

Date: Jan 28, 2014

SCAS Meeting Participants

SCAS Members:

Commissioner Robert Cope, Chair
Mayor Bob Dixon, Chair of LGAC
Mayor Carolyn Peterson
Mr. Jeff Tiberi
Councilor Dave Somers

EPA Participants:

Kelly Kubena, Office of Wastewater Management (OWM)
Stephanie VonFeck, OWM
Mark Rupp, Office of Congressional and
Intergovernmental Relations (OCIR)
Portia Banks, OCIR
Jack Bowles, OCIR
Fran Eargle, OCIR
Eric Governo, OWM
Wes Hardegree, EPA Region 4
Becky Cook-Shyovitz, OCIR
Anita Cummings, Office of Solid Waste and Emergency Response

Members of the Public:

Mark Wolinski, City of Roseville, CA
Sean Bigley, City of Roseville, CA
Randy Showstack: EOS, Newspaper of the American Geophysical Union.
Vanessa DeArman, National Environmental Health Association, Denver, CO
Crystal Tate
Nate Parsons
Stuart Parter, Inside EPA.
Darrell Osterhoudt, Association of State Drinking Water Administrators, Arlington, Virginia.

