

US EPA ARCHIVE DOCUMENT

U.S. Environmental Protection Agency

Local Government Advisory Committee (LGAC)

July 3, 2014

Meeting Summary

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**U.S. Environmental Protection Agency (EPA)
Local Government Advisory Committee (LGAC)
Spring 2014 Meeting
July 3, 2014
Washington, D.C.**

**Meeting Summary
Call in-1-866-299- 3188, Conference Code-202-564-3115#**

July 3, 2014

LGAC FULL COMMITTEE MEETING

I. Welcome/Introductions

a. Call to Order

*Mayor Bob Dixon, LGAC Chairman, Greensburg, Kansas
Supervisor Salud Carbajal, LGAC Vice Chairman, Santa Barbara, California*

Chairman Mayor Bob Dixon called the meeting to order.

b. Chair's Opening Remarks

Mayor Bob Dixon welcomed everyone to the EPA's Local Government Advisory Committee (LGAC)'s public meeting. He began by stating that the LGAC is the most unique federal advisory committee across all government, because it consists entirely of elected and appointed officials. The Chairman stated that the LGAC is chartered for 30 members of elected and appointed officials at the state, local and tribal levels of government. The purpose of the committee is to advise the Administrator of EPA on environmental issues that affect local governments and small communities. The Chairman stated the purpose of today's meeting is to hear and take action on draft recommendations of the Protecting America's Waters Workgroup. The Chairman also said there would be time to hear from members of the public that would like to address the committee. The Chairman asked if there were any members on the call that would like to speak. [*No Response*]. The Chairman said he would ask again later in the meeting.

II. EPA Remarks

a. Deputy Associate Administrator Opening Remarks

*Mark Rupp
Deputy Associate Administrator for
Congressional and Intergovernmental Relations*

Deputy Associate Administrator of Intergovernmental Relations Mark Rupp expressed the EPA's thanks and appreciation for the work of the LGAC. He also thanked LGAC Members for the additional time and effort directed toward the proposed new rule regarding *Waters of the US*. He echoed Administrator Gina McCarthy's message of 'implementability' and practicality. He stated the LGAC's community-based focus and input are crucial for the process of making the rule final. He acknowledged that there was still work to do regarding what clarifications need to be incorporated in the rule. Mr. Rupp said he looked forward to seeing many of the LGAC members at the Protecting America's Waters Workgroup meeting in Atlanta on July 10th.

III. Protecting America's Waters Workgroup Action on LGAC Charge

Susan Hann, Chair of Workgroup

Mayor Elizabeth Kautz, Vice-chair of Workgroup

City Manager Susan Hann thanked Mayor Elizabeth Kautz, Vice-chair of the Workgroup, for having such an important role in orchestrating the first Protecting America's Waters Workgroup meeting in St. Paul, MN. She said that the meeting addressed many aspects of the rule: defining uplands, improving clarity, affordability and permitting delays. She also said it was a great start for the public process, and reminded all of the LGAC members that there is a meeting (next week) in Atlanta, on July 10th. She mentioned that the Protecting America's Waters Workgroup received a briefing (July 2) on the EPA's Economic Analysis of the proposed rule and the process the EPA used to for its cost benefit analysis. A key take away from that presentation, according to City Manager Susan Hann, was that the cost benefit analysis compares the existing rule to the existing proposal. Yet current practice, does not necessarily align with the existing rule. It is true that there is no increased expansion of the jurisdiction proposed by the rule; however, it may be perceived that way on the ground. She also stated appreciation for the Office of Water's presentation.

The Workgroup has drafted a letter for consideration of the LGAC to go to Administrator McCarthy asking the EPA to extend the initial comment period to an additional 180 days. Susan Hann then asked if any members had questions about the letter. [*There were no questions*].

The draft letter will be discussed in the business portion later in the meeting. **Supervisor Salud Carbajal** stated that the committee recognizes and congratulates Susan Hann for all of her work on this very important topic. Susan Hann thanked the Workgroup for all of their work.

IV. Public Comments

Mayor Bob Dixon asked if any members of the public would like to address the committee.

Eugene Graf from the Montana Association of Homebuilders thanked Susan Hann and the Workgroup for her recommendation to extend the public comment period, because it would provide the opportunity to better understand impacts of the rule on housing. Mr. Graf said the rule inappropriately shifts jurisdiction to the federal government, and voiced concern regarding impacts of regulations on affordable housing. He said that the government must look at better regulatory options.

Mayor Dixon thanked him for his comments.

[There were no other public presenters].

V. Committee Discussion

Workgroup Draft

Letter of Recommendation

City Manager Sue Hann went through the letter with the committee. She stated the first paragraph thanked the EPA for their involvement. The letter starts with: “based on initial field meeting discussion, and the responses received, there is still confusion as to how the proposal will impact local governments.” Susan Hann then stated that the ultimate recommendation is for the EPA to consider extending the deadline for 180 days. The letter ends by thanking the Administrator.

Mayor Dixon asked if there was any discussion. **Mayor Dupree** asked about the region in which the first meeting was held. It was confirmed that the letter had the correct region. *(It was clarified that the first meeting was in EPA Region 5).* **Mayor Dixon** said the word “clear” came up many times in St. Paul, in slightly different contexts. He agreed that the extension was a good idea, since the CWA was passed forty years ago, and additional 90 days seems trivial. He also said the EPA needs to further public relations on the proposed rule, and to be clearer regarding “what is and what is not in the rule”.

Mayor Murrell brought up the point that additional time doesn’t necessarily help unless we have options that can be formulated into recommendations. Susan Hann mentioned that the Atlanta meeting would be a great opportunity to hear about urban interests. The role of the Workgroup is to put together comments for the LGAC to send to the Administrator. Susan Hann said they do not need to wait until the process is complete to provide comments. The Workgroup plans to provide feedback throughout the process.

The Chairman cited an email from Nancy Stoner, with a publication called “*Setting the Record Straight*” which is a demonstration of comments being utilized.

Fran Eargle asked if the change is “by” to “to” in the letter regarding the time period of extension, for additional clarity. Mayor Jill Dusen agreed.

Motion to approve the letter with the change from “by” to “to” was seconded and approved.

Mayor Bob Dixon thanked the Water Workgroup for their work on this issue that affects all of our communities. He thanked Susan Hann and Mayor Elizabeth Kautz for their extraordinary leadership on this topic. He also thanked Susan Hann for reaching out to the SCAS to give input on the agricultural exemption of the proposed rule. He stated that the LGAC works so well because all members work well together and rely on one another to address important issues like the *Waters of the US* Proposed rule. The Chairman said he looked forward to a report from the remaining *Waters of the US* meetings.

Chairman Bob Dixon asked for a motion to approve the minutes from the last LGAC meeting on March 27-28. **Mayor Carolyn Peterson** made the motion, **Mayor Jill Duson** seconded the motion and it was approved.

VI. Wrap-up and Next Steps

Chair, Mayor Dixon

Mayor Bob Dixon again thanked members for attending these sessions around the country. He also thanked SCAS for taking on the agricultural issues of Waters of the US. The Chairman also thanked the Administrator for calling on these local advisors for input on important matters. He wished everyone a great Fourth of July.

Mark Rupp thanked everyone again for their efforts. He also thanked Susan Hann for working with Region 4 Administrator Heather McTeer Toney for the meeting in Atlanta next week. He said the meeting would be a great success, and credited Susan Hann for all her work.

The Chairman asked for a motion to adjourn. It was made by Mayor Murrell, seconded and approved.

VII. Adjournment

Meeting was adjourned at 3:30 pm ET.

**Environmental Protection Agency
Local Government Advisory Committee
July 3, 2014**

MEETING PARTICIPANTS

LGAC Members

Mayor Bob Dixon, Chair
Supervisor Salud Carbajal, Vice-Chair
Mayor *Pro tem* Cindy Circo
Commissioner Robert Cope
Mayor Johnny DuPree
Councilor Jill Duson, Esq.
Mayor Karen Freeman-Wilson
City Manager Susan Hann
County Executive Tom Hickner
Commissioner Don Larson
Mayor Marilyn Murrell
Mayor Carolyn Peterson
Executive Director Kevin Shafer
Executive Director Jeffrey Tiberi

EPA Representatives

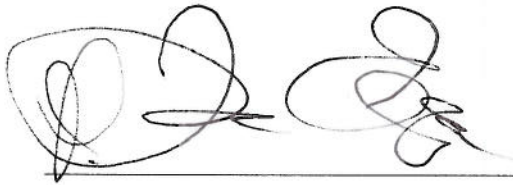
Frances Eargle, DFO, LGAC
Mark Rupp, Deputy Associate Administrator, OCIR
Jack Bowles, OCIR, Director, State and Local
Damaris Christensen, Office of Wetlands, Oceans and Watersheds (OWOW)
Donna Downing, OWOW
Jenna Behrendt, OCIR Intern
Jeremy Allen, OCIR Intern

Members of the Public

Stephanie Bins, RISE
Jerry Schwartz, American Paper Association
Eugene Graf, Montana Homebuilders Association

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

Respectfully submitted.



August 6, 2014

Frances Eargle
Designated Federal Officer
Local Government Advisory Committee
U.S. Environmental Protection Agency



August 6, 2014

Mayor Bob Dixon
Chairman
Local Government Advisory Committee

