US EPA ARCHIVE DOCUMENT

US EPA ARCHIVE DOCUMENT

U.S. Environmental Protection Agency
Local Government Advisory Committee (LGAC)

Meeting Summary

June 11 –12, 2008

Held at the:

Red Lion Hotel
1177 Fifth Street
Seattle, Washington

The meeting summary that follows reflects the general highlights of what was conveyed during the course of the meeting. 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 minutes.

US EPA ARCHIVE DOCUMENT

Environmental Protection Agency
Local Government Advisory Committee
Full Committee Meeting

June 11-12, 2008

Meeting Summary

(8:30 a.m)

I. Welcome and Introductions

Chair Roy Prescott called the meeting to order at 8:23 am. Chair Prescott 'thanked' everyone for their participation. He remarked that the naval base tour and the city tour were superb and added quite significantly to the LGAC discussion on military issues. Chair Prescott mentioned a great lineup for the agenda, and he also commented on the importance of the tour of the old growth forest giving validity to the work the LGAC and why protecting the environment is so important. Chair Prescott called for introductions around the room.

II. Remarks by Deputy Associate Administrator Randy Kelly

Deputy Associate Administrator Randy Kelly reported that "*it was wonderful to address the LGAC once again.*" He indicated that he toured the City of Seattle and met with Mayor Nickels to learn more about sustainability efforts of the City. Mr. Kelly reported that the new city hall for Seattle is LEED Gold certified. Mr. Kelly thanked everyone for contributions made to their communities and toward 'making a better EPA.' Mr. Kelly mentioned that the input, advice and counsel of the LGAC are invaluable and the Administrator thanks everyone on behalf of their service. He also thanked the staff of OCIR for their passionate and extraordinary work. Mr. Kelly said that OCIR views "*the LGAC as friends and stewards of the environment.*" He expressed gratitude for Elin Miller Region 10 Administrator's time at the breakfast meeting on June 10th, and the work of her staff of Region 10. EPA Region 10's top six priorities and efforts have set a high bar for other EPA regions. On behalf of everyone he thanked Region 10 for their support and assistance in planning the LGAC meeting. He is pleased to see Regional Administrator Miller mention 'collaboration' as one of her top priorities. Mr. Kelly made an observation that "*the people in Seattle know how to collaborate which results in good things happening.*" EPA Region 10 leads the country in many ways, in respect to demonstration of innovative ways of protecting the environment. The collaborative efforts of Puget Sound, for example, are excellent examples of the phenomenal resources of working together in collaborative ways to make significant improvements for the environment. Region 10 also demonstrates a great deal of leadership in the area of climate change, and will lead the nation in coming up with collaborative ways to address the most significant issue of our time. During his tenure he has witnessed more collaboration with local governments and that local governments are at the forefront of many people's minds in the EPA. He also thanked the LGAC for giving advice and

counsel on ozone and many other important issues. He also congratulated their work on the Federalism Guidance, and their work on the recommendation to the Agency to reduce the threshold for consultation calling it *"quite an accomplishment"*. Through the LGAC input, ideas, and suggestions the Agency decided to take on the issue of earlier engagement of local governments, and doing it in a transparent way. He thanked the LGAC for their continued good work on the second production of the Water Infrastructure DVD, and its impact throughout the country. He went further to say that there are high hopes of the same kind of impact for the recycling DVD. He thought the quality of the work on the water DVD is what persuaded EPA to ask for assistance on recycling issues. The LGAC has also quadrupled advice and recommendations to the Agency on many different topics; focused EPA on many different topics on review and comments to better EPA; developed advice and counsel on EPA's Strategic Plan; and identified key success indicators. He also mentioned that the **Small Communities Forum** (held February 7, 2008) had great impact calling it yet another great success for the LGAC with "*never a larger group of Senior EPA advisors listening and attentive to the concerns of small communities*." In the next 6 months there will be a new administration, and Mr. Kelly encouraged the LGAC to continue to put forward their sound advice to the new administration. Mr. Kelly introduced Ron Kriezenbeck of EPA Region 10 and wished everyone a productive next few days.

III. Puget Sound Panel

A. *Ron Kriezenbeck, Senior Advisor to the Puget Sound Partnership*

Mr. Kriezenbeck welcomed everyone to EPA Region 10 and introduced members of the Puget Sound panel. He commented that "*all have worked hard to save the Sound.*" He also stated that the purpose of the Puget Sound session is to address the challenges faced, and discuss the important role of local governments in protection of the Sound. He challenged the LGAC to think about how this work translates to the work of each member of the LGAC.

B. *David Dicks, Esq. Executive Director of the Puget Sound Partnership (PSP)*

Mr. Dicks welcomed the LGAC to Seattle. The Puget Sound Partnership is a new state agency with a mission to restore and protect Puget Sound by 2020. He stated how important the Puget Sound is to the Region and the nation, and that he has personally worked very hard toward that goal. Mr. Dicks said that he believes, "*The PSP is the best way to protect the Sound, and that its protection is extremely important.*" Population projections indicate that about 1.5 million are expected in the Puget Sound region by 2020, and it will be difficult to deal with this type of population pressure. In his opinion, he stated that, "*It is crucial to have a plan to protect the Sound.*" He recognized that no single entity will be able to protect the Sound. He said there is a Citizen Leadership Council, which essentially works as a board of directors chaired by the former EPA Administrator Bill Ruckleshaus. The Council meets every 4-6 weeks, and created a Restoration Plan. There is a 27-member Ecosystem Board with local government representation and various officials. EPA is represented on this Board, and they give

US EPA ARCHIVE DOCUMENT

advice on developing a strategy, as well, a number of other concrete items for protection. The Science Panel consists of professors, selected in part by the Washington Academy of Sciences, to develop a science plan on what to do going forward, what science is needed and what we have for the Puget Sound. The structure of the partnership is complex but a strong structure that can be compared to the Chesapeake Bay and Everglades geographic initiatives. The Puget Sound Partnership addresses three main priorities: 1) Action Agenda to bring everything together and implementation, 2) Communication plan to address new ways to communicate to the public about the problems with Puget Sound and 3) accountability. Monitoring is crucial for accountability. The Action Plan is due in December, and the PSP is in a position to say that there is "*a huge support for the protection of the Sound and that people want to see it succeed.*" Dicks said "*one of the benefits of the PSP is that there is only one state involved, which allows for easier compliance given there is only one set of codes and one governmen*t." The collaboration includes cities, counties, state government, tribes and many others.

C. *Tom Eaton, Director of Washington Operations, EPA Region 10*

Mr. Eaton mentioned that Region 10 was unique in that each state has an operations officer, which allows for EPA Region 10 to have better connections with state and local governments. The ecology of Puget Sound is complex as well as the political structure. Puget Sound occupies a very large area with a lot of commerce with annual revenues of $3.2 billion, with 80% of statewide revenues derived from tourism and travel. Population and growth pressures are huge. Development has modified one-third of the Puget Sound shoreline. Yet, Puget Sound is home to about 26 species of marine mammals, 200 species of fish, and 100 species of sea birds. Environmental concerns include such issues as: toxic accumulation of contaminants such as PCBs, habitat loss, shellfish closures, species decline, and high levels of pathogens. Puget Sound has now become a high priority nationally for EPA, state and tribes. There is a Federal Caucus on Puget Sound, with twelve agencies and Congressman Dicks has aligned resources and programs to develop work plans and strategies, and coordinate implementation. The Caucus represents the Federal Government in the Ecosystem Board in the Puget Sound Partnership. One of the functions is to gather information about the various other bays and estuaries that have working plans to protect them and compare the similarities and differences. The Federal Government's role is to help the Partnership achieve its goals and work on its agenda. The Federal Government dedicates its scientific resources to these stated goals of the Partnership and also works with Canada. In addition, the Federal Government is able to work with the tribes very well. The Federal Government works to implement the Clean Water Act, the Endangered Species Act and other statutory authorities.

Mr. Dicks thanked the federal government for their work and contributions to the Puget Sound Partnership.

US EPA ARCHIVE DOCUMENT

D. *David Troutt, Natural Resources Director for the Nisqually Tribe*

Mr. David Troutt pointed out the importance of collaboration of local communities with Tribes. There are many Tribes in the area of Puget Sound- about 19 treaty Tribes- who manage the resources of Puget Sound. The Tribes are engaged and hopeful about protecting the Sound. It represents a way of life and the foundation for the tribal culture which is based on salmon and other types of fishery (which is rapidly disappearing). Tribal leaders are hopeful that the Partnership will work, so that the fishery will continue to thrive, which is in important to their continued quality of life. Each Tribe has a natural resources director, but the Tribes need the support to effectively work on these initiatives and need more funding to work on solving these problems. The Nisqually Tribe has a history of working with many groups to better their way of life and the environment, because they have constant support and ability to collaborate. Mr. Troutt said that, "*The idea of allowing local leaders to decide on what is important for their communities and also make decisions for their futures is important.*" He also said that, *"Creating good ideas, implementing and funding the plans are all important and will make the Partnership successful."*

E. *Kathy Fletcher, People for Puget Sound*

Ms. Kathy Fletcher said that she wanted to expand on what Mr. Dicks talked about on the history of the Puget Sound protection efforts. Ms. Fletcher said that the issues of Puget Sound have been well known, as well as the ties between population growth and land development. Climate change is the new issue and the largest problem that Puget Sound is encountering. Ms. Fletcher mentioned that the precious shorelines of the Sound foster the rich diversity of 3,000 species of invertebrates and this biodiversity is crucial. However the shorelines remain in danger of alteration, and pollution. The laws since the 1970s are excellent, but the enforcement she said *"is not as efficient as it should be.*" Ms. Fletcher said that, "*Everybody seems in favor of doing the right thing, but that everyone continues to do the same things which can be a hindrance to their desire to protect the environment or take the specific actions necessary to protect it.*" She goes on further to state that this is, "T*he last best chance to save the Sound if everyone collaborates and works together toward that goal.*" Ms. Fletcher appreciates the fact that EPA looks to local governments for advice, and that local governments play a key role in protecting Puget Sound. Local government implementation is open and to a large degree discretionary. The funding issue is critical for Puget Sound, and she calls for better solutions rather than unfunded mandates. Ms. Fletcher says, "*We cannot count on local governments solely to sustain such an open-ended effort, there needs to be accountable funding sources."* Ms. Fletcher concludes by saying that nonprofit organizations (NGO's) are a crucial part of the effort to protect Puget Sound. **People for Puget Sound** is a type of grassroots organization that is needed to engage different groups to protect Puget Sound and be successful.

US EPA ARCHIVE DOCUMENT

F. *Dave Somers, Commissioner, Snohomish County, WA*

Commissioner Dave Somers mentioned that just about 150 years ago, the place that everyone is sitting was once old growth forest (like the LGAC toured the day previously). Commissioner Somers then read a song which illustrates important views that connect the forest to the issues the LGAC will discuss. People love Puget Sound, but cannot seem to engage action on the problems. There is a long history of collaboration in the area, "*but it needs to go beyond what has been done in the past to protect Puget Sound.*" He said that it is a difficult undertaking, but is necessary. Point source pollution is basically manageable, but that non-point sources need to be focused on intently. Storm water run off is a huge issue, with many cities and towns have combined storm water and sewer systems. Money and action are needed to fix these problems. Land use issues are huge, and local governments are in charge of dealing with it. More city planning is being discussed, and growth management is putting pressure on the development community in the Puget Sound area. Protecting riparian areas and wetlands are difficult undertakings when there is so much development occurring. Furthermore, local governments are getting a lot of pressure to allow development. Climate change will have drastic effects in Puget Sound, with potential water problems, and local governments will have to control greenhouse gas emissions. Local governments tend to log on action, but need to mobilize and create action. Funding goes mostly to the court system, and that results in deficits, in other areas such as health care. Federal government allocates money to states, and it is difficult for local governments to get the funding they need to work on these issues. Each county has a different culture, with different ways of doing things, and innovation needs to occur with standards and performance goals; however, this takes an extremely long amount of time. Mr. Somers says that, *"The public needs to be completely behind the Puget Sound issue, and totally educated about the issues, because this will also mobilize the elected officials."*

G. *Discussion and Question and Answers*

Commissioner Peggy Beltrone asked how they honor the people who have worked on this in the past, without alienating their efforts. Efforts that were taken may not have been entirely successful, or what was needed, but those efforts need to be honored. **Ms. Kathy Fletcher** said that there is a stigma around those attempts to 'fix the Sound' that did not work and that everyone is conscious of what has come before. Ms. Fletcher says there is a shared concern that whatever good things occurred in the past, we are not where they need to be. She also went on to say that, "T*here are ways to approach the cynicism of dealing with the older attempts to work on protection of the Sound.*" **Mr. Dicks** mentioned that great things *have* happened, and it is important to note how crucial the work that was done before has affected the current work. He cited an example of saving a particular endangered species plan of the Chinook salmon. He also acknowledged it is difficult to honor past efforts, because of the tension of trying to clean up those past efforts. He said, "*At the end of the day, the success of the Puget Sound Partnership is saving the Sound and that is the most important thing.*"

US EPA ARCHIVE DOCUMENT

Mr. Joe Palacioz asked if there was agreement about a definition of 'shoreline'. **Ms. Fletcher** said that it is considered the upland near shore and into the water as well as down to the level that light penetrates. **Mr. Palacioz** also asked about funding, in relation to the lack of state income tax, such as a statewide environmental tax. **Mr. Dicks** said that it was a huge issue, and that times have changed, and that there are huge issues with funding issues, and that it takes a lot of partnerships and working together to make funding available.

Mr. Jimmy Kemp said that, "*He is very passionate about watersheds and coastlines, and that he has watched the issues from many approaches, and that the Puget Sound Partnership is a watershed approach, and that this country is looking for a group to emulate.*" He also added that "*The Puget Sound group is one to emulate as far as the watershed approach.*" He cautioned on the scope of the initiative of making it too huge of an effort, rather than taking it down to the watershed level. The rest of the country is watching this initiative, and he stated that, "*This is the best chance of having success that he has ever seen.*" **Mr. David Troutt** said that the connection to the watershed is crucial, and that the Nisqually Tribe works very well with the local communities to create the changes necessary. **Mr. Eaton** said that, "*The relationship between Tribes and local governments works well, when it does work local communities view Tribes as partners.*"

Mr. Charles Hafter said that there are many partnerships in the country that are not as large, such as the Lake Champlain partnership. Mr. Hafter mentioned that if the Puget Sound Partnership would come out with best practices, it could be replicated in other places. Mr. Hafter said that, "*Local governments work incrementally, and that macro decisions are too intense for the way local communities function.*" He also mentioned collaboration needs to be increased, because court time is not the best use of time.

Commissioner Kathleen Jimino said that two issues are crucial: education among citizens and education of local government officials about what is important to focus. What the citizens say to local government officials is what gets done, and that if a community wants action on certain issues then that is what needs to happen. Therefore, if the public doesn't want to see action on Puget Sound it is difficult to make it happen. She also mentioned that there are many concerns of a local government official, and that it is important to keep them in mind when dealing with these issues.

Ms. Laura Fiffick said that it is difficult to make solutions about legacy pollutants and wanted to know how they would address this issue in their action plan. **Mr. Dicks** said that legacy pollutants are a huge issue, and that those levels are extreme. Prioritizing is a huge issue, and that legacy pollutants are a top issue, such as a Superfund site. Until sources are stopped, the issue cannot be resolved. Federal and state toxic cleanup laws do work, just very slowly, but they are at least regulated. **Mr. Eaton** commented that, "*EPA is working on the toxic compounds in Puget Sound, and that studies are being done to study it.*" Commerce chemicals are a huge problem, and they make their way into Puget Sound and that lifestyle changes need to occur to fix the

US EPA ARCHIVE DOCUMENT

problem. **Ms. Fletcher** said that getting back to the sources of pollution are crucial, which demands national policy as well as state and local policies to address them.

Mr. Ivan Fende mentioned that education was an important part of the organization, and he hopes for success of the Puget Sound, so that it could be utilized in other parts of the country, such as the Great Lakes region.

Mr. John Bernal asked about the private sector involvement in Puget Sound. **Mr. Dicks** said that there are a few business caucuses, such as the Puget Sound Association of Businesses. Mr. Dicks said, "*Getting businesses involved is crucial, because they need to be with the Puget Sound Partnership*. The business community needs to set priorities, and that businesses are getting to see the importance of keeping the environment pristine, especially when attracting new recruits to their company. **Ms. Fletcher** mentioned that the lack of enforcement in the business community is important to address.

Mr. Ken Fallows mentioned that political will is a huge element, and that the voters are the ones making decisions. Issues that people complain about are what direct the political agenda. He asked how politically active the group plans to be, so voters can pressure the elected officials. **Mr. Dicks** said that a non- profit will likely be created to help inform voters of the issues of the Sound. Mr. Dicks said that there needs to be a political will, and the public needs to demand action in environmental protection. Without political will, the whole action program is null. There needs to be an effort to allow politicians to take risks for Puget Sound without sacrificing their entire political career. **Mr. Troutt** mentioned that there is a general apathy in the country, and that people need to understand their voice is being heard by the political system. **Mr. Fallows** said that Native Americans have been very effective lobbyists, and that they should have been larger leaders in the environmental sector.

Chair Prescott thanked the Puget Sound Panel, and asked LGAC Member, Commissioner Randy Johnson to address the LGAC on the National Association of Public Administrators (NAPA) Report.

IV. National Association of Public Administrators' Report (NAPA), Randy Johnson, Commissioner, Hennepin County, MN

Commissioner Randy Johnson presented a summary of the findings of the NAPA Report. The National Academy for Public Administration is a nonprofit organization that researches the administration of programs. It is a free-standing organization and receives funding through grants and contracts. Commissioner Johnson serves on the NAPA Panel and stated that "*they have done a good job in addressing the issue of point-source pollution.*" However, he stated that non-point sources of pollution are the more prevalent and pressing issue. The Chesapeake Bay was analyzed in the Report, and jurisdictionally is a very complex region, with many different townships, etc. EPA programs do a fair good job at addressing point sources in the Chesapeake Bay, but not as well looking at nonpoint source pollution. Implementation tools are missing and

US EPA ARCHIVE DOCUMENT

graphic implementation systems are not used properly. Watershed districts are extremely important and NAPA encouraged EPA to increase its role in establishing a healthy waters program. Commissioner Johnson mentioned that where he is from "*in Minnesota there is lot of water, and it is a huge issue there. Funding is a huge problem, and money is being spent that the federal government does not have.*" The NAPA Report also concluded that there should be improvements made in performance management systems. **Chair Prescott** asked for any questions and thanked Commissioner Johnson for his work and report out.

Chair Prescott called on Mr. John Duffy to present the LGAC Climate Change Issue Paper.

V. Climate Change Issue Paper- Mr. John Duffy, LGAC Member

Mr. John Duffy presented a draft of the ***LGAC Climate Change Issue Paper*** describing how local governments are affected by climate change and presented the potential role of the LGAC in addressing climate change issues. In his summary, Mr. Duffy concludes, *"There needs to be a formal way of discussing climate change matters, and that an action plan needs to be developed.*" Mr. Duffy called for LGAC Members to review the Issue Paper and give any thoughts or comments they had. He suggested that 'climate change' should be put on the work group agendas.

Mr. Jack Bowles, EPA, EPA's State and Local Director, mentioned that the EPA will come out with an advanced notice of proposed rulemaking, which will continue to work on the issue of climate change. Mr. Bowles said that it is difficult to make transition of greenhouse gases from being non-pollutants to pollutants, and that local governments need to be involved in climate change issues, and that once an endangerment finding occurs and EPA decides that greenhouse gases endangers society, than true action can take place against greenhouse gases. Mr. Bowles says that will have a huge impact, whatever occurs, most likely with the new administration, and that local governments need to be involvement.

Mr. Jim Gitz responded by agreeing that climate change is an important issue for the LGAC and other federal advisory committees. Mr. Gitz went on to say that the Issue Paper proposes an addition of another workgroup, and states that if it would make more sense to delegate tasks to the already existing workgroups. Mr. Duffy said that each workgroup is charged to put it on the agenda, but there still needs to be a group to coordinate this between workgroups. **Ms. Laura Fiffick** says there are many issues which do not fit into workgroups, such as emissions inventories which are overarching issues that cities need to have addressed by EPA. Chair Prescott asked each workgroup to discuss climate change. **Chair Prescott** asked for coordination between the chairs of the workgroups to address climate change. He also called for a vote on establishing an ad hoc group to oversee this issue led by Mr. John Duffy, and includes: Commissioner Dave Somers, Mr. Chuck Hafter, Mr. Steve Jenkins, Ms. Laura Fiffick, and Mr. Jim Gitz. All said '*aye*', and the motion passed to create an ad hoc group to oversee climate change issues for the LGAC.

US EPA ARCHIVE DOCUMENT

VI. LGAC Business Issues, Chair Roy Prescott

A. Approval of February Meeting Minutes

Chair Prescott called for approval of the ***February 5-6, 2008 Meeting Minutes***. The vote was taken and approved by all. Chair Prescott asked Randy Kelly to address remarks to the LGAC.

B. Mark Flory Dedication

Chair Prescott directed everyone's attention to their Briefing books, and the memorial for Mark Flory, a former EPA staff member. He acknowledged the tremendous work of Mr. Flory, for the LGAC, particularly his role in helping to create the LGAC Water DVD. He asked for a motion to include a dedication on the Water Infrastructure DVD to Mark Flory. **Mr. Hafter** also suggested that we continue to monitor the success and outcomes of the DVD and relay those successes to his family. A motion was made and carried, all said, "*aye*".

C. Membership

Chair Prescott raised the issue of absenteeism among the LGAC Members. He discussed the LGAC By-law policy stating that two unexcused consecutive meetings of the LGAC could constitute a reason for dismissal of their service to the LGAC. **Mr. Ivan Fende** stated that the By-laws state clearly that Members can be asked to leave if they have missed more than two consecutive meetings. Furthermore, Mr. Fende stated that he believes that, "*Members who do not show interest should not be on the Committee.*" Mr. Fende made a motion to follow-up on membership issues, and ask those Members who have not come to meetings to step down. **Mr. Palacioz** wants those Members to be informed they are no longer needed for service on the Committee. **Mr. Kemp** said they should be taken off the Committee but urged and given another chance. **Mr. Hafter** asked if these Members have communicated by email or participated in any conference calls. It was acknowledged that they have not attended any meetings or conference calls. **Mr. Robert Cunningham** said that it does not need to such a drastic event. **Ms. Eargle** said that the Administrator has the final decision, but the LGAC could make a recommendation to the Administrator concerning this By-law provision and their recommendations regarding them. The motion passed by all, saying '*aye*'.

Ms. Eargle mentioned that there are two LGAC Members that have not attended any meetings in two years of their appointments.

D. *Update*

1. LGAC Members Awarded Honors

Mr.Charles Hafter and Mr. John Muller received environmental awards from EPA. Mr. Doug Gutro, Region 1 EPA recognized Mr. Chuck Hafter as a recipient of the

US EPA ARCHIVE DOCUMENT

very prestigious environmental award by EPA Region 1 for his work in his city on water infrastructure and storm water. Mr. Gutro mentioned that this important recognition for the work of local governments was critical.

Chair Prescott then acknowledged a time to receive comments from the public and recognized public presenters.

2. Recycling DVD Interviews

Chair Prescott mentioned that the film crew would be recording for the recycling DVD, and encouraged LGAC members to sign up for interviews. Chair Prescott called on Ms. Fran Eargle, Designated Federal Officer (DFO) to give an overview of the recycling DVD and she encouraged LGAC Members to share their ideas on what their community is doing to encourage recycling.

VII. Public Comments (11:35 a.m.)

1. Walter Briggs, Naval Forestor, Jim Creek

Mr. Briggs spoke about the need to honor our elders and those that have come before us. Mr. Briggs mentioned that a policy framework is important in setting the stage for sustainability and how important sustainability is in preserving our quality of life. He also mentioned that the means to sustainability involves options that produce the lowest level of energy is often the best, and that environmental approaches should mimic natural systems and are crucial if we are to achieve the goal of sustainability or our forests and ecosystems. He discussed the role of forest ecosystems and their importance in mitigating naturally the effects of climate change, and the important role forest ecosystems have in balancing climate change impacts. He acknowledged the great work of the LGAC and the issues they are helping to resolve, and gave credit for their service to the Committee and to the environment. He thanked all of the Members for coming out to his forest and observing the last stand of old growth forest. He stated the importance of instilling conservation to be good stewards of the land because of the next generation to follow. Mr. Briggs presented and asked that a poem he found in Scotland be read. Mr. Ken Fallows read the poem.

2. Don Elder, President of River Network.

The River Network is a national organization dedicated to building strong watersheds in each and every community. Watershed issues are about how we are going to manage our watersheds and water issues. He discussed the critical issue of water in our nation, and how it is increasingly becoming more important, siting the drought and flooding issues. He mentioned that there could be better management of this important resource. He said that many of the water needs could be satisfied by use of non-potable sources, such as grey water etc. for irrigation. **Mr. Elder** stated that it is also important to know how water behaves. It is possible in every developing area that water usage can move in the right direction. Flooding problems will diminish, or be eliminated. Water is

US EPA ARCHIVE DOCUMENT

all one resource, but we have many different ways to deal with storm water, drinking water, wastewater, etc and that we need to think of it as one resource. He thanked the Committee for their work on the Water DVD and their work to improve watersheds and encouraged the LGAC to become more involved in the issue of managing water, and stated how important it is especially in regard to climate change.

3. Sego Jackson, Snohomish County

Mr. Sego Jackson from Snohomish County discussed solid waste management in Snohomish County, Washington, and the importance of product stewardship in creating a sustainable environment. Mr. Jackson stated that he helped to create the "take it back" network, which works on recycling and collecting retired electronics. At first, smaller retailers joined but larger ones came on board such as Staples and Good Guys. Electronic Product Recycling bill passed in 2006, for recycling electronics with full producer responsibility. It takes 2.5 government employees to administer the program. Manufacturer responsibility is the basis of the bill. State implementation will occur in 2009. The "take it back" network is also now being applied to cell phones, light bulbs and paint. Currently, it is collected at the free transfer stations the savings will be around $600,000 when the EPR goes into implementation. Mr. Jackson thanked the Committee for the work of the Solid Waste Workgroup. He discussed the work his County is doing to promote product stewardship and that he serves on a Product Stewardship Council on expanding take back programs to deal with pharmaceuticals. It has especially had an impact on local governments in reducing their burdens of collection and management. **Commissioner Kathleen Jimino** asked if there was negotiation on costs, and Mr. Jackson stated that a justification is needed. **Mr. Duffy** asked about sample resolutions, and Mr. Jackson said there was a sample on their website.

4. *National Association of Regional Councils (NARC)*

Ms.Eargle said that written comments were submitted by the National Association of Regional Councils (NARC). (These comments were distributed at the meeting). **Mr. Fallows** reported that he is a member of NARC. Mr. Fallows spoke briefly on the parallel issues that NARC is working on that the LGAC has concerns about and indicated that Commissioner Penny Gross also serves on NARC. **Chair Prescott** asked that we address the specifics of their comments at the next LGAC meeting.

Chair Roy Prescott called for the end of public comment. (12:15 p.m.)

VIII. Recess-Chair Roy Prescott

Chair Roy Prescott announced a recess for the full Committee and announced that the Small Communities Subcommittee would meet in the afternoon along with the workgroups.

US EPA ARCHIVE DOCUMENT

Thursday, June 12, 2008

Chair Prescott called the meeting to order at 7:54 am.

Chair Prescott called on the DFO, Frances Eargle to give an update on proposed Federal Advisory Committee Act (FACA) amendments.

I. Updates- FACA Changes:

Ms. Frances Eargle gave a brief update on the proposed FACA amendments. EPA and other federal agencies have opposed the changes. **Mr. Fallows** asked for those LGAC Members with legal degrees to go over the amendments and report back how they viewed these proposed changes. **Chair Prescott** mentioned it would change how FACA's operate, and possibly effect funding. **Commissioner Peggy Beltrone** asked which Members of Congress were leading these changes. Ms. Eargle stated that it originated in the congressional oversight committee. Chair Prescott reiterated to the LGAC to please review and asked if the LGAC would like to come out with a statement about the proposed changes. Ms. Eargle mentioned that EPA General Counsel has released a statement about the proposed changes, and that in general it would require a great deal of oversight and more transparency. Ms. Eargle said that it could potentially effect the process for recruiting new members. **Mr. Jim Gitz** mentioned that many of the things included in the amendments, the LGAC already does, and that he also believed these changes were not directed at the LGAC, but other FACA's that are less transparent. Mr. Gitz also said he doesn't see how overburdens some these changes would be, and that he doesn't see how they couldn't meet more than once a year.

II. Transition Issue Papers- Chair Prescott

Chair Prescott stated that it would be beneficial for the LGAC to consider providing Issue papers for a new administration, and these Issue Papers could also be used for incoming new Members to get acquainted with the work LGAC does. Chair Prescott recommended each workgroup to draft an issue paper on what they are working on, and what they consider to be important issues. **Mr. Gitz** made a motion to create these issue papers. **Mr. Jimmy Kemp** asked if we could include more about what the LGAC is about, and how they are formed. Ms. Eargle mentioned that the EPA program offices create packets for the transition team, that describe in general what the issues are that the program office is up to and what they are proposing to do. Ms. Eargle also mentioned that some workgroups have issue papers already. Chair Prescott said they would develop that. Mr. Bowles asked if it was one main paper and each committee give a paper as well, Chair Prescott affirmed.

III. Fall Meeting

Chair Prescott asked LGAC Members what they thought as a venue for the next meeting. **Mr. Jack Bowles** said that the budget does not have allocated a meeting for this fiscal year, and that it could potentially need to wait until the new fiscal year. Currently,

US EPA ARCHIVE DOCUMENT

it is only budgeted to have two meetings a year. Mr. Bowles thought that early October was a good time frame to plan for the next meeting. Chair Prescott asked the Committee what good or bad dates are. **Mr. Kelly** respectfully suggested looking at mid-October, and that they seriously consider meeting in Boston because Region 1 would be a very welcome and generous host. Mr. Doug Gutro, from EPA Region 1 offered Region 1 to host LGAC, or in another city in New England such as in Vermont or Maine. A motion was made to have the fall meeting in October in New England and it passed. **Mr. Ivan Fende** asked EPA to pick dates for the spring meeting. Mr. Kelly said that may be impossible to stick to with a new incoming administration, and recommended that they wait for the new administration to decide.

IV. Subcommittee and Workgroup Reports

Chair Prescott asked for the Subcommittee on Small Communities (SCAS) and the Workgroup to report out on actions and those items requiring votes of the full LGAC.

A. Small Communities Advisory Subcommittee (SCAS)

Chair Steve Jenkins mentioned there were no current action items requiring votes by the LGAC. There will be a conference call scheduled on July 8. SCAS had a presentation about place- based initiative from Region 10 staff. SCAS made a recommendation to draft a letter in support of this type of program. The SCAS continues to work on a Report for the SCAS on small communities recommendations of the Committee.

B. Military

Chair John Duffy reported out on the field trip to Everett Navy base and Jim Creek was very informative and presented model environmental provisions of what can be accomplished with leadership. He also said that the Military workgroup met to discuss the charge to the LGAC by the Office of Federal Activities. The workgroup discussed the charge and decided that there was additional information that they were seeking from the program in order to move forward with it.

It was also decided that a 'thank you' letter should be sent to Captain Mascola and a copy sent to Rear Admiral J. A. Symonds, Commander of the Navy Region of the Northwest Environmental Policy.

C. Indicators

Chair John Duffy reported that the Indicators Workgroup will meet at the next LGAC meeting. The Workgroup is currently waiting on the Highlights Report to be published.

US EPA ARCHIVE DOCUMENT

D. Climate Change

Mr. John Duffy reported that the Climate Change Issue Paper was presented to the LGAC and Members were requested to review and send any comments forward to John Duffy. A separate workgroup was discussed, but it was decided that an ad hoc group would be convened to oversee climate change issues, and other issues related such as, air, transportation and other issues not fitting into current workgroup structure.

The Climate Change Ad Hoc group would be charged of conducting the LGAC review and comments on EPA's ruling concerning greenhouse gas reductions expected to be made public in July. The LGAC would likely request a briefing on the rule as soon as it is available. The Ad Hoc group consists of John Duffy, Dave Somers, Laura Fiffick, Steve Jenkins, and Jim Gitz.

E. Solid Waste

Chair Jim Gitz reported that the Solid Waste and Reclamation Workgroup had a very interesting and informative meeting. The Workgroup would like to inform the full Committee of the change in direction of the message of the DVD to be a focused 'stewardship' theme. He mentioned that he thinks that the myriad of topics that need to be covered in the DVD and would nicely under this theme. Mr. Gitz introduced a motion for the consideration to change the message of the DVD to 'stewardship', and it unanimously passed. Mr. Gitz also reported that he wanted the LGAC to approve the appointment of the Vice- Chair position to Commissioner Randy Johnson. This motion was approved, and all said, '*aye*'.

The Workgroup discussed the problem of pharmaceuticals in water and waste streams and the programs used in Washington, borrowed from Canada for product stewardship. Mr. Gitz mentioned that the Committee discussed product stewardship and talked about legislation in Washington DC on the role of recycling and development of the initiatives for recycling and disposal of pharmaceuticals. Mr. Gitz reported that the Workgroup reviewed some of the recorded interviews for the DVD. He also reiterated that the DVD and the importance of recycling contribute greatly to curbing the effects of climate change. Mr.Gitz reported that at the Fall meeting, they should have a final draft product of the recycling DVD, and that they will likely review the issue of pharmaceuticals, with possible action for the next LGAC meeting.

F. Watersheds and Coastlines (WAC)

Chair Jimmy Kemp reported that WAC drafted a letter to Administrator Johnson that will need approval by the LGAC. There were slight changes in the letter, and Chair Kemp read it out loud. A motion was made to adopt the changes to the letter, and there will be a five day review for the members to review it. Mr. Jack Bowles mentioned that there might be issues with nonpoint source pollution being highlighted. Motion passed. Mr. Kemp reported that Mr. Don Elder of the River Network gave a presentation to WAC, and he remarked what a terrific job they are doing to address watershed issues. In

US EPA ARCHIVE DOCUMENT

addition, Mr. Kemp stated that the Region 10 presentations discussing the "*watershed approach were super*." Mr. Kemp reported that they committed to the NAPA report. **Mr. Hafter** added that Paula van Haegen's strategy dealt with the impacts of future climate change, and it was excellent to see people thinking about it in a productive manner. Mr. Kemp also stated that the approach was good because it painted the idea of climate change that it is not necessarily bad, but a fact of life.

G. Green Buildings

Co-Chair Ivan Fende asked for the review of a letter that they would like the LGAC to approve. **Co-chair Peggy Beltrone** mentioned that the Workgroup has not had time to meet yet, and therefore the Committee should seriously consider this letter. **Co-Chair Beltrone** summarized the letter, and mentioned the importance of green infrastructure, green zoning and how they would work with the EPA. A motion went forward to send the final version of the letter to the Administrator. **Mr. Duffy** asked if the Committee has met yet to discuss, and that he didn't think it was not a good idea until the Committee has reviewed the letter. **Co-Chair Fende** said it was important to have the stakeholders involved more than any other group and that the stakeholders need to promote the ordinance. **Co-Chair Beltrone** mentioned they chose the word 'convening' so that the EPA could facilitate the end product. **Mr. Chuck Hafter** asked for clarification about the intent of a sentence was about, and Mr. Fende clarified it was about land use decisions. **Mr. Kemp** said he wanted to see a final draft of the letter before the Administrator gets the letter, and thinks the LGAC should review it again in October. **Mr. Bowles** said that the Committee had a productive meeting yesterday, and that EPA zoning is not a good idea, but there are other local codes to look at. **Mr. Mike Linder** indicated that one read of the letter is that EPA is "*about to launch a new effort, which might not help the situation and we cannot afford to do everything*." Chair Prescott said that Mr. Corey Buffo's responsibility was to work on these ideas. **Mr. Joe Palacioz** said that the further you get away from the metropolitan areas, the more difficult greening is. Mr. Fende said EPA is already working on new programs and zoning ordinances. Co-Chair Beltrone asked if this could be later discussed on the conference call. **Mr. Ken Fallows** mentioned that there are many details, and that there is a basic change, and there is a huge difference between zoning and building. Mr. Fallows also mentioned that land is different in different parts of the country, and that much of the land has been covered with possible new pollutants. **Mr. Jimmy Kemp** asked for clarification on the motion, and that it would send forward without the LGAC look at it first. Mr. Fallows mentioned he would entertain a motion to have a copy of it sent out electronically to the LGAC for approval before the Administrator receives it. **Mr. Hafter** said the letter needs to recognize the difference for local governments, and because of the importance of the issue, and that any model zoning plan should be implemented with education. **Commissioner Kathleen Jimino** said she sees it as a useful tool for small communities and it can be a model and best practices used as a goal. **Mr. Duffy** said the EPA website also has a volume of information about ordinances, and that there should be more models of ordinances. **Mr. Jim Gitz** stated the importance of addressing the 'funding issue' and interagency cooperation and that this letter seems to be just looking at the edges of the issue, and that this is valiant effort but it needs to be finalized, and that the LGAC needs

US EPA ARCHIVE DOCUMENT

to discuss these issues in more depth. **Mr. Linder** agreed with Mr. Gitz, and says that funds are important, and it needs more concentration and looking at before action is taken. Mr.Kemp said that an issue is that there is no competition and it is very expensive. Co-Chair Fende mentioned that the reason they are doing it is because it is a charge from the Administrator and that money is an issue, but the program is going forward and that it is going to happen to matter what and that he would rather see something from the local governments rather than nothing. **Mr. John Bernal** said the purpose of the letter was to signal the issues of the local governments, especially with the new administration. **Chair Prescott** said that there was a motion to discuss this at a later conference call. **Mr. Kelly** said that the Administrator asked for this a long time ago, and it keeps being delayed and that since the Administrator asked for the letter and there is going to be a new administrator soon, and that action should occur. Mr. Kelly mentioned that the letter will give direction to the new administration as well and therefore is very important and the LGAC should take action it with a timeframe. **Chair Prescott** moved forward with the motion. **Mr. Hafter** asked for a friendly amendment that the conference call occur within the next 30 days. **Ms. Eargle** mentioned that the EPA needs 2-3 weeks because it must be announced in Federal Register 15 days prior to the conference call, and that it would also need time for public comment. **Mr. John Duffy** said that he thinks the group doesn't need a whole conference call, and that the draft letter can be sent out and that changes can be made, and that it does not need a conference call. Mr.Duffy made a substitute motion to replace the current motion. Co-Chair Beltrone said that the workgroup would try to work with all the comments people have made. Motion was voted, and passed with three in opposition. Chair Prescott raised the issue that the LGAC committed to give EPA comments on the EPA Green Building Strategy and that would need to be voted on by the LGAC, and need a conference call. It is needed as soon as possible to be valuable to the Agency.

Chair Prescott recognized Deputy Regional Administrator, Michelle Prizadeh, and thanked her and her staff for the tremendous work in planning the meeting.

Ms. Prizadeh said she was just stopping by and thanked everyone for coming. Ms. Prizadeh said she has been working in Region 10 for 20 years, and has been the Deputy Region Administrator for about 6 months and opened it up to any questions. Prescott called a five minute break.

Chair Prescott reconvened the meeting after a short break. Chair Prescott mentioned that writing a letter of 'thanks' to the Navy for their tour on June 10, 2008 and he asked the LGAC what they thought of that idea. Mr. Robert Cunningham read a section of a draft letter to the White House head of Intergovernmental Affairs that he drafted. The LGAC agreed to that wording.

Chair Prescott mentioned the Green Buildings letter, and said that they would be email the letter and give a day to review, and if it needs a conference call one would be arranged. Ms. Eargle indicated that the LGAC had agreed to give EPA comments on the proposed draft EPA Strategy on Green Buildings, and that it was on a short turnaround. The Workgroup agreed to get comments moved forward as soon as possible to EPA.

US EPA ARCHIVE DOCUMENT

U.S. Environmental Protection Agency
Local Government Advisory Committee

Participants

LGAC Members

Roy Prescott, Chair
Commissioner Peggy Beltrone
Mr. John Bernal
Honorable Kenneth Fallows
Mr. Chuck Hafter
Mr. John Duffy
Mr. Ivan Fende
Mr. James Gitz
Mr. Lurlin Hoelscher
Commissioner Kathleen Jimino
Mr. Steve Jenkins
Mr. Jimmy Kemp
Mr. Michael Linder
Mr. Joe Palacioz
Commissioner Dave Somers
Commissioner Randy Johnson
Honorable William Chegwidden
Mr. Mike Linder
Ms. Laura Fiffick

EPA Representatives

Randy Kelly, EPA, Deputy Associate Administrator, Office of Congressional and Intergovernmental Relations (OCIR)
Jack Bowles, EPA, OCIR
Javier Araujo, EPA, OCIR
Robert Cunningham, EPA, OCIR
Doug Gutro, EPA Region 1
Frances Eargle, LGAC DFO
Kendra Tyler, EPA, OCIR
Alecia Perez, EPA, OCIR, Intern
Ron Kriezenbeck, EPA Region 10
Michelle Pirzadeh, EPA Region 10
Tom Eaton, EPA Region 10
Cindy Schuster, EPA Region 10

Members of the Public

Mr. Walter Briggs, Forester, SCA Program Director, Department of the Navy
Mr. Don Elder, President, River Network
Mr. Sego Jackson, Snohomish County, WA
Mr. Dave Galvin, King County, WA

US EPA ARCHIVE DOCUMENT

Mr. David Dicks, Partnership for Puget Sound, WA
Mr. David Troutt, Nisqually Tribe
Ms. Kathy Fletcher, People for Puget Sound
Steffen Thie, Intern
Madelyn Krezowski, Intern

US EPA ARCHIVE DOCUMENT

V. Adjournment

The LGAC meeting adjourned at 11:45 a.m.

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

Submitted by:

9/16/08

Signature Date
Frances Eargle, EPA DFO

9/16/08

Signature Date
Roy Prescott, Chair

US EPA ARCHIVE DOCUMENT