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

Meeting Summary

November 6-7, 2008

Held at EPA Region 1 Office, One Congress Street, 11th Floor
Conference Center, Boston, Massachusetts

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.

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

November 6, 2008

Meeting Summary

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I. Welcome and Introductions

8:30 a.m.

Chair Roy Prescott opened the meeting and called for introductions around the room. He acknowledged that LGAC Member Jerry Johnson could not attend due to recent surgery. He passed along 'best regards' from Mr. Johnson and news that he was recuperating from surgery. He also reported that Subcommittee Chair on Small Communities, Steve Jenkins, could not attend due to a death in the family. Ms. Frances Eargle, DFO, stated that EPA recognizes the value of LGAC and is engaging local government representatives with policy making more broadly than ever before. The LGAC's review of EPA's Strategic Plan is underway and a set of transition papers have been under development by the workgroups. Ms. Eargle encouraged Committee Members to review those documents to make certain they represent the LGAC's positions and priorities. Chair Prescott then called for the question if Members had reviewed the Meeting Summary of the October 9th teleconference and called for a motion to accept them in the Meeting record. Mr. Mike Linder made a motion to accept the summary of the Oct. 9 teleconference meeting. Mr. Ivan Fende seconded the motion. The motion passed unanimously.

**II. Randy Kelly, Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations,
Washington, D.C.**

LGAC Member Mr. Jerry Griffin introduced Randy Kelly, and presented a tribute by the LGAC. As the former Mayor of St. Paul, Minnesota, he stated that "Mr. Kelly represents the first time that an elected official has served as Deputy Associate Administrator and liaison for the LGAC." On behalf of the LGAC he recognized Randy Kelly for strengthening partnerships between local and federal governments. [A plaque was presented to Mr. Kelly in recognition of his efforts].

Mr. Kelly accepted the plaque and thanked the LGAC, and stated that it will be displayed in a prominent place. He passed along regrets of Mr. Chris Bliley and Ms. Joyce Frank who could not attend due to their involvement with the upcoming transition in Washington, D.C. Mr. Kelly stated that *"the election results offer an exciting time of new possibilities."* He continued that *"the LGAC will help shape new EPA policies, and the Committee's role will become more important moving forward."* Mr. Kelly expects EPA to adopt a more activist approach during the new administration. Important successes were achieved over the last two years, particularly the LGAC's award-winning water infrastructure DVD, which the LGAC is working hard to distribute to local officials across the United States.

Mr. Kelly expressed hope that the new administration will maintain the Deputy Associate Administrator position. He hopes that another formally-elected official with experience in *"the trenches of local government"* will be appointed. Engagement and involvement of local officials have been and will continue to be a top priority. Mr. Kelly offered the examples of ozone issues; federalism; the LGAC's strategic plan; and the Small Communities Report as examples of successes and future opportunities.

Mr. Kelly expressed his expectation that the transition to the new administration will be smooth. Mr. Marcus Peacock, Deputy Administrator, is EPA's designated official for the transition. All parts of EPA are meeting on a regular basis to facilitate the transition. The LGAC's Transition Papers are very important, and Committee members should be engaged early and often during appointments and confirmation hearings for EPA officials. The OCIR position will be one of the first appointments, and represents a very important liaison between the LGAC Committee and EPA staff.

Mr. Kelly strongly advised LGAC Committee Members to focus on three or four major priorities. He recommends that the Committee avoid establishing too many goals or risk diluting their energies and diminishing the LGAC's effectiveness. He closed by recognizing EPA staff Ms. Fran Eargle, Mr. Javier Araujo, Ms. Loreto Tillery, and Ms. Kendra Tyler for their hard work to make LGAC efforts effective. He stated that it has been a privilege to work with the LGAC. He thanked the Chair and Members for their work and contributions and introduced EPA Region 1 Administrator, Bob Varney.

III. Robert Varney, EPA Region 1 Administrator

Mr. Kelly stated that Bob Varney is a long-standing EPA veteran who was appointed by Christie Todd Whitman in 2001. Mr. Varney focused EPA Region One staff energies on administrative efficiency; brownfields; local department of public works infrastructure and operations; protection of private wells; the impacts of EPA policies on small communities; energy issues; and homeland security. As Region One Administrator, Bob Varney worked hard to strengthen relationships with local officials and created a model for other parts of the country. Mr. Kelly thanked Bob Varney for his hard work.

Mr. Varney opened by recognizing that the elections have provided quite an “interesting time” in Boston. He also stated that it has been a privilege to serve with the LGAC on the great work over eight years. The transition of presidential administrations is an exciting time at EPA and for the nation. Mr. Varney shared his bipartisan background as head of New Hampshire’s environmental agency for three gubernatorial administrations. He also served at the state level, as New Hampshire’s Director of State Planning and also been a regional planning coordinator. These roles brought close contact with local communities and local planning processes, that he stated that he continues to hold strong local sympathies and background. He also stated that he selected two locally elected officials to his staff, Mr. Doug Gutro and Mr. Rodney Elliott who provide additional perspectives through the lens of local government. EPA Region One staff are well-positioned to facilitate partnerships between local and federal officials.

Mr. Varney stated that the New England Region of EPA is an innovative leader among EPA regions. The regional office’s success can be attributed to collaboration with local governments and business community. New England’s relatively small geographic area yields accessibility to EPA staff and fosters communication with local officials. Bob then shared highlights of his eight years as Region One Administrator.

He highlighted the following priorities of Region 1:

Brownfields—New England receives a large proportion of the federal brownfields funding pie. Funding and related opportunities for remediation have extended to small communities that previously didn’t apply for or receive federal dollars. Small community successes have stemmed from partnerships with Regional Planning Commissions (RPC). In rural regions, RPCs assist small towns in supplementing small staffs to apply for funds and implement brownfield restoration projects. Two Regional Planning Commissioners from Vermont will share their stories today.

Department of Public Works Initiative (DPW)- facilities offer huge environmental issues and opportunities at the local level, particularly in hazardous waste and stormwater management. Local communities were often fined due to lack of compliance in these areas. Since 2001, local communities have now joined EPA’s audit program, which has allowed greater flexibility to identify and address clean-up issues without fines. EPA continues to levy fines appropriately for local communities that continue to avoid voluntary approaches. EPA Region One staff was tasked to engage local officials and facilitate various voluntary approaches to address these local challenges.

Private wells—Public water systems benefit from EPA programs, but approximately 20 -40 percent in Maine, New Hampshire & Vermont of the Region's residents are on private wells. EPA carried out a public outreach program to survey private wells, which also included working with the real estate community to test water as a point of the sale, particularly for arsenic and radon. Outreach has been a key EPA Region One strategy to build broad support to integrate water quality testing and mitigation features in final sales agreements. Much work remains to protect public health and private wells users.

Impact of standards on smaller communities—The integration of EPA strategies with local investments and state agency programs ensure compliance is met with arsenic standards which has been lacking. Treatment for arsenic and radon are expensive for small communities and facilities such as daycare centers, etc.. EPA reached out to HUD to partner on outreach efforts. The State Department of Education has also partnered with EPA Region One to engage state agencies to build partnerships and assist local officials and water providers to achieve compliance while minimizing the burden on local governments.

Energy—Energy has been a high priority over the last eight years. EPA Region One purchased a hybrid vehicle for the Regional Administrator. The coordination of the energy committee is ongoing to engage local decision-makers, including local officials. Approximately 40 percent of local energy consumption represents waste from inefficient buildings and practices. Schools and public buildings continue to spend scarce resources on energy rather than programs that benefits their constituents. The Energy Challenge now engages 30 percent of New England Communities. The program's goals include energy benchmarking and partnerships with community colleges, among others, to expand local capacity. Actions to date have only scratched the surface, but do represent strategies to build on improving public health, saving taxpayer dollars and mitigating climate change. The development of standing Local Energy Teams or commissions, established by local city councils, are also an important vehicle for engaging citizens and achieving conservation. Local energy committees can provide assistance to residents and city staff to implement best practices for energy efficiency and conservation.

The First LEED building in Massachusetts is an EPA laboratory that uses 100 percent renewable energy. The laboratory's staff is still working to adopt practices that maximize the facility's efficiency. In one year, the laboratory's energy bill was reduced by \$186,000 through conservation and energy efficient appliances. The following year, an additional \$207,000 was saved through conservation. If those conservation gains can be achieved in a LEED Gold building, there are tremendous conservation opportunities in

the older buildings throughout New England.

Water and Wastewater Infrastructure—The EPA has issued a new report highlighting the funding available in each of the region's states. The tool was based on the needs of local officials and the need to make such information readily available to local governments. Low-interest loan money is often the only resource available because federal and State Revolving Fund (SRF) grant dollars are no longer available. In 2001, some states lacked grant programs, but experience demonstrates that funding successes can be achieved, even in constrained budget environments, to establish grant programs supporting local communities. Progress has been made, but there is work to do in the six New England states. The previously mentioned EPA report consolidates information about state funding programs to highlight successful strategies.

Sustainable Infrastructure Forum—The most recent forum was held in Groton, Connecticut. The program featured asset management strategies and workshops for local governments on funding and management. Fostering links with the community Energy Challenge, EPA Region One has assigned one staff person to foster energy efficiency in local water and wastewater facilities. Transformation is taking place in local facilities. Local officials and facility managers are demonstrating the value of investments in efficiencies through short-term payback periods captured through cost savings. For example, the city of Lawrence has a treatment plant that captured \$21,000 savings from only three hours work implementing best practices. Local officials should focus on this kind of low-hanging fruit. EPA is seeking to facilitate local leadership with training sessions, for which demand has been growing.

Water security & Homeland Security—EPA provides mandatory training for disaster incident command systems. EPA staff is working to develop capacity in and provide resources to local governments to respond to local or national disasters. Partnerships with local governments are developing to assess priority issues and enable timely responses to local incidents. Drinking water protection provides an example of neighboring communities partnering to develop collaborative response strategies. Administrator Varney closed by thanking LGAC members, and by recognizing that his experience with local governments give him a strong belief in cooperation and collaboration. EPA is making strides, but many opportunities exist for greater leveraging of resources through partnerships.

Discussion

Mr. Jim Gitz asked Regional Administrator Varney to identify the best opportunities in the new administration for partnerships to address "low-hanging fruit." Administrator Varney responded that energy conservation and related job creation is a great opportunity. Early investments in wastewater will be important to avoid rising costs in the coming years. These investments can

also create local jobs. The federal deficit will necessitate a reduction in spending and will be key challenges. Brownfield remediation will create opportunities for local, federal, and private matching funds. Growing the green economy—new jobs through renewable energy, recycling and conservation—should be a complimentary priority for the LGAC and the local officials the committee represents.

Mr. Ivan Fende stated that EPA Regional Administrators would greatly benefit from an introductory seminar to build a greater understanding of issues faced by local governments. Mr. Varney agreed with the idea and supports the idea of such seminars.

Mr. Bruce Tobey thanked Administrator Varney on behalf of the LGAC and local officials throughout New England. Mr. Tobey stated that, *"as EPA Region One Administrator, Mr. Varney is a policy leader, innovator and energetic leader who deserves the LGAC's appreciation."* **Mr. Roy Prescott** stated that the LGAC will appreciate Mr. Varney's continued advice on how to foster a smooth transition to the new administration.

**IV. Sam Merrill, Director, New England Environmental Finance Center,
Assistant Research Professor, Edmund S. Muskie School of Public
Service, University of Southern Maine**

Ms. Fran Eargle introduced Dr. Sam Merrill. Ms. Eargle stated that the nine Environmental Finance Centers (EFC) across the country are great partners to EPA and local governments in providing information and technical assistance to local governments.

Dr. Merrill stated that the EPA-funded EFCs seek to integrate local, state and federal policies. The EFCs help identify opportunities for collaboration where human resources, expertise and funding streams should be leveraged. The nine EFCs effectively work together to maximize their positive impacts throughout the U.S. Each center has developed different expertise, and is tailored to the unique needs of its particular region. Each EFC seeks to enhance to assist with local region's environmental priorities. Dr. Merrill continued that the New England EFC (NEEFC) has focused largely on land use and "smart growth" issues to date. The NEEFC is currently transitioning to climate change as a top priority.

The EFC network's guiding mission is to assist local governments to build capacity and address environmental issues. Local governments cannot address these complex technical and political challenges alone. Local governments currently work in isolation from their neighbors. The motto of Dr. Merrill's hometown, Pownal, Maine, is *"independent unto itself."* He stated that policy makers must assist local officials to embrace comprehensive regional partnerships. The EFC network raises awareness of regional strategies through local workshops and outreach.

The EFC network also offers great potential to incorporate the resources of local universities into local and regional partnerships. University faculty, researchers and graduate students offer untapped resources of expertise and energy. EFC staff is largely university professors that provide opportunities to promote local environmental success stories in various publications. University faculty also monitor the latest research and policy trends in academic journals. Climate change is a growing priority in journals, with a greater number of related articles published each year. No matter what environmental issue a particular community is facing, "*we're all in the climate change business,*" said Dr. Merrill. Solid waste or wastewater is in the climate change arena. For example, methane capture at landfills generate energy while reducing emissions. The creation of green jobs is a growing concern represented by attention in the media and both national election campaigns.

Dr. Merrill expects an explosion of new sustainability programs in local communities. In his more than ten years experience teaching sustainability, he notes that a gradual increase in the number and scope of sustainability programs in local governments as well. Academics and EFC staff monitor and evaluate these programs to identify recurring challenges, opportunities and successful strategies. There is a spread of good ideas among neighboring communities through information sharing and collaboration. The Energy Star Program developed by EPA and the International Council for Local Environmental Initiatives (ICLEI) provides an example of growing attention to local strategies and metrics for measuring successful sustainability strategies.

The remainder of the presentations offer glimpses at on-the-ground experience in implementing proactive policies. Local governments and their partners at universities and state and federal governments must evaluate what is working and what is not working. If failures occur, the reason for failure must be identified. We must also identify the additional capacity needed to foster broader success. "*The time for action is now,*" Dr. Merrill concluded.

V. Boston's Award Winning Sustainability Program, Jim Hunt, Chief Environmental and Energy Services, City of Boston

Regional Administrator Varney introduced Mr. Jim Hunt, stating that EPA's partnership with the City of Boston is exemplary. Mayor Menino of Boston is considered by many to be the 'greenest' Mayor in America. Mr. Varney also recognized Mr. Hunt as "*the man behind the scenes doing the work.*"

Mr. Hunt opened by commending Regional Administrator Varney, stating that "*the City's collaboration with EPA has been integral to Boston's success to date.*" The year 2008 marks the 10th anniversary of Massachusetts' Brownfields Act, and Mr. Hunt thanked Regional Administrator Varney and EPA Region One for their great support.

Mr. Hunt then described Boston's Sustainability Program. He described the Climate Action Plan as the framework for Boston's sustainability policies. The historic lack of

state and federal leadership on sustainability issues is changing and there is greater collaboration and sharing of ideas among local governments and state and federal agencies. The heat island effect is an issue of growing concern for the City of Boston and cities nationwide. It leads to rising asthma rates and other health issues and soaring temperatures in Boston's core can be 10 degrees hotter than surrounding areas during the summer.

Sea rise, according to Mr. Hunt, is another issue that causes damage and presents growing challenges in Boston. Many of Boston's high end developments are increasingly vulnerable to sea rise and related storm surges. During a 1996 storm, the City experienced \$60 million in damages to public infrastructure. Maps depicting the growth of Boston from 1630 onward show dramatic development in filled tidal areas. Boston Harbor is built on infill to accommodate new growth and development. The City of Boston is partnering with local universities to model sea rise scenarios and its potential impacts. Shawmut Peninsula is on the front lines of sea rise and storm surge issues.

Mr. Hunt then described programs and policies adopted by the city to mitigate and adapt to climate change impacts. Mayor Menino has joined with ICLEI and the Local Governments For Climate Protection Campaign in 2000. The City was an early Signatory to the U.S. Conference of Mayor's Climate Protection Agreement. Mayor Menino's 2007 Executive Order codified ambitious green house gas (GHG) reduction goals. The GHG goals include reducing emissions to seven percent below 1990 levels by 2021, and 80 percent reductions below 1990 levels by 2050. Mr. Hunt then described Boston's strategies to combat the effects of climate change while generating green jobs.

Green House Gas Inventory—Boston has completed a GHG emissions inventory. Currently, 74 percent of emissions are from buildings. City staff has targeted many strategies to improve energy efficiency and conservation in Boston's built environment.

Boston's Green Building Strategy—The program began in early 2000s when many Bostonians were unaware of green buildings. The City has created a 10-point plan. The plan was developed through a collaborative process with stakeholders including developers, construction leaders and local officials. The plan requires LEED Silver certification for all city buildings. LEED certification for all private buildings over 50,000 square feet is required under Boston Zoning 80B. The local market is shifting to LEED certification and major tenants are demonstrating growing demand for high-performance office and housing space.

Green Affordable Housing—The City of Boston has leveraged \$2 million from the Massachusetts Technology Collaborative to provide renewable technologies for new affordable housing development.

Energy conservation—Boston is an EPA Region One "Energy Star" program participant. The City uses EPA's benchmarking tool to track energy use. Boston aggregates use among a variety of users. The "Lights Out Boston" program encourages major tenants to

turn out their lights and help ensure dark skies during bird migrations. Taxi companies are required to purchase hybrids for all new vehicles. The federal courts have ruled that New York laws interfere with EPA authority, and an effective resolution is required to enable local governments to implement proactive strategies. Boston's 450 city-owned diesel vehicles now run on ultra-low sulfur fuel. The City purchases 650,000 gallons of alternative fuels annually.

Grow Boston Greener Program—This program establishes a goal to plant 100,000 new trees in the city by the year 2020. The values of urban forestry include improved aesthetics and carbon sequestration. The City is targeting resources using an environmental justice perspective to prioritize underserved neighborhoods that currently have limited tree canopy.

Renewable Energy: Green power currently makes up 11.7 percent of Boston's bulk electricity purchases. New wind turbines, including one built on city hall, represent opportunities to reduce energy costs and create green jobs. As an EPA Green Power Partner, 12 percent of the City's investment is leveraged with EPA. Solar energy generation is prioritized by Mayor Menino, and Boston has established the goal of generating 25 MW of electricity by 2015. The City is also currently working to reduce barriers for interconnection to the power grid through net-metering. Additional incentives and better financing for the private sector is required. Boston has created a solar capacity map that can be viewed on city's website. Research demonstrates that Boston has the potential to produce 670-900 mw of solar power annually on existing buildings. Zoning currently presents a barrier, and strategic amendments will facilitate greater investment and construction. The City mapped areas suitable for solar, and areas where zoning creates barriers. Deer Island has become a showcase for renewable energy with solar and wind turbines, plus investments in greater energy efficiency and conservation.

Green Collar/Clean Tech Jobs—The Massachusetts Renewable Energy cluster supports more than 14,000 jobs and is the fastest growing segment of the Commonwealth's economy. The sector is growing by 20 percent annually. Mayor Menino launched the Green Collar Jobs Training Program in partnership with Boston's private sector to prepare local residents. The Commonwealth is currently developing new incentives and programs. Mayor Menino is committed to continued progress through investment, education and efficiencies.

Mr. Hunt closed by stating that, "*Boston will continue lead by example.*"

Discussion

Commissioner Melanie Worley asked where the LGAC can view online Boston's private construction zoning. Mr. Hunt directed the LGAC to Article 37 of Section 80B of Boston's zoning code. Mr. Hunt stated that the City administers the "green" certification process. Developers are required to show a checklist to the city, staff trained as LEED

AP professionals. The cities of Washington DC, Los Angeles and other large cities are adopting similar green zoning codes. Mr. Hunt encouraged local governments to tailor zoning approaches to local contexts. Commissioner Worley asked if the City has experienced “pushback” from private developers. Mr. Hunt stated that Boston’s private development community resisted during the final stages of the zoning ordinance’s development. Mr. Hunt continued that Boston’s research has demonstrated minimal first costs and life cycle savings. One of Boston’s biggest developers was a strident opponent early on, but is now a great champion of mandatory green building practices. Mr. Hunt stated that developing high performance buildings is not as hard as many think and yields measurable benefits. **Ms. Paula Hopkins** asked if Boston’s cost-benefit analysis is available. Mr. Hunt stated that the program information is available online. LGAC members should do a web-search for “BostonGreenBuilding.org.” Research by academics show the city of Boston demonstrates performance and cost- effectiveness.

Commissioner Penny Gross stated that the solar power industry favors the southwest because of the abundant solar resource. She asked how the city addressed barriers to solar generation in New England with less solar exposure. Mr. Hunt acknowledged that the utility-scale solar industry favors the southwest where there is cheap land and higher energy returns. Mr. Hunt asserted, however, that roof-mounted PV are suitable in Boston and northern states. The private sector seeks incentives. Mr. Hunt stated that most solar panels manufactured in Boston are shipped to Germany because Germany provides incentives to the private sector. Commissioner Gross asked if the City of Boston provides tax credits. Mr. Hunt responded that the Commonwealth of Massachusetts provides rebates, with added value for panels purchased from local providers, such as Evergreen. [Mr. Hunt offered Sun-Edison in California as a model to emulate. Berkeley, California that provides residents with long-term, low-interest loans to install solar technologies.]

Regional Administrator Varney added that siting issues present barriers for solar capacity in local communities. Rooftop installations provide the best opportunity for micro-solar generation. The aggregate contributions by many rooftops yield cumulative benefits. Greater incentives are required for home and property owners.

Mr. Ken Fallows stated that the City of Toledo, Ohio is the U. S.’s top manufacturer of solar technology but demand in Germany surpasses the supply produced in the U.S. Solar shingle technologies are being advanced that will soon reach the market. Mr. Fallows asked whether the City of Boston has invested in tidal turbine generation, and if the city has initiated carbon trading. Mr. Hunt stated that the City of Boston has looked at tidal during incoming tides. National consultants retained by the City do not think that tidally generated energy will provide enough energy resources to provide sufficient return on the investment. The City of New York has invested in a demonstration tidal project but the turbine broke within the first few months of installation. Existing technologies must be improved to make tidally generated energy sources viable. Regarding carbon trading, Mr. Hunt said that the City of Boston has partnered with U.S. Forest Service to analyze the City’s existing canopy. The City is developing incentives for residential tree

planting. Fostering voluntary tree planting requires outreach and resources. The state of Massachusetts is involved in carbon trading through New England's Regional Greenhouse Gas Initiative.

Ms. Paula Hopkins asked where nuclear energy fit in the City and region's future energy portfolio. Mr. Hunt said that New England nuclear plants represent 10-15 percent of region's energy generating capacity. Nuclear power is controversial because of environmental and public health challenges. Nuclear power will continue to play a role in the City's energy portfolio, but he does not anticipate expansion of it.

Ms. Laura Fiffick asked how energy efficiency has been addressed for water and wastewater systems. Mr. Hunt stated that the city of Boston is an old city and sewage facilities are gravity-fed. There is very minimal pumping in greater Boston area. The City's treatment facility is a large consumer of energy. The City is exploring and investing resources to achieve efficiencies. The Northeast has the highest energy costs in the country. As a result, he said, *"what is green for the environment is green for the pocketbook."*

Chair Roy Prescott called for the scheduled break at 10:25am.

V. Community Energy Challenge Panel

A. Chuck Hafter, City Manager South Burlington, Vermont

Chair Prescott called the meeting back to order at 10:50am. Region One Administrator Bob Varney introduced Mr. Chuck Hafter. Regional Administrator Varney stated that *"under Mr. Hafter's leadership, the city of South Burlington, Vermont has been an innovator. By creating a stormwater utility, the city is creating a national model."*

Mr. Hafter described the City of South Burlington's participation in EPA's Community Energy Challenge strives to save money, reduce energy consumption and explore renewable sources. Municipal buildings and wastewater treatment plants were prioritized by EPA.

Mr. Hafter continued that EPA's Energy Challenge forces communities to think about new issues. Region One Administrator Varney's collaborative model is better than a punitive approach and is greatly appreciated by local officials. New England has a tradition of fiscal conservatism and local control. Energy independence and climate change are issues that resonate with New Englanders. Mr. Hafter described the local process for the Energy Challenge. After pledging to participate, the City of South Burlington initially benchmarked five buildings, including two wastewater treatment plants. City staff engaged support and technical assistance from the local university as an early step.

Mr. Hafter then described performance rating systems under the Energy Challenge. EPA Region One developed a Portfolio Manager that can be used to benchmark any building. The tool allows local managers to compare their buildings to others to provide a context. EPA's tool scores buildings on a scale of 1-100. Any building that scores lower than 75 points requires updates. Benchmarks include the number of appliances, time of use, and the percentage of the building that is heated. The municipality then provides 12 months of energy use data. The City of South Burlington purchases much of its energy from Canadian utilities who provide energy use records. Identifying times of peak usage is another important step. In South Burlington, 40 percent of energy use is consumed by wastewater treatment plants. He also said that, *"every little bit helps," and the city is exploring the installation of a turbine in wastewater effluent to offset energy consumption at the facility.*" The EPA tool provides a 10 percent energy savings portfolio with tactics for increasing energy efficiencies. The City also has enhanced staff capacity to facilitate implementation of efficiency and conservation strategies. Staff have been assigned to coordinate projects, and a competitive incentive program was created with dinner and eight hours of vacation time offered as rewards to the facility that achieved the greatest energy savings.

Mr. Hafter closed by sharing that communities that participate in the Energy Challenge are eligible to receive the Energy Star Leader's Award. Reduction of 10 percent in normalized energy use is required to receive the award. EPA has made case studies available to share lessons from successful initiatives. The City's ongoing efforts include data gathering, using conservation strategies shared the City's utility companies, and implementing Energy Star best practices.

Discussion

Ms. Paula Hopkins asked what strategy would he recommend for establishing a sustainability coordinator and program. Mr. Hafter recommended establishing program goals; identifying the desirable coordinator skill set based on the local situation; and establishing performance requirements for the coordinator. The coordinator should achieve energy cost savings equal to their salary at minimum.

B. Joe Forest, Facility Engineer Springfield, Massachusetts

Administrator Bob Varney introduced Mr. Joe Forest from the city of Springfield, MA. The City of Springfield has over 80 municipal buildings with a program goal to save \$1 million annually.

Mr. Forest opened by stating that the City owns and operates 4.6 million square feet of public school space. Springfield's public buildings date from 1899 to 2001. Springfield's goal is to reduce energy use by 10 percent in 36 months.

The City's strategies are to meet the following goals:

Energy conservation—The City of Springfield bonded about \$15.1 million to invest in energy conservation. An ESCO process was undertaken and 15 new boilers operating at 96 percent efficiency have been installed in six schools. Springfield's utility costs are \$16 million annually. The city locked in five year contracts. An Energy Management System has been added that offers better control of the boilers to maintain average daytime temps with nighttime setbacks. A staff member in each facility is charged with tracking energy use. A key strategy used by the city is to make conservation measures easier and less resource intensive. If program leaders offer training opportunities to their staff, best practices will be implemented successfully. Springfield has used pulse meters, variable frequency drives, efficiency motors, and motor sensors to save energy. Controlling peak hour usage is an important strategy for reducing costs.

Preventative Maintenance—Lack of maintenance creates inefficiencies and costs money. Springfield formed a Preventative Maintenance Team to go through each public building. The Team identified maintenance needs and implements solutions. Raising awareness among custodians and providing cleaning equipment in each building, particularly for cleaning vents and pipes, pays dividends.

Indoor Air Quality—Air quality and reduction of asthma rates are priorities in Springfield. Springfield is partnering with EPA to reduce asthma rates in the City. Mr. Forest is currently tracking asthma rates in six Springfield schools as benchmarks.

Education—Mr. Forest closed by emphasizing that education is required for staff at all levels. The city provides tours of Springfield's buildings for state and federal partners to raise awareness and build support for action. Outreach and training builds skills, capacity and awareness. Proper budgeting puts the necessary resources in place.

Discussion

Ms. Linda Fiffick asked how the City of Springfield added staff to implement these strategies. He responded by saying that staff training was key to raise awareness. He personally tours the facilities with local managers to demonstrate the benefits of regular preventive maintenance. School principals must also be educated to ensure the commitment and accountability at the top. Visualization is also important by showing leaders the clogged vents for example, is essential.

Mr. Jim Gitz asked how data was acquired to establish benchmarks. He replied that a contractor was hired for some public buildings. He personally conducts audits for the schools. The city of Springfield is currently hiring a new staff member to assist with this process. He also works with vendors to provide audits for new equipment purchases. He analyzes energy use per square-foot to identify the most inefficient areas.

Mr. John Mueller asked how he was able to bring partners together to share strategies. He responded that the city is engaging the neighboring towns to share ideas and successful strategies. He closed by restating the importance of obtaining energy data from vendors.

**C. James Armstrong, Selectman
Town of Hanson, Massachusetts**

Regional Administrator Varney introduced Mr. Jim Armstrong. Jim is a local selectman and has also worked in the private sector as an engineer.

Mr. Armstrong opened by sharing that no one looked at energy use in the City of Hanson until recently. The first step was to identify energy use per square foot. There are resources available for communities, like EPA's tools, to benchmark and track energy use. He stated that colleges currently do a great job of training engineers on how to construct buildings, but we do not adequately train engineers to run and manage buildings.

Mr. Armstrong continued that the City of Hanson's energy use hasn't changed much over the years, but energy costs are rising dramatically. Climate change is causing measurable impacts in the area. The Blue Hill Observatory has demonstrated that the 30-year mean temperature is up 3 degrees since 1900. Mean sea level rose 10.44 inches since 1900. The city of Hanson is analyzing current energy use through collection of data in existing buildings. The Town Administrator coordinates among various departments. Utility data is extremely helpful for identifying conservation opportunities. Benchmarks for buildings were established by converting all use metrics to BTU's per square foot. Reviewing utility data helps to identify opportunities, such as eight abandoned buildings in Hanson that were still receiving energy bills until recently. At the beginning of the program, the Town's building managers did not know how much energy their facilities consumed.

Mr. Armstrong then shared Hanson's Energy Remediation Plan. Establishing economic benchmarks for costs and payback periods provides a useful framework. Investing in thermostats and timers has helped drop energy consumption in some buildings by as much as 18 percent. Hanson's total electricity consumption is down by 15 percent. Staff behavior is shifting to implement best practices for greater efficiency. Overall energy consumption in Hanson is down but the Town's budget is up because energy prices have risen steadily.

The city employs the EPA Energy Star systems approach. The town has established "Green Hanson," a volunteer committee of 60 individuals that educates citizens about environmental issues and opportunities. Through outreach, the Town's recycling rate rose by 18 percent during the first year. The Green Hanson Committee is a key asset that facilitates public support for investments in energy efficiency. Mr. Armstrong closed by

stating that gathering data is an intensive but valuable process; extensive outreach is required to generate public support; and building relationships with utilities is important for identifying benchmarks and conservation strategies. Incentive programs are helpful to motivate staff.

Discussion

Mr. Chuck Hafter shared that data on LED lights is excellent and demonstrates their significant benefits. Incentives targeted for local investments in LED bulbs would be a beneficial EPA program. **Mr. Bruce Tobey** stated that presentations by local officials carry more weight than presentations by experts. EPA Region One should provide support for a “*traveling road show*” by local officials to educate and motivate other local officials. **Mr. Jim Gitz** said that EPA should package these tools for outreach and distribution nationwide. Mr. Gitz continued by saying, “*that EPA Region One is doing a good job, but other regions in the country could benefit.*”

VI. Promoting Wind Energy- Onshore and Offshore opportunities

A. Commissioner Peggy Beltrone, Cascade County, Montana, and LGAC Member

Commissioner Peggy Beltrone is currently involved with promoting wind sources of power since 2001, and opened the Wind Energy session by stating the importance of using philanthropic resources to leverage public and private contributions. Foundations provide a great opportunity to create major impacts and deserve the support of local officials. Commissioner Beltrone shared the value of the Siebel Foundation in her County, and the Foundation’s demonstrated success in reducing methamphetamine use in Montana. The Siebel Foundation will soon announce a five-year program providing \$20 million to retrofit homes to eliminate carbon emissions. She continued that wind energy was discussed at the LGAC’s last meeting in Seattle and a request was made for more information.

Commissioner Beltrone then characterized the wind program in Cascade County, Montana. The County is sparsely populated with winds strong enough to blow trains off their tracks. Five hydro-electric dams on the Missouri River make Great Falls known as the Energy City. Montana prioritized wind power during challenging budgeting times. Montana has ten of the poorest counties in the United States. Wind power presents an opportunity for economic development coupled with environmental benefits.

Cascade County developed a wind resource map in 2001 that depicted land ownership and topography. The map is an important tool that saves siting costs for private investors and facilitates development. Cascade County developed a reputation as wind-industry-

friendly. The County coordinated an industrial wind project and the transmission of power to the grid. A power line is currently being developed to link the wind energy producers to the regional grid, with an estimated economic development capacity of \$1 billion in the coming years. Tax revenues are expected to rise, including \$750,000 for one transmission line. Gaelactic, an Irish wind company, is siting their headquarters in Cascade County.

Cascade County has invested in a publicly-owned turbine to “walk-the-walk” and create a demonstration project. The Vanadium Redox Battery Fuel Cell is being researched and refined. A wind technology program is being added to community colleges. More than 150 people showed up to a wind energy workshop during harvest season, and educational outreach is being expanded in Cascade County.

**B. Mark Forest, Chief of Staff
Congressman William Delahunt, 10th
District, Massachusetts**

opened by stating the importance of local experience in addition to federal expertise in siting renewable energy installations. He believes that we are in an exciting time regarding renewable energy. Abundant opportunities exist, including off-shore wind generation. Renewable off-shore wind opportunities surpass off-shore drilling resources. Mr. Forest emphasized the need for a federal strategy to exploit wave, tidal and wind resources. He stated that the federal government has the authority to grant leases on the continental shelf. Federal regulations ensure the protection of ocean reserves and other sensitive resources, and federal leases are being executed to facilitate off-shore wind demonstration projects in suitable locations. Plans are underway to develop final federal turbine standards by the end of 2008.

Mr. Forest shared that Europe is way ahead of us in developing wind power capacity. He also demonstrated this point by showing a map of northern Europe depicting the growing number of off-shore wind projects in the U.K, Germany, Denmark and other countries. These projects offer coastal economic development opportunities. A map depicting nature conservation areas prospective expedited permitting zones in the North Sea. Platform technologies are being developed to make turbines viable in ocean depths of up to 120 feet. European companies are seeking to establish partnerships in America.

Mr. Forest closed by stating that the U.S. needs a clear and efficient siting and permitting process. The state of Massachusetts has initiated an ocean zoning process. A regulatory pathway is needed to provide certainty for private investors and facilitate the development of new projects.

**C. Liz Salerno, Manager, Policy Analyst
American Wind Energy Association**

Ms. Liz Salerno described the American Wind Energy Association (AWEA) as a collaboration among private and public sectors to grow the wind energy sector. She then provided an overview of wind energy in the U.S. and detailed AWEA's *Third Quarter 2008 Marketing Report*. The Report identifies bottle necks, needed policies and pathway to reach a goal of meeting 20 percent of U.S. energy consumption with wind power by 2030. Ms. Salerno said that the wind energy market is becoming mainstream, interest is growing, and production has risen by an average of 29 percent annually over the past five years. Wind represents a bright spot in the economy and generates new jobs.

The U.S. surpassed 20,000 MW of installed capacity in September 2008. Texas surpassed 6,000 MW to lead the nation. Minnesota and Iowa are the next highest producers. Third Quarter 2008 highlights include: West Virginia doubled capacity; Utah added its first multi-turbine project; and Acciona, a turbine manufacturer, located facilities along the South Dakota / North Dakota border.

AWEA's findings detailed in the report include: 300,000 MW of new wind energy is required and annual installation must increase to 16,000 MW to reach 20 percent goal; affordable, accessible wind resources are available across the nation; the cost of integrating wind with existing power sources is modest; the necessary raw materials are available to construct infrastructure and turbine installations; and the transmission of wind energy to the grid remains a challenge.

Ms. Salerno continued that the U.S. wind resource is concentrated in the center of the country, but each state has available resources. At least 8,000 GW is available throughout the U.S. and generating an additional 300,000 MW does not present insurmountable challenges. Growth in actual installations is currently exceeding the rate needed to reach the 20 percent goal.

Ms. Salerno then discussed the costs and benefits of additional wind generation. She said that ramping up wind capacity is capital intensive. Investments of \$2 to \$2.5 trillion will be required to reach the 20 percent goal. Wind can offset increased needs for natural gas, and additional wind generation will mitigate the increasing cost of natural gas. New wind capacity will reduce the need for new coal-fired power plants, helping reduce GHG emissions at a cost savings. Wind provides significant water use savings; the 20 percent goal would yield savings of 4 trillion gallons of water through 2030, or 17 percent of current consumption. Job opportunities include manufacturing, installation and maintenance. The United States has tremendous industrial infrastructure in place and is well-positioned to be a leading manufacturer of turbines.

Ms. Salerno said that barriers to reaching the 20 percent goal include a current lack of transmission infrastructure, which will be needed regardless whether for wind or other energy sources. Larger electric load balancing areas must be developed. Efforts to reduce wind energy costs and improve performance must be continued.

Siting issues remain an important consideration but new strategies are being developed. Federal policies needed to reach the 20 percent goal include new incentives and a predictable siting process in the near-term; ongoing research, policy development and national standards in the mid-term, and sustained investments and research in the long-term.

Discussion

Ms. Paula Hopkins asked about the reliability of transmission lines, particularly in view of the Texas failure, and the adverse impacts on commercial fishing and other resource users. Ms. Salerno responded that in the Texas case, peak use was higher than planned for, adverse weather and other factors contributed to a “perfect storm” that limited transmission capacity. This demonstrates the need for demand-side management. Consumers can now create an agreement to limit demand. This also highlights the need for wind forecasting, and the need to manage demand to manage the electricity load. Utilities need to plan for these factors as they integrate wind with other sources. Mr. Forest acknowledged that there are challenges with commercial fisherman related to off-shore wind. Siting issues demonstrate the need to integrate planning and siting to protect critical fish habitat. The role of government is to use existing expertise to pre-permit sites in areas that won’t impact other resource users. Expedited permitting areas will reduce barriers and create certainties for developers.

Mr. Jimmy Kemp asked why the Southeast U.S. doesn’t see more wind development. Ms. Salerno responded that the southeast has one of the smallest wind resources nationwide. Wind development costs a little more in the southeast, but the added cost differential is minimized by rising costs for other sources of energy. Mr. Forest said that state and federal governments need to help underwrite projects to facilitate development.

Mr. Chuck Hafter asked about the impacts of off-shore wind to the state of Massachusetts whale-watching tourism economy. Mr. Forest reiterated that siting considerations should include areas needed by whales. Agencies currently have this information. Data and expertise must be consolidated and used to identify expedited permitting zones.

Mr. Joe Palazzo stated that America is behind in desalination projects, and asked how wind installations can coincide with desalination. Ms. Salerno and Mr. Forest responded that wind can be married with other appropriate technologies with advance planning.

The LGAC was recessed for lunch at 1:15 pm.

VII. Subcommittee Meeting on Small Communities -1:15 p.m-3:00 p.m.

Mr. Ken Fallows called Subcommittee on Small Communities (SCAS) meeting to order on behalf of the Chair Steve Jenkins who could not attend.

Mr. Fallows provided background on SCAS. He said that the subcommittee represents, "the low-hanging fruit, where the rubber meets the road and that's the name of the game." Ms. Anna Raymond and Chair Steve Jenkins joined by telephone.

**A. Tom Kennedy, Director of Planning,
Southern Windsor County
Regional Planning Commission—Vermont**

Mr. Peter Gregory and **Mr. Tom Kennedy** shared the experience of restoring and redeveloping brownfields in small Vermont towns. Mr. Kennedy provided an overview of Vermont's regional planning framework. The Vermont region is relatively small with low population and limited funding. Regional planning staff is very limited and serve numerous small towns. Funding comes from dues-paying towns and federal and state grants. Vermont's regional commissions fill the gap between federal requirements and the services that local communities are able to provide. Regional commissions support land use, stormwater management, zoning, economic development, and transportation planning. The Vermont State legislature recently codified the role of regional planning commissions similar to federally-funded municipal planning organizations.

**B. Peter G. Gregory, Executive Director
Two Rivers-Ottawquechee Regional
Commission**

Mr. Gregory then detailed the challenges for small town governments in Vermont. The rising energy costs and sprawling land use continues to challenge communities. Vermont's transportation, water and sewer infrastructure is aging and will require investments. Landfills are becoming an issue because local communities are running out of solid waste capacity. Skiing-related tourism and the rising number of second-home development has made affordable housing an issue.

Ms. Paula Hopkins asked if there is an increase in small communities charging rates for budgeting purposes. Tom responded that sewage rates are charged to cover operating costs, but do not adequately raise funds for maintenance and improvements. Mr. Gregory added that town governments have not adequately capitalized. Mr. Chuck Hafter of South Burlington stated that Vermonters are frugal and do not believe in sinking funds. The rise of "two Vermonts" with different economic engines—one rural and natural-resourced-based and the other rapidly developing with second homes—presents public policy challenges.

Mr. Jerry Griffin asked if all Vermont lands are incorporated in towns. Tom and Peter confirm that they are.

[Mr. Alan Peterson, Mr. Steve Chase and Ms. Carol Tucker of EPA's brownfield program joined the group.]

Brownfields funding in Vermont includes EPA grants awarded in 2001 and 2005 for hazardous waste. EPA petroleum site assessment grants were also awarded in 2004 and 2007. The regional planning commissions have established a sub-committee to re-grant federal funds to non-profit organizations or municipalities. The two regional planning commissions' currently have approximately \$500,000 of revolving loan funds available.

Most large industrial sites in Vermont are located in downtown districts and local governments seek to restore their economic uses. Grantwriting and administration is an important aspect provided by regional planning commissions. Projects also involve private landowners, agency staff, municipal staff, nonprofit organizations, and local and regional development corporations. Effective coordination among the various players is essential. Historic preservation is a high priority in Vermont, which creates opportunities and complications. Outreach to property owners and residents that builds understanding and support is very important.

Mr. Jerry Griffin said that often the cost of brownfield remediation exceeds the value of the restored property. Mr. Griffin asked whether the regional planning commissions seek to recover the full cost of brownfield loans. Mr. Kennedy responded that loans are made to the property owner and that his staff seeks to recover the full costs.

A few examples of brownfield redevelopment in Vermont: The Old Fellows Gear Shaper building contains 120,000 square feet of PCB contaminated flooring. There is currently a DC developer willing to invest \$17 million in the building. The building is a historic structure and cannot be demolished. The local hospital is expected to lease 30,000 square feet and the restored building is expected to be profitable.

J & L Plant #1 is another property contaminated with asbestos and requires a \$3-4 million dollar clean-up. A public/private partnership will be needed to generate those costs.

EPA Brownfields program is an essential component to successful revitalization. Small towns could not begin to undertake the challenging projects without federal support.

Discussion

Ms. Paula Hopkins asked whether the regional planning commissions were involved in a lawsuit against Goodyear. He responded that the planning commission provided testimony against Goodyear. The goal was to provide a thorough assessment. The process is ongoing after six years.

Mr. Jimmy Kemp asked if non-profits that work on watershed issues play a role in Vermont. Peter said that regional planning commissions are enabled to undertake watershed planning but have not received the resources to do a good job. Watershed planning meshes with land use planning. Non-profits sometimes advocate during the planning process. **Mr. Chuck Hafter** related that South Burlington has undertaken watershed planning but the Conservation Law Foundation sues. As a result, South Burlington is on the fourth iteration of their watershed plan.

Mr. Fallows then shifted the conversation to the SCAS transition paper. **Mr. Ivan Fende** made a motion to adopt the paper. **Mr. Joe Palacios** seconded the motion. **Commissioner Penny Gross** suggested that support for Brownfields program be articulated in the transition paper. In response, **Mr. Hafter** pointed out that the document is not specific to programs and that to specifically referencing the brownfields program would be inconsistent with the current format. **Mr. Jimmy Kemp** congratulated the working group on the quality of the paper. The motion to adopt the transition paper passed unanimously.

Mr. Fallows then moved the discussion to the Small Communities Report. The group praised Javier Araujo and Kendra Tyler, EPA staff, on their fine work. **Mr. Jim Gitz** motioned to accept the report. **Mr. Palacios** seconded the motion. The motion passed unanimously.

C. Adjournment of Subcommittee Meeting

The meeting adjourned at 2:50.

Local Government Advisory Committee Meeting Friday, November 7, 2008

VIII. LGAC / Sustainable Infrastructure Forum

Moderator: Ira Leighton, Deputy Regional Administrator, EPA
New England

Ms. Paula Hopkins opened the meeting welcoming EPA staff and LGAC members. She expressed the importance and value of the dialogue between local government officials and EPA staff. She stated that the objective of the Dialogue is to share local government experiences with EPA staff on the issues and challenges that local officials face, particularly regarding drinking and wastewater infrastructure.

Mr. Ira Leighton, Deputy Region One Administrator, described the historical context of stormwater management through the 70's and 80's. Mr. Leighton said that EPA has transitioned from narrow objectives to a broader focus that allows economic development considerations. Best practices and incentives for sustainable infrastructure have become a primary goal. Mr. Leighton recognized the work of LGAC Chair Roy Prescott and Ms.

Paula Hopkins and celebrated the quality and value of the water management DVD. He also recognized the value of the New England Environmental Finance Center and described the value that the Finance Center offers in the region's transition to cleaner energy, developing models and case studies. Mr. Leighton closed by describing the contributions of the LGAC in shaping EPA policies at an exciting time of important policy challenges. He then introduced Mr. Jim Hanlon.

A. Jim Hanlon, Director, EPA's Office of Wastewater Management

Mr. Hanlon began by describing the value of the sustainable water infrastructure recommendations made by LGAC to the Agency. Water infrastructure has also become one of EPA Region One's priorities, which is a change from previous years. Opportunities exist to mitigate climate change through best management practices and investments in efficiency and conservation. How the new administration will address sustainable water infrastructure will be important. Mr. Hanlon encouraged the LGAC to remain conscious of this issue moving forward. Mr. Hanlon recognized the importance of the American Waterworks Association, American Public Works, and other professional associations. Mr. Hanlon stated that it will be important for the LGAC to identify the best practices for managing local infrastructure, and effective strategies for distributing resources to key decision-makers. Mr. Hanlon closed by sharing that EPA is exploring the addition of a consultant to assist with outreach efforts to local governments. Mr. Hanlon then introduced Mr. Craig Hooks.

B. Craig Hooks, Director, EPA's Office of Wetlands, Oceans, and Watersheds (OWOW)

Mr. Hooks reported that EPA has an awards programs to recognize successful local initiatives. EPA feels that this program has become dated and needs revamping. Mr. Hooks stated that a new systematic approach is needed, and identified Spring 2009 as a good time to discuss revamping the awards program. EPA currently has 300 water program partners. Recent research finds that 30 states will face water shortages in the coming years, and the Brookings Institution suggests that the majority of needed housing has not been built yet. Mr. Hooks said that HR 7110 provides an opportunity to advance the dialogue. He then introduced Cynthia Dougherty.

C. Cynthia Dougherty, Director, EPA's Office of Groundwater and Drinking Water (OGWDW)

Ms. Dougherty stated that EPA has worked closely with local communities on drinking water systems. There are a number of challenges, including growing populations in underserved areas, rising costs, and limited sources of quality water. Ms. Dougherty said that EPA seeks to assist local communities to practice integrated management of water sources and infrastructure. There are 150,000 local systems nationwide, and 80 percent of community systems serve fewer than 500 people. Effective management of these

systems by local officials is essential. Ms. Dougherty shared that EPA developed a tool to train local managers, and rate setting and ongoing maintenance are key considerations. Ms. Dougherty stated that asset management, particularly preventative maintenance like fixing leaky pipes, yields cost and environmental benefits. The average system loses 10 percent of water used through leakages. EPA is seeking a strategy for local officials to address this issue, and LGAC feedback will be valuable to aid in this effort. Ms. Dougherty stated that operators of local systems are also an important asset. EPA has initiated a dialogue with AWWA and local governments to train and retrain local managers, particularly in small communities. EPA has hosted workshops to address this issue in collaboration with private and public partners. EPA is seeking to identify community college and high school curriculums to meet the needs for trained professionals.

Ms. Dougherty stated that the protection of high quality source water is a growing priority. Stormwater management to minimize infiltration in public systems is growing in importance. Future Farmers of America (FFA) has become a partner to educate young farmers related to stormwater best practices. AWWA's "state of the industry" report recognizes the importance of water availability. Climate change must be addressed proactively, particularly through aquifer protection, desalination, recycling and reuse of stormwater. Ms. Dougherty said that EPA is particularly interested in opportunities to engage local officials.

D. Ms. Christine Olsenius, Executive Director, Southeast Watershed Forum

Ms. Olsenius described the Southeast Watershed Forum's (SWF) growing role in the Southeastern United States. Her organization facilitates collaboration between local officials, state, and federal agencies. The organization hosted an event that attracted more than 200 participants from the nine state region. The biggest challenge to water quality was identified in 1999 as sprawling development. The SWF has tailored their educational strategy to address this issue. Ms. Christine identified the unique challenges faced by small local governments. Increased communication between the public, private and non-profit sector is needed to create comprehensive regional planning and effective zoning and land use regulation. Utilities are faced with growing challenges to protect important watersheds. Land use is a primary consideration, and local governments need technical support. EPA's Water Sense program represents the first stage of a new era, integrating land use with stormwater management. Strategies to contain stormwater on-site, such as capturing and reusing rain water, are gaining support. Zero discharge of stormwater is becoming the new management goal.

Mr. Craig Hooks echoed Christine's comments on integrating land use and surface water protection. The opportunity for low-impact development comes with costs for construction and maintenance. Best practices and LID can offset regulatory requirements and minimize local fees.

IX. LGAC Discussion of Sustainable Water Infrastructure

Mr. Joe Palacioz said that small communities face the challenge of accountability when fixing leaking systems. For example public displays (i.e. Christmas decorations) consume much energy, and small towns do not keep track of consumption. How can EPA help change this behavior? What opportunities exist?

Mr. Dougherty responded that small communities have no benchmarks to measure their performance. LGAC needs to assist EPA in developing a strategy for effective outreach.

Mr. Bruce Tobey said that asset management and full-cost accounting are great strategies, but are tough for local communities to establish and enact. Mr. Tobey recognized EPA staff for their focus on these strategies. Mr. Jim Horn said that asset management techniques have been moving towards full-cost accounting. Pennsylvania's state public broadcasting has been an important partner for outreach. Mr. Horn asked what connections and partners the LGAC can offer. How can we fund these strategies?

Mr. Tobey responded that at recent town meeting, the LGAC's water DVD was run to get the message out.

Ms. Barbara Sheen Todd asked how the proposed stimulus package will be implemented? Ms. Todd said that grants and loans are essential for moving forward, along with incentives. *Existing programs should be reviewed to establish models.* Balance of distribution is essential. Policy board, Management board, scientists and public input—e.g. EPA's Estuary program model—has demonstrated success.

Mr. Craig Hooks described EPA's Estuary program that integrates partners and community stakeholders in watershed management. This success should be modeled. Mr. Hooks said that replication nationwide is the challenge, and best practices are being compiled for distribution. Comprehensive, holistic approaches are necessary at the watershed scale.

Mr. Jim Hanlon said that the objective of the stimulus package is to implement projects. Permitting processes remain a barrier. The State Revolving Fund has been a successful vehicle with one or two percent loans. A similar grant program is needed to provide resources to local communities. The lack of funding slows implementation, and incentives are lacking for local governments. The National Academy of Sciences (NAS) has compiled a report with 500 recommendations. Copies of the report will be distributed to LGAC members. The NAS report states that watershed planning is best when one municipality among regional stakeholders takes the lead in inventorying pollution sources, identifying strategies and allocating funding.

Mr. Ira Leighton said that an important goal for the LGAC is to identify rallying points for local governments to improve EPA programs. Finding common ground among representatives and framing actionable policies will shape Agency investments.

Mr. Ken Fallows reiterated the challenges of small local governments, with part-time and volunteer staff. Small governments are forced to rely on consultants. Mr. Fallows shared the example of using sewage fees to fund local government. Long-term planning should be rewarded and incentivized. Barriers exist to sink funding in local communities. A steep learning curve challenges the effectiveness of volunteer and part-time staff. Mr. Fallows' hometown of Haskins established a stormwater utility, which was the first in the country. Technical details are tough for local officials to grasp and adequately address. Legal compliance, engineering, permitting, and funding are challenges. The regional Council of Governments assisted the local community, but funding has dwindled for regional strategies. *Incentives must be developed, linking funding to advance planning.*

Mr. Jimmy Kemp stated that strategic outreach, using EPA Region One as a model, should be emulated on a state-by-state basis. A stimulus strategy will be important in the short-term, but outreach is essential over the long-term. The disconnect between EPA, state agencies and other players needs to be addressed through coordination.

Commissioner Kathleen Jimino related that rate increases are necessary at the local level to avoid failure, but fees are politically unpalatable. EPA needs to recognize local officials who do the right thing. *Rating communities based on performance benchmarks will provide political cover to local officials who take correct but unpopular positions.* Low interest-rate loans would also help.

Ms. Laura Fiffick said that the lack of communication between local government departments is an ongoing problem. EPA should develop policies to encourage local governments to develop comprehensive approaches. Resources for regional dialogues need to be developed. *Model ordinances, policies and similar tools (e.g. Low Impact Development) need to be developed and made accessible.*

Mr. Ira Leighton responded that in the 1970's, EPA revenue streams were developed to translate and distribute successful frontline experiences to local officials. Mr. Leighton asked how such tools and models might be developed.

Ms. Fiffick responded that the "Sustainable Skylines" program might provide a model for peer-to-peer exchange. Mr. Hanlon said that the "*Effective Utility Management*" report is a comprehensive tool, developed by experienced professionals. The report offers a planning framework and strategies.

Mr. Andy Crossland (EPA) said that a new EPA workgroup on Sustainable Infrastructure has been formed to address strategies for effective asset-management. A report is being compiled and will be shared upon completion. Electricity billing often is managed separately from infrastructure management. Integrating these two tasks will help link those decisions at the local level. How should billing be employed to provide incentives for conservation and best practices? What incentives or disincentives stem

from grants? What strings/ requirements should be linked to grants to foster best practices at the local level? Mr. Crossland said that these are the questions to be addressed in the report.

Mr. Jim Gitz said that the transition to the new administration is currently one of the LGAC's top priorities. The stimulus package, "green" issues, and climate change are key considerations during the transition. Mr. Gitz would like the EPA to develop incentives for local governments, particularly for programs linked to climate change metrics and mediation. *Doubling funding for the Safe Water Drinking Fund and other low-interest loans should be explored.* Red tape hinders quick and timely management and regulatory barriers stifle effectiveness; more efficient administration by state governments is required. A green agenda is needed for the next ten years, to infuse existing programs with new dollars and increase effectiveness.

Dr. Sam Merrill encouraged harnessing the power of the marketplace. Dr. Merrill said that there is currently a disconnect between local officials and private developers. *The EPA and LGAC should seek strategies that demonstrate the value of Low Impact Development approaches to developers.* The private sector transforms our landscapes, and information should be distributed to engage developers as partners. Rather than creating new products, distribution of existing strategies needs to be enhanced, including with the use private sector marketing approaches.

Commissioner Peggy Beltrone highlighted the gaps between federal programs and state implementation. Federal tools are not effectively administered by the states but local officials bear the blame. A helping hand must be extended to local officials.

Mr. John Bernal said that drinking water quantity is a challenge. *EPA needs to assist local communities on new strategies such as recycling high quality waste water for potable water supply.* **Mr. Mike Linder** responded that the National Pollutant Discharge Elimination System program is stressed and resources are dwindling. As new ideas and strategies are identified, they should be integrated with existing programs administered by state governments.

Mr. Ivan Fende emphasized that small local governments depend on grants. *Rather than requiring local governments to pay back loans, Mr. Fende suggested that EPA should offer communities the option of devoting funds to a sink funding for maintenance.* Mr. Fende asserted that leveraging funds from a variety of government levels is important.

Mr. Jim Horn (EPA) said that that Environmental Finance Centers have compiled funding tools. **Mr. Jerry Griffin** said that one difficulty for county governments is the disconnect between water professionals and elected officials. Challenging economic and employment conditions exist, and investing in infrastructure can bolster the economy. Strategies should be employed that use the market and use incentives to enable profits for sound environmental practices. Mr. Griffin referenced the White House Conference on

Cooperative Conservation in St. Louis and said that many good ideas were shared. Better implementation is required. Water should be a top priority, and local governments need more assistance in facing the challenge.

Ms. Paula Hopkins said that the LGAC Water DVD is a model tool. The average adult has an attention span of 15 minutes, and visual presentations should supplement written reports. Finance considerations are paramount. The General Accounting Office is an important stakeholder group that should be engaged, particularly comptrollers, accountants, and other money managers. Ms. Hopkins continued that there must be a happy medium between grants and loans, and matching requirements should be increased along with incentives for sink funding. Public Access Programming provides opportunities to disseminate information, such as playing the LGAC Water DVD. *Ms. Hopkins closed by saying that the States should develop their own LGAC group separate from the federal group.*

Mr. Bruce Tobey emphasized the need for expanded outreach to elected officials, particularly the newly elected. EPA's message must be reiterated over and over. The case must be made repeatedly, because elected officials must make tough decisions and taxing constituents is not done without a clear need.

Mr. Ira Leighton said that the LGAC should package its tools and resources, and that very specific recommendations will enhance the committee's effectiveness during the transition to the new administration. Mr. Leighton emphasized that the LGAC should be specific. EPA staff is held accountable for the Agency's charge, and recommendations must be integrated within that charge, with the linkages clearly articulated. The first generation of civil engineers is retiring, and there is a gap approaching in the number of skilled professionals. Green collar jobs create an opportunity, and certification programs should be incorporated in community college curriculums.

The LGAC recessed 10 am.

X. NPDES Permit Rule Fee

Chair Roy Prescott called the meeting to order at 10:17. Roy introduced Mr. Jim Hanlon, Director of EPA's Office of Wastewater Management. Mr. Hanlon stated that NPDES fee regulation is not popular and has received almost unanimously negative public feedback. EPA is seeking an incentive program to bolster state implementation. EPA engaged states early in process through the Environmental Council of the States and other committees. Currently, 41 states have a fee structure in place. The question is at what levels fees should be assessed. Under the Clean Water Act 106 Program, the CWA component that distributes resources to states, approximately \$5 million is distributed to states as incentives. States that provide matching funds are advantaged in distribution of these funds. Base funding to states will not be decreased below 2008 levels. If a state regains 75 percent of federal investment, they are advantaged. CWA programs are currently funded at 2008 levels, but the new budget will come out in March. A

continuing resolution maintaining current funding is one possible approach that Congress could adopt. *Implementation of incentives will require rule-making and action by Congress.*

Discussion:

Mr. Bruce Tobey asked how the LGAC can support implementation. Mr. Hanlon said that LGAC members should communicate their goals to local lawmakers. It remains unclear whether there will be a 2009 appropriation. Mr. Tobey said that the LGAC is developing transition papers to capture the Committee's priorities and recommendations.

Commissioner Kathleen Jimino stated that existing relationships between local communities and state agencies should be taken into account. Local governments are already contributing local funds to state programs. *Local officials will not benefit from additional federal mandates that divert local funds to new requirements.*

Mr. Mike Linder said that state agencies that partner on wastewater issues have recommended that the rule being discussed should be rescinded.

Mr. Hanlon said that the current appropriation for the CWA 106 Program is \$128 million distributed among state and tribal governments. CWA mandates are ceded to states with EPA review and approval. Currently, 46 states are authorized to administer CWA permits, but there is a disconnect between permitting and grantmaking. The National Association of Public Administrator's Report (NAPA Report) issued in December 2002 demonstrated that state governments were underfunded to implement CWA requirements. Mr. Hanlon continued that a case-by-case, location-by-location approach requires resources and professionals for effective implementation. Additional resources are needed. Recent legislation by Representative Oberstar seeks to address this gap. *More transparency is required for EPA decision-making and distribution of resources.*

IX. Pharmaceutical Issue

**A. Mr. Andy Fisk, Bureau Director of Water Quality
Maine Department of Environmental Protection**

Mr. Jim Gitz introduced **Mr. Andy Fisk, Bureau Director of Water Quality, Maine Department of Environmental Protection**. Mr. Fisk expressed appreciation for the support of EPA Region One staff in Maine. The State of Maine has monitored water quality related to pharmaceutical issues for ten years. Concerns exist and monitoring is undertaken to track the impact of pharmaceuticals on the natural environment. DEET and ibuprofen have been detected in Maine waters. Septic systems are an issue, and appropriate siting policies have been developed.

The effluent from wastewater treatment plants is monitored, and estrogenic compounds from birth control pills have been detected. The impacts are considered minor. Tricolan, Bisphenol A, and Nonphenol have been detected in effluent. The state of Maine has adopted an aggregate compound approach to determine if cumulative compounds are impacting wildlife species and populations. Three rivers have been studied, and results demonstrate that cumulative effects are minimal.

Nutrient enrichment currently is a larger issue than pharmaceuticals. In 2003, Maine became the first state to enact responsibility mandates for pharmaceutical producers. The State of Maine collected 500 gallons of controlled substances, requiring many resources for law enforcement. A case study in British Columbia, where law enforcement seized controlled substances and then flushed them down the toilet, demonstrates the need for greater awareness and a paradigm shift for regulators. Maine's approach is to help minimize the number and quantity of prescriptions, to diminish water quality impacts.

**B. Ms. Jennifer Nash, Director of Policy and Programs,
Product Stewardship Institute**

Chair Prescott introduced **Ms. Jennifer Nash, Director of Policy and Programs, Product Stewardship Institute, Inc.** Ms. Nash is a member of EPA National Advisory Council for Environmental Policy and Technology.

Ms. Nash began by stating that product stewardship is the guiding principle, directing all producers involved in the life cycle of pharmaceuticals to assume shared responsibility for managing impact.

The Product Stewardship Institute (PSI) has multiple partners, including 45 states, 60 local agencies from varying regions of the country, non-profit organizations such as Natural Resource Defense Council, industry, and other collaborators. Current projects address a variety of products in addition to pharmaceuticals. The Institute was created to offer a unified voice, identify strategies for fiscal relief, and to initiate a dialogue among producers and regulators. The dialogue is national in scope and includes a facilitated process with in-person meetings and remote workgroup calls. The process offers an opportunity to build relationships and understanding between sectors and stakeholders, and foster consensus on future strategies.

PSI's first meeting was in June 2008 in Sacramento and four sub/work groups were formed: Research, Regulation, Collection and Disposal, and Source Reduction. The goal of the dialogue is to reduce the amount of pharmaceuticals that become waste, and to develop and implement a nationally coordinated system for the safe, practical, legal, and environmentally protective management of waste pharmaceuticals.

From 1993 to 2003, the number of prescriptions purchased in the U.S. increased by 70 percent. A 2002 US Geological Society study demonstrates that local waterways are being impacted. A disproportionate and inefficient quantity of prescribed

pharmaceuticals end up as waste. The PSI stakeholders participate with different levels of expertise and at different points of engagement. Goals include fewer drugs and better wastewater treatment, among others. Next steps will include improving federal regulation, seeking funding to advance the dialogue and to develop a website whose purpose is to boost public awareness.

Discussion

Mr. Jerry Griffin asked how the issues discussed intersect with the over-prescription of drugs, and how better monitoring can take place. Mr. Andy Fisk stated that better tracking of prescriptions at the point of sale will provide data and help track drug returns.

Mr. Jimmy Kemp described an incident when a 100-year storm blew out the local landfill in Meridian, Mississippi and distributed waste, including hypodermic needles, across town. The clean-up cost was \$3 million. Mr. Kemp commended PSI for addressing this challenge.

Commissioner Penny Gross said that Washington, DC area officials have described the issue as a “fish problem, not a people problem.” Mr. Fisk confirmed that pharmaceuticals are principally a wildlife issue that does not impact human health. Ms. Nash said that this dialogue creates an opportunity to build a broad partnership that addresses both human and wildlife issues.

Commissioner Penny Gross asked if pharmaceuticals from contaminated source waters have been found in tap water. Mr. Fisk said that no adverse impacts have been identified in Maine, but data is minimal. *Ms. Gross suggested that a potential recommendation to EPA is that local communities should seek front-end treatment of source waters to clean drugs from tap water.*

Mr. Ivan Fende asked if research to date has addressed septic systems. Mr. Fisk said that minimal research has been conducted, and the State of Maine has adopted strategies that require the siting of septic systems at adequate distances from wells for drinking water protection.

Mr. Jim Gitz asked how the LGAC should address this issue in recommendations to EPA. Ms. Nash emphasized that we are currently at the front end of growing problem. Employing a product stewardship approach at this early stage is an appropriate strategy to prevent the problem from advancing. Drugs that break down faster, for example, will yield benefits for society and minimize large regulatory and treatment investments in the future. Mr. Fisk agreed that product stewardship is an appropriate strategy. Mr. Jim Gitz then asked what role EPA should play in a rulemaking process to address product stewardship. Ms. Nash commends LGAC for bringing this issue to the attention of Administrator Johnson. This issue must be balanced with many others, and the LGAC's concern is important. Mr. Fisk said that EPA should address road blocks in the process. The committee broke at 11:10.

XII. LGAC Committee Business Meeting and Report Out's

Chairman Roy Prescott reconvened the committee at 11:30.

Commssioner Peggy Beltrone described her experience with EPA's response to contaminated sites. She described how EPA does not collaboratively engage local communities prior to testing, only afterwards in a regulatory fashion. **Commissioner Beltrone** recommended that EPA engage local leaders early and often, and seek productive partnerships. **Ms. Catherine Libertz** of EPA Region Three responded that every EPA region and state office is run differently. Ms. Libertz continued that her staff is trained to proactively inform local officials and appropriate state agencies. There is often mixed communication and goals, and uncertainty about which agency should take the lead. The process for when and how information is shared is often complicated.

Chair Roy Prescott stated that communities need to know in advance that EPA staff is coming to town, and for what specific reason. **Mr. Jerry Griffin** added that the challenge of communication is not at the Regional Office level, but with EPA field staff. Ms. Catherine Libertz reiterated that the training of staff in Region Three prioritizes communication.

Mr. Ivan Fende suggested that the LGAC should assist the EPA in writing policies related to communication with local officials. The local officials who are directly impacted could be very helpful in directing EPA policies that ensure the agency has the information it needs and that local government is treated fairly. Chair Roy Prescott said that Randy Kelley has "on-the-ground experience" and is well positioned to communicate these concerns to EPA leadership.

A. LGAC Steering Workgroup

1. Transition Issue Transmittal

Mr. Jerry Griffin then shifted the conversation to the *Transition Issue Transmittal*. Mr. Griffin suggested that the LGAC should write a letter compiling these concerns during the transition to the new administration. **Mr. Griffin** motioned to draft such a letter to include with the LGAC's transition papers. **Mr. Ivan Fende** seconded the motion to draft the letter. The motion carried unanimously.

Mr. John Duffy stated that the LGAC should not rate EPA's performance on communication. **Commissioner Penny Gross** said that collaboration rather than punitive approaches should take precedence in EPA policies. She suggested that rather than rating the agency, the LGAC should advocate for collaborative approaches. **Mr. Jimmy Kemp** said that many EPA staff and program leaders are not aware of the LGAC, and that one goal of the letter should be to raise awareness of the LGAC and its role. Paula Hopkins

said that EPA is often the “heavy,” the regulator, and local officials should be respectful and support EPA staff in doing their jobs.

Mr. Mike Linder said that he hopes to establish a “local government forum” at the ECOS’ next meeting in March. The challenge is to create an agenda that is valuable. **Mr. Linder** has invited states to submit presentation topics. **Chair Roy Prescott** asked if the LGAC should support a forum at the upcoming ECOS meeting. **Mr. Jimmy Kemp** motioned to establish the meeting. **Ms. Paula Hopkins** seconded the motion. *The motion passed unanimously.* **Commissioner Gross** requested that dates of the meeting be distributed as soon as possible for scheduling purposes. **Ms. Frances Eargle** said that the proposed meeting is contingent on available funding after the transition to the new administration.

B. Resolution to the Administrator

Mr. Jim Gitz then discussed the *Resolution to the Administrator*. **Mr. Gitz** said that much of the work described in the resolution is linked to the proposed stimulus package, and specificity is needed for recommendations. **Mr. Jim Hanlon** continued that consensus on recommendations will increase the likelihood of their adoption. He then asked whether ECOS has established specific recommendation for the stimulus package. **Mr. Mike Linder** confirmed that ECOS has established recommendations, and that the recommendations can be distributed to the LGAC.

Mr. Jim Gitz stated that the resolution emphasized the importance of collaboration and congratulated Administrator Johnson on his proactive approach. **Mike Linder** motioned to approve the resolution. **John Bernal** seconded the motion, which was then approved unanimously.

C. Subcommittee on Small Communities (SCAS)

Chair Roy Prescott then moved to committee reporting. **Mr. Ken Fallows** of the Subcommittee on Small Communities recognized the work of Javier Araujo on the small communities report. **Mr. Mike Linder** motioned to approve the report. **Mr. Joe Palacios** seconded the motion. The LGAC approved the motion unanimously.

Mr. Ken Fallows then made a second motion to approve the SCAS transition paper. **Mr. Mike Linder** seconded the motion. **Mr. Jerry Griffin** then motioned to review the SCAS paper. **Commissioner Kathy Jimino** seconded **Mr. Griffin’s** motion. **Mr. John Bernal** suggested that the paper should recognize the distinction between drinking water and wastewater issues.

D. Green Buildings Work Group

Commissioner Peggy Beltrone opened the discussion about the Green Buildings Work Group by describing their transition paper as unanimously approved by the Green

Building Committee. The Green Building Work Group submitted its policy to the committee, including the addition of brownfield considerations. Mr. Jerry Griffin's earlier letter spoke to the concerns of local governments. **Mr. Jim Gitz** motioned to approve the paper. **Mr. Mike Linder** seconded the motion, which the LGAC approved unanimously.

Clean Renewable Domestic Electricity Production

Commissioner Peggy Beltrone read the new item outlining a proposed LGAC position paper supporting EPA involvement in siting of new infrastructure for renewable energy. **Mr. Joe Palacios** motioned to accept the language. **Commissioner Beltrone** seconded the motion.

Mr. Jerry Griffin asked if the letter would endorse EPA involvement in local siting issues. Mr. Griffin stated that land use authority is currently granted to local governments, and that federal oversight could be politically unpalatable for local officials. **Commissioner Beltrone** responded that federal agencies can provide expertise and resources needed to facilitate new development. **Mr. Jimmy Kemp** asked if EPA has statutory authority to be involved in site permits

Mr. Jerry Griffin said that the EPA role should be facilitation and coordination, not permitting. The resolution's language should be vague and simply ensure that agencies act within their authority. **Mr. Bruce Tobey** stated that the concept of federalism should be included in the language. Zoning is traditionally a local power, and that should be respected in the language. **Commissioner Beltrone** offered that she is supportive of word-smithing the language to meet the LGAC's concerns about local land use controls. **Mr. Joe Palacios** added that the LGAC should not seek to create new authority for EPA, but to ensure that the Agency fulfills existing mandates.

Mr. Jim Gitz stated his agreement that federalism must be respected, and motioned to defer on the item until specific language can be reviewed. **Ms. Paula Hertweg Hopkins** seconded the motion to defer. **Mr. Jimmy Kemp** motioned to agree on the item in principle, but allow the specifics to be determined. **Mr. Joe Palacios** seconded Mr. Kemp's motion. **Mr. John Duffy** reminded the LGAC that deferment means that the recommendation won't be included when the committee's transition papers are submitted to the new administration.

Commissioner Beltrone reiterated that she wants a clearly stated impetus for federal action and support for renewable power generation. **Mr. Jerry Griffin** motioned to strike language beginning on the resolution's third line, beginning with "to ensure location, transmission" and ending with "distributed" on the fourth line. **Ms. Paula Hertweg Hopkins** seconded the motion. **Commissioner Peggy Beltrone** emphasized that the language needs to include "renewable."

Chair Roy Prescott clarified that the motion being discussed was offered by **Mr. Jimmy Kemp** and is to accept language in principle. The amended motion was defeated. **Mr. Jerry Griffin** then motioned to accept the language with his suggested edits. **Mr. Ken Fallows** recommended allowing time for word-smithing prior to LGAC endorsement. The suggestion to defer carried the room, and the discussion transitioned to the Watersheds and Coastlines committee.

E. Watersheds and Coastlines (WAC)

Mr. Jimmy Kemp reported on behalf of the Committee. **Commissioner Peggy Beltrone** motioned to approve the WAC transition paper. Commissioner Kathy Jimino seconded the motion. **Mr. Bruce Tobey** raised concerns that the LGAC members are being asked to vote on language that they are seeing for the first time. **Mr. John Duffy** stated that the documents were distributed earlier. **Mr. Kemp** clarified that the only change in the paper is a small edit in the background section. The motion then passed unanimously.

Mr. Jimmy Kemp then moved the discussion to *Non-point Source Pollution Reduction*. **Mr. Jim Gitz** motioned to accept the paper. **Mr. John Duffy** seconded the motion. The motion passed unanimously.

Mr. Jimmy Kemp then stated that the River Rally folks would like to partner with the Southeast Watershed Coalition. Ms. Eargle said that EPA has worked with local collaborative efforts in riverfront revitalization.

Mr. Jimmy Kemp motioned to allow a member of this committee to represent LGAC at the River Rally. **Mr. John Duffy** seconded the motion. **Mr. Mike Linder** asked to clarify whether the motion request is for funding to attend the rally. **Mr. Ivan Fende** shared his reservations whether one LGAC member should be allowed to officially represent the LGAC at the rally. **Ms. Frances Eargle** clarified that Mr. Kemp cannot make commitments on behalf of LGAC, but would simply represent the committee. The motion then passed unanimously.

F. Solid Waste and Reclamation Group

Mr. Jim Gitz opened the discussion of the Solid Waste and Reclamation Group's products by summarizing a letter urging the next administration to adopt the stewardship approach to pharmaceuticals as national policy framework. Mr. Gitz recommended that the LGAC approve the proposed language in principle, while allowing stylistic changes to be made. **Mr. Bruce Tobey** motioned to accept. **Mr. John Muller** seconded the motion, and the motion passed unanimously.

Mr. Gitz then shifted the topic to the LGAC's position paper recommending EPA to leverage its authority to encourage Drug Enforcement Agency to embrace the

stewardship approach for pharmaceuticals. **Mr. Mike Linder** motioned to accept the paper. **Mr. Griffin** seconded the motion, and the motion passed unanimously. Mr. Jim Gitz closed the solid waste discussion by asking the status of the LGAC's DVD about solid waste. The LGAC is arriving at common understandings with EPA staff, and more interviews and editing will be required. Mr. Gitz stated that the subcommittee seeks a finished product in the near future.

G. Indicators

Mr. John Duffy opened the discussion on indicators by stating the committee's goals do not address performance benchmarks. John reported that the sub-committee will teleconference in the following week to finalize their letter.

Ms. Paula Hertweg Hopkins motioned acceptance of the Indicators Committee's position paper. **Commissioner Kathy Jimino** seconded the motion, and the motion passed unanimously.

Mr. John Duffy stated that climate change will be a top priority for new administration. Jim Gitz motioned to consolidate the Indicators and Climate Change committees. Commissioner Randy Johnson seconded. **Ms. Paula Hertweg Hopkins** requested clarification on how the consolidation would impact work groups tasks. She requested assurance that the committee's established tasks will be completed. Mr. John Duffy offered assurance, and the motion to consolidate the committees carried.

H. Military Workgroup

Mr. John Duffy reported on the Military Workgroups products. Mr. Joe Palacios motioned to move the position paper forward. Ms. Paula Hertweg Hopkins seconded the motion, and the motion passed unanimously.

I. Water Workgroup

Ms. Paula Hertweg Hopkins opened the discussion on the Water Workgroup's products. Ms. Hopkins requested the addition of "local governments" to states as recipients of federal support. **Mr. John Bernal** motioned to accept the position paper with the added language. **Mr. Jimmy Kemp** seconded the motion, and the motion passed unanimously.

Ms. Hopkins then discussed the position paper including support for the proposed stimulus package and infrastructure investments, and offers specific proposals on action items. Chair Roy Prescott stated the need to move forward quickly so the LGAC's recommendations are included in the new administration's deliberations.

Ms. Hopkins offered to draft a letter. Ms. Frances Eargle agreed to distribute the letter to the LGAC with an established deadline for comments. **Mr. John Duffy** stated that the LGAC rules state that no comment equals approval.

Mr. Jimmy Kemp motioned to support the proposed stating LGAC support for the national stimulus package language in principle. Ms. Frances Eargle stated that within the LGAC charter they cannot advocate passage of the stimulus package, but they can write to EPA concerning support of specific provisions. **Ms. Barbara Sheen Todd** said that it will be important to read the language from the bill. Mr. Jimmy Kemp then motioned to approve the development, offering support for the stimulus package. **Mr. Mike Linder** seconded the motion.

Chair Roy Prescott clarified that the draft letter will be distributed by email with a deadline of November 13 for comments. **Mr. John Duffy** stated the LGAC process will end with an endorsement of the letter. Ms. Frances Eargle clarified that the motion at hand represents public deliberation of the support letter. The motion then passed.

Ms. Barbara Sheen Todd then sought clarification of the actual bill for the stimulus package. Mr. Jack Bowles said that there are many different pieces of the stimulus package (via conference line). The LGAC will deliberate on the portion that will come out of the Committee of Environment & Public Works.

Mr. John Duffy suggested that stimulus package will move through Congress with broad support, and the LGAC's position must be rapidly developed to ensure inclusion in Congress' deliberations. **Mr. Jerry Griffin** offered that the LGAC voiced broad support during the morning session, and the proposed letter will simply make the position official. **Ms. Hopkins** agreed that the specifics of the letter should flow from the morning discussion. **Mr. Jimmy Kemp** agreed that a letter is important to clarify and articulate the LGAC's position.

J. Regulatory

Mr. Bruce Tobey opened the discussion on the Regulatory Workgroup's products by motioning to adopt the position paper on NPDES permits. Mr. Mike Linder seconded the motion, and the motion passed unanimously.

K. Climate Change

Mr. John Duffy opened the Climate Change discussion by motioning to accept the Work Group's letter. **Ms. Paula Hopkins** seconded the motion, and the motion passed unanimously.

Mr. John Duffy then reported on the comment letter draft regarding advance notice of EPA rule-making. Mr. John Duffy motioned to accept the letter with an opportunity for stylistic changes. **Mr. Ivan Fende** seconded the motion. Mike Linder abstained from

the voting. Mr. John Duffy will distribute the proposed letter for LGAC review with comments accepted until Friday, November 13. The motion passed unanimously.

Ms. Paula Hopkins stated that the work group's products make no mention of nuclear power. She asked if nuclear power belongs with Climate Change recommendations, or if it should be included with another committee's recommendations.

Commissioner Peggy Beltrone voiced concern that the addition of nuclear power will water down the emphasis on renewable sources. Ms. Barbara SheenTodd said that nuclear cannot be ignored; it has a role to play. Ms. Paula Hopkins stated that both presidential candidates voiced support for nuclear power during the campaign. Mr. Jerry Griffin introduced the underground storage tank DVD entitled, "From the Ground Up," to the LGAC.

Chair Roy Prescott closed the meeting by congratulating the LGAC for advancing the scope of LGAC's work and contributions to EPA policies. Mr. Ken Fallows motioned to adjourn the meeting. Ms. Paula Hopkins seconded the motion.

The motion carried unanimously and the meeting adjourned at 1:10 pm.

XII. Adjournment

The meeting adjourned at 1:10 pm.

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

Submitted by:


Signature Date 1/12/09

Frances Eargle, EPA DFO


Signature Date 1/15/09

Roy Prescott, Chair, LGAC