# Final Minutes of Meeting

# EPA's Local Government Advisory Committee (LGAC)
# Full Committee Meeting

## September 18 – September 19, 2007

Sun Valley Resort, Sun Valley, Idaho

## *Tuesday, September 18 , 2007*

### A. Welcome and Call to Order

Chair Roy Prescott called the meeting to order and welcomed meeting participants to his home state of Idaho. He gave a brief history of the surrounding area of Sun Valley, begun as a winter resort by the Harriman family and the Union Pacific railroad.

He presented the meeting agenda and the schedule for the LGAC field trip to small communities. He described the area surrounding Sun Valley as an economically diverse area. The average appraised land values in Blaine County (surrounding Sun Valley) is about $3 million, and in Jerome County is about $104 K per acre. This disparity presents unique challenges for local governments.

He expressed his best wishes to Mr. Christopher Bliley, the new Associate Administrator, of EPA's Office of Congressional and Intergovernmental Relations. He stated that the LGAC looks forward to working with Mr. Bliley.

Chairman Prescott introduced Mr. Bill Jarocki, Director of the Environmental Finance Center (EFC) at Boise State University, who organized and would lead the field trip for the LGAC on Wednesday, September 19. He also mentioned that Bill Jarocki had a long-standing history working with the Small Communities Subcommittee (SCAS). Bill Jarocki introduced Bill Chamberlain from Region 10 as the Project Officer for the EFC. Randy Kelly introduced Doug Gutro from EPA Region 1.

### B. Opening Remarks of the Chair and Introductions

The Meeting Agenda was modified to reflect that Mr. Christopher Bliley and Mr. Marcus Peacock, EPA's Deputy Administrator, would not be participating in the LGAC meeting. Introductions began by Chairman Prescott sharing his experience with the LGAC. He stated that it is a commitment and a privilege to serve on the LGAC. *(Introductions proceeded).*

Mr. John Muller during his introduction mentioned that he spoke to Representative Tom Lantos (CA), and the Congressman expressed interest in having a follow-up visit with the LGAC to hear what they conclude from their site visit to small communities.

The Chairman called on Ms. Frances Eargle, DFO, to give a report on the distribution of the Water Infrastructure DVD. She reported that Administrator Stephen Johnson signed a letter to EPA Regional Administrators, by request of the LGAC, requesting that the Regional Administrators distribute the Water Infrastructure DVD's to their respective state environmental commissioners. The DVD was also distributed to Municipal League Directors. The second production of about 1,500 DVD's is currently being distributed, and that supply has almost been exhausted.

The Chairman called on Ms. Paula Hertwig Hopkins, Chair of the Water Workgroup, to give an update on 'next steps' for the DVD. She indicated that there was great deal of interest in the DVD by the Environmental Council of States (ECOS) at the Local Government Forum (held immediately prior to convening of the LGAC meeting). From the discussions at the Local Government Forum, she suggested that there should be a two-minute trailer added to the DVD to give users an introduction to set context for the DVD and also how to use it.

Mr. Chuck Hafter stated that adding a context is important. Ms. Hopkins stated that the original vision of the Workgroup was to have a local government toolkit of which the DVD would be included. She also suggested expanding the DVD to include 2-3 slides to set the tone of the issue and to include the full cost pricing case studies. It could also potentially address stormwater Phase 2 issues.

Mr. Jim Gitz further added that the target audience of the DVD is primarily newly elected officials. He stated that the public dimension of it however, is that constituents may not understand it. The DVD could be refined so that whoever the audience is, that the intent and purpose would be clearly articulated to give greater flexibility for its intended use.

Mr. John Bernal stated his preference is that the introduction be a power point presentation which could give some background to commissioners. Ms. Hopkins said the main issue is to set a context for how communities have saved money by recognizing the importance of their water infrastructure needs and addressing them. The questions would be two-fold: 1) Does it work? and 2) Does it save dollars?

Ms. Kathleen Jimino said that the message should be tailored for the appropriate audience. For example: *"If I am a local government official, this is what I would say.... If I were a state official this is what I would say..."*

Mr. Jimmy Kemp stated that nonpoint source issues should also be included.

He also stated that awareness is only a part of the issue: "*We need to emphasize "protection of water quality through watershed approaches.*" Mr. Jerry Griffin categorized it as primarily a point source issue and that he envisioned the DVD as a tool to address these issues.

Mr. Chairman called for the question: "*Is there consensus among the LGAC to have an introduction to the DVD?*" The LGAC agreed, and there was a decision by the Committee to charge the Water Workgroup to develop an introduction for the Water Infrastructure DVD. All said, 'aye'.

## C. EPA's Budget

The Honorable Lyons Gray, EPA's Chief Financial Officer, addressed the LGAC giving his perspectives on EPA's Strategic Plan and EPA's budget process. He mentioned that EPA's Assistant Administrator for Water, Ben Grumbles, and LGAC Member Bruce Tobey, spoke on a water infrastructure panel. Mr. Gray said that, as Chief Financial Officer, his role is, "*to manage the money of the Agency; to work with the Hill to get the money; to show what we got for the money; and to show how we are spending it wisely.*"

The Office of the Chief Financial Officer (OCFO) was also responsible for development of EPA's Strategic Plan. He described some of his background and how early experiences in life taught him that relationships "*built on integrity and honesty are the most important part of his work.*" 'Understanding relationships', he said, is a key ingredient of negotiating budget issues. In 2005, he was sworn into office. He also said that EPA's budget was the highest since 2004.

He stated that EPA was given spending targets by OMB. There is about $7.2 billion, approximately 40% of that allocation going to the states. The targets were met, and presented to the House and Senate. There is about $800 million more mainly in State Revolving Fund. He also stated that there may not be an EPA budget by Thanksgiving.

In 2004, Mr. Gray first met with the LGAC when he was with the Environmental Finance Board. He stated that Chairman Prescott and Mr. Kelly came to meet with him about the LGAC. And he said that Mr. Kelly asked for additional funds for the LGAC. Mr. Gray stated that he was pleased to contribute to this meeting of the LGAC.

He thanked the LGAC for comments and thoughtful recommendations for EPA's Strategic Plan. He was also pleased that the Agency was able to respond to many of the comments and "*values this relationship the LGAC has with the Agency as a very important one.*"

He spoke about his background in growing up on a farm and how he learned important lessons about accountability and responsibility at an early age. The LGAC

will likely be addressing key challenges to encourage financing of environmental improvements at the local level. He saw a greater role coming forward as a FACA Committee. He also congratulated the LGAC on winning the Telly Award for the Water Infrastructure DVD, and how proud the Agency is of the good work of this FACA.

Recently, EPA Region 7 announced a new Environmental Finance Center in Kansas to assist local communities in providing tools and resources. He said that he looked forward to the field trip to gain a greater understanding and appreciation of what small challenges face small communities.

He stated that what came from the LGAC meeting and the site visits to small communities would assist him "*in making the hard decisions about the budget i.e. where to put needed funds i.e. SRF, superfund.*" He predicts that mobile sources decision will likely be challenged.

He thanked the Chairman for inviting him to speak and he looked forward to a great meeting and field trip.

## D. EPA Regional Administrator's Panel

### 1. Elin Miller-Region 10

Ms. Miller opened the EPA Regional Administrators Panel Session by expressing gratitude for the opportunity for EPA's Regional Administrators to speak to the LGAC. She congratulated the work of the LGAC on the DVD. She expressed her regret that she would not be able to participate on the tour. She also mentioned that she was looking forward to hosting the LGAC meeting in Region 10, and suggested Spring 2008 as the best time for a meeting in Seattle. She mentioned that King County and Snohomish are a hub of Seattle and may have some interesting sites for the LGAC to visit.

She described her background was growing up and working in cotton fields. She graduated from the University of Arizona. She began her career in working for the state of California and in the private sector. She said *"that we all come from unique experiences and that has helped to inform us on various issues and bring that experience to the issues."* She mentioned this as one of the key values of the LGAC's informed advice.

She said that a very important thing is to look strategically at what we are looking for in success with local communities. She mentioned that she valued the opportunity to work with LGAC Member John Duffy. EPA Region 10 Strategy is looking at many of the issues that the LGAC also sees as important -- sustainability and partnerships. She stressed the importance of the relationship with state and local partners, as well as industry.

A key priority for Region 10 was completing an agreement to clean-up Puget Sound, and also "*one of EPA national priorities,*" she said, *"which will require all of us to work together."* Other important issues for Region 10 are smart growth, Low Impact Development (LID), and looking at prevention opportunities.

Region 10 States, especially Alaska, are challenged to meet and address stormwater management objectives. One of the common challenges is to look at cost-effective approaches to address stormwater management. Region 10's Priority Two is developing a community plan on the North Slope- one of the most unique areas in the nation. Region 10's Regional Strategy for a diesel collaborative is to reduce diesel emissions by retrofitting trucks and financing.

Region 10's Strategy on climate change is aimed at reducing particulate matter and to address the Administrator's priorities. She mentioned that climate change, and how we adapt to a changing climate, is a major challenge. It is important for local governments because what actions are taken will affect the ability of local governments to deliver services.

There is a tremendous amount of activity in transportation. For example, there will be a draft rule by Fall. A determination on the California exemption is expected soon. There is an activity at the national level (G8) to bring key leaders together to set goals and targets for greenhouse gas controls.

Other priorities include: identify and support the core programs and area-wide optimization program. These are excellent examples of collaboration among state and local governments. Another priority is Region 10's effort to address high risk drinking water systems- analysis of systems and managerial systems. For example, Region 10 is looking at turbidity as an indicator for drinking water quality. There are seventeen high risk systems predominately in small communities. Region 10 is also looking for 20% reductions and about an average of 73% is usually achieved. Before this program, success rates were about 57%. *"This is a measure of success,"* she stated, "*Measurements, more than enforcement, get real environmental results."*

She introduced EPA Region 1 Administrator, Bob Varney, as "*being a champion of local governments, brownfields, environmental justice, clean boating, strong partnerships, and municipal and state governments*." She also said that Bob Varney is the longest serving Commissioner appointed by three governors, and former president of the Environmental Council of States (ECOS).

**2. Region 1 Administrator Bob Varney**

Mr. Bob Varney began by acknowledging the work of the LGAC and his appreciation for all their hard work, particularly Councilman Bruce Tobey and Mr. Chuck Hafter (from Region 1).

He spoke about his experience in working with local governments in the field of urban planning. He worked for three planning commissions and has a lot of experience in working with communities and with grant programs.

He acknowledged EPA Region 1 staffer, Doug Gutro, who has local government experience and serves as a Councilman for the City of Quincey. Region 1 ensures that community issues are on forefront of their concerns. Brownfield clean-ups are a priority of Region 1 and important because of their history as mill towns, and many of them have contamination issues. Redevelopment is important to these communities in providing for clean water and water infrastructure. Region 1 is working hard to address small communities. He mentioned Regional Administrator 8 Robbie Roberts was on the Small Town Task force.

Region 1 gave grants to about 29 Council of Governments amounting to more than $29 Million. One of the main areas for Region 1 is providing technical assistance to smaller communities that do not have local expertise. He added that on a regional basis, there is opportunity to share professional staff to meet the larger areas of need, so that no community is left out of funding opportunities.

Region 1 also works with communities that do not receive grant awards to identify areas in the grants applications that could be strengthened and made more competitive. EPA Headquarters acknowledged this effort because the grant applications got stronger applications the next year in Region 1 submissions for the Targeted Watershed Grants (TWG).

There was a Region 1 outreach program to perform self-audits of public works facilities to identify problems areas. The voluntary program was a success and raised compliance for the entire region. He also said part of the solution was to selectively target areas. There were ten communities targeted for inspections that actually achieved higher results through self-monitoring for compliance. This was also done in cooperation with colleges and universities.

Private drinking water wells are also a priority issue for Region 1. Public drinking systems are generally safe, but private wells continue to have contamination issues. Private wells service about 20% of population, and he stated that the public drinks from these wells every day. Region 1 has three northern states, with approximately 40% of the population area on private wells. Region 1 has a private well initiative to work with well diggers to publicize the need to have wells tested and make information more available on contamination issues.

Energy issues are a high priority for Region 1. Region 1 started an Energy Team to address these issues. Local communities spend a lot of revenue on energy. About 30% of energy is wasted and wasted energy means higher rates. Technologies have come a long way, and cost effectiveness can be achieved. He

mentioned that buildings can be more energy efficient, and they can lower the costs to local governments without the reduction in basis services. Community energy challenges are getting communities to sign up-- only about 30% participate. EPA labs are utilizing green buildings and it has reduced the energy costs about 30% which results in a savings of about $187K a year.

If EPA has achieved these savings in its green buildings, these savings could be even more dramatic in every community. He suggested that EPA needs to work more to assist local communities to focus on energy issues. He expressed a desire for the LGAC to start up an Energy Sub-committee to focus on these opportunities.

While looking at renewable opportunities, there are big cost-savings that potentially lower operating costs and bring in revenue. Renewable energy pays back in 5-6 years. He asked, *"Why are we not pursuing these opportunities more rigorously?"* Grants are available. Sustainable infrastructure is a great thing. He challenged the LGAC to consider adding an Energy Subcommittee to look at these issues more closely and advise EPA on energy issues and local governments. He said there are opportunities to shift resources and enable us to meet the needs for local governments.

Ms. Elin Miller introduced Region 4 Administrator Jimmy Palmer from Atlanta, Georgia, who oversees the southeastern states. He is an attorney, and was formerly in general practice. He was also a former longest running environmental commissioner under three Governors.

### 3. Region 4 Administrator Jimmy Palmer

Region 4 is the largest of the EPA regions with 8 states, and is located in Atlanta, Georgia, which has the fastest growth rate in the U.S. He said that he was pleased to be a part of the LGAC meeting in Atlanta in March (2007) where the Water DVD was rolled out and Administrator Johnson attended. He was also pleased to participate in the inaugural meeting of the Watersheds and Coastlines Workgroup. He mentioned these issues continue to be very important.

EPA Region 4 is the lead region on water issues and works very closely with the Assistant Administrator for Water, Ben Grumbles, in addressing key issues. He said that a great deal of progress has been made on water issues and that this has made an important impact in many areas. He highlighted success in watershed management and protection.

He stated that this Administration has done a lot for local governments, and made significant marks in establishing a legacy which, *"he and others should be proud."*

He described local governments as having a dual role of being 'regulators' and the 'regulatees.' This poses unique challenges for local officials. Local governments regulate conduct and carry out regulatory responsibilities. EPA has no authority for local land use. There are ways EPA does impact local use planning, however, such as in Clean Water Section 404 permits and the National Environmental Policy Act (NEPA) process. Some conflicts have arisen in the Section 404 of the Clean Water Act domains with local land use.

Local governments are responsible for local land use. In the 82 counties of EPA Region 4, three counties have county-wide zoning authority. States in other regions have chosen to go to county-wide zoning.

One of Region 4 priorities was to identify key constituencies that needed outreach and four were identified and targeted: environmental justice, Indian tribes, agriculture, and local governments. Four special programs were established in Region 4 to address these priority areas. A partnership was developed to work with LGAC Member Jerry Griffin, as Executive Director of Association of Counties in Georgia. Education and outreach information was developed. In general, local governments need more information he said, "*They need it and want it, but they want it in a way they can understand it, and it can be useful without having to have an attorney to interpret it.*"

In response to this additional need of local governments, Region 4 embarked on an initiative to develop a CD rom and DVD formats for water issues. Four interactive DVD's were developed for local officials that have hotlinks on the internet. One of these is specifically designed for local officials to develop a stormwater management plan.

An air toolkit was also developed that featured hotlinks to personal interviews to bring home the key messages of the issue and actions necessary. Information is most needed in disadvantaged communities. Other issues of Region 4 include working to get information out on underground storage tanks, EMS's, and emergency preparedness at the local level. Region 4 has stepped up efforts to educate local officials. Another document was information on how regulations protect health and public welfare,

Region 4 has a very successful Emergency Management System (EMS), the Bartow county emergency preparedness which is first in the country. The County under the leadership of Clarence Brown, a former LGAC Member, linked industry and local governments for emergency response.

Region 4 contracted an Environmental Trends Report which was published in 1996 by Dr. Jim Kundell, senior researcher, which is a compilation of environmental information. It is now in the process of being updated and is a great collaboration.

He concluded by saying that, "*this Administration has done a lot, and there will be things that have been created, that can be refined and perpetuated, and exported, that may transferable to many areas. There is a legacy left by this Administration, which will want to be continued into the next Administration, regardless of the political circle.*"

One area of focus is on drinking water systems. A gap analysis was done a few years ago that determined about a $1 billon was needed to rehabilitate these systems. "*The technologies are there to do it, and anything can be engineered to address community problems with infrastructure, the real question is: "How are we going to pay for it?"*

**4. Discussion**

The Chairman recognized Mr. Steve Jenkins, Vice-Chair and Chair of Small Communities Subcommittee (SCAS), who commented, "*private drinking water wells are an issue for small communities.*" He asked the Panel what they thought about decentralized systems.

"*R6 and R9 have been working on regionalized systems*," says John Bernal.

Mr. Palmer responded that "*Region 4 is grateful that they have consistency but often there will be variations.*" EPA headquarters is not driving for a national consistency, but encourages interregional consistency. He stated that there is a need for guidance to address this issue. One of the barriers for Region 4 is the variation among the 12 Corps of Engineers Districts.

Ms. Miller responded by saying that there is consistency in Region 10 where it is needed, but that there are other layers to address, such as: operations, instate capitols, outlying areas, and proximity issues. Region 10 likes to take proactive stances in addressing new rule-making.

Mr. Ken Fallows thanked the Regional Administrators and Mr. Lyons Gray for addressing the LGAC. He stated that SCAS is working on a compendium of best practices for small communities. There seems to be "*no one size fits all*" approach. There are many issues: financial, engineering, structurally, and a whole panacea of answers involved in water infrastructure problems. He addressed the Panel by asking whether EPA Regions were willing to help with this effort. Where he stated the help was needed is soliciting help to identify best practices that should be included in the document and links and bibliographies that could be helpful.

Mr. Varney volunteered Region 1's assistance in developing the compendium. He stated there are many examples in Region 1, that they could likely identify through awards programs i.e. wind turbans at school. Region 1 could put out a

call to existing programs for these practices. They also have a newsletter for local governments that could be helpful in identifying best practices.

Mr. Palmer said that the LGAC should go through the four coordinators in Region 4 and that Ms. Rita Wayco would be a good central contact. Region 4 welcomes the collaboration with the LGAC on this compendium.

Ms. Miller indicated that she identified several case studies in her presentation, and would also like to assist the LGAC in this effort.

Ms. Laura Fiffick indicated that there are nonattainment monitors in the City of Dallas. They have also been talking within the region. There may be a number less than 88, and they are hoping that they are not alone in facing this issue.

Mr. Palmer said they have a number of areas reaching nonattainment designations. There will be more in the next round and it will likely be expensive. There will likely be a negative comment letter coming forward that will expedite engine standards.

Mr. Chuck Hafter stated that relationships between locals, states, and feds are difficult and this sometimes makes obtaining information-'difficult.' He stated there was a problem in getting answers. *"It would be helpful for small communities*," he said, *"to identify a contact for whom to get answers."*

Mr. Palmer explained that the complexity is in part due to EPA's delegation authority to state environmental agencies to administer and enforce federal law which makes it difficult to navigate. EPA does not waive their authority, but it gives the states the lead for setting standards and enforcement. States have this authority if they elect to have all of it or part of it. He explained that states want this delegation authority so that they have the ability "*to regulate their own people."* Economic development is an issue and state agencies want the power to run these processes. They are also not sure when EPA will give an answer. They can go to state agencies and the Governor has the authority to get immediate responses. Also, some states want it so they can set more rigorous standards.

Mr. Jerry Griffin says that money is important to all. He stated that enforcement collections could be a valuable resource to use as supplemental grants programs and help in offset budget deficits. Ms. Miller stated that she recently wrote an article for the Oregon bar association on this issue.

Mr. John Muller says that major regulatory and minor permits often end up in court and it creates backlogs to progress.

Mr. Palmer indicated that this is a major issue for Region 4. It is an economic engine to issue permits and to modify an existing permit. It is difficult when delays occur. It is also difficult on the state side.

## E. Environmental Finance Centers

Mr. Bill Jarocki, Director, Environmental Finance Center, at Boise State University (EFC), demonstrated several of the computer-based tools to help communities with the "*how to pay issues*" of environmental compliance.

Committee members were particularly interested in the ***Directory of Watershed Resources*** ( http://efc.boisestate.edu/watershed ). The Directory is a searchable database of over 1,100 sources of federal, state, local and private foundation funding and other services that might be used to implement environmental protection activities. This database of funding resources is especially useful for local governments because it serves as a *one-stop-shop* for communities seeking funding and other resources for projects. Instead of searching separate databases, the Directory provides comprehensive information in one location.

Developed initially for the USEPA Regions, states served by the EFC, and others have also been added. The Directory includes information on all of the USEPA Region 1 states in New England. The states of Missouri (Region 7) and Arkansas (Region 6) were added in the past two years. While federal and national private foundation information is searchable, only Regions 1 and 10, and the states of Missouri and Arkansas, can local officials also find specific information about their state government funding programs.

The EFC is interested in adding additional states to the Directory but it cannot do so without external resources. EPA's Office of Wetlands, Oceans and Watershed (OWOW) has funded the EFC at the University of Maryland to add the Region 3 states to the database. Adding a state's information to the Directory costs approximately $8,000 for the research and data-entry tasks. Boise State University's EFC maintains the database and provides periodic updates of the information as part of its annual work plan with Region 10.

## F. Other Discussion Issues

The LGAC discussed some of the issues they would see on the field trip. Mr. Lyons Gray asked the LGAC whether in their opinion they viewed wastewater treatment certification as an important issue.

There appeared from the LGAC perspective some issues regarding wastewater treatment certification. These training programs are not well known. There was discussion about the potential value of having a system of shared operators that are certified on a regional basis. Small towns and communities could share an operator unless treatment is necessary. It is EPA's obligation to educate operators, because if something goes wrong it is a very serious issue and health and safety is most important to EPA. In the state of Nebraska, there are more than half of the towns that have less than 1,000. In Ohio, there are about 45 % small communities.

In San Francisco, it costs about $2K for acre/ft of water. The cost of acquiring the water and delivering it has a huge impact on the economy, especially in a small community.

## G. LGAC Business Items

### 1. LGAC Charter and By-laws

Chairman Prescott called on Mr. Ivan Fende to present the revised LGAC Charter and By-laws, developed by the Steering Committee and the Ad Hoc workgroup. The Ad Hoc group was: Mr. Ken Fallows, Ms. Peggy Beltrone, and Mr. Chuck Hafter. Mr. Fende began the discussion by giving a brief history of the SCAS and its relationship to the Full Committee. He stated that a decision was made to combine the SCAS with the LGAC some time ago. This relationship has been very beneficial. He stated that the main purpose of the Charter and By-laws update was to file it before the end of the year in order to renew the LGAC Charter.

The Ad Hoc workgroup submitted the draft to the Steering Committee which the Steering Committee recommends that it be ratified by the Committee. The main purpose of the revision was to reflect how the LGAC conducts business and to maintain 'status quo.' The items revised were the constituency of the Steering Committee and what constitutes a quorum for purposes of conducting LGAC business. The Charter has no proposed revisions. The other purpose of the revision was to stress the importance of SCAS as the only standing Subcommittee of the LGAC. The changes to the By-laws give more flexibility for the LGAC to work. EPA's Office of General Counsel reviewed the revision and made minor editorial changes and deleted the 'shall's' and 'will's' to create more flexibility.

A motion was made by Mr. Jerry Griffin to approve the revised By-laws and Charter as presented. It was seconded, and approved by consensus, as submitted by Mr. Fende for the Steering Committee.

### 2. Solid Waste and Reclamation Workgroup

Mr. Jim Gitz presented an item of business of the Solid Waste and Reclamation Workgroup, to review, discuss, and ratify the Recycling DVD and Workplan. He presented a background on the project as a letter of request made by Mr. Matt Hale, Director of EPA's Office of Solid Waste, to work on a DVD to encourage recycling. The request was for the LGAC to produce a similar work product as the Water Infrastructure DVD. He then presented the Outline and Workplan. Mr. Ken Fallows echoed the importance of the issue.

Discussion included remarks from the LGAC that the workproduct should be of high quality as the Water DVD, and that there are a lot of existing resources that could be used.

A motion was requested by Mr. Gitz for the LGAC to approve the project, Workplan and Outline. Mr. Palacioz made the motion to approve, and it was seconded by Ms. Peggy Beltrone. The 'ayes' prevailed, and the motion carried to approve.

**3. Regulatory Workgroup**

Mr. Jerry Griffin submitted a revised Mission Statement for the Regulatory Workgroup. The purpose of it was to provide structure to what the workgroup does in response to EPA proposed regulations and rule-making. The concept is to have the workgroup review proposed regulations and rules for policy issues, and not science and technical related issues. Also, the proposal of the workgroup is to have LGAC participate more in this process but the review would focus on areas of implementation that affect local governments.

A discussion followed that clarified the importance of revising the mission statement of the workgroup to reflect the expanded mission of the Regulatory workgroup. The LGAC discussed and Ms. Paula Hertwig Hopkins requested that the workgroup go back and revise language and present it at the next meeting.

**4. Green Buildings**

Mr. Randy Kelly raised the request by the Administrator to have the LGAC review and provide recommendations on green buildings. He referred to the request from the Administrator raised by Deputy Administrator Marcus Peacock during his presentation for the Local Government Forum.

The LGAC discussed and Mr. Steve Jenkins made a motion for the LGAC to look at creating a workgroup to address green buildings by the next LGAC meeting. The motion was seconded by Mr. Joe Palacioz. The Chairman called for the vote, and the 'aye's' carried the motion. The motion passed.

Mr. Randy Kelly raised an issue with the LGAC, that it was the only FACA that did not have contractor support for support of its meetings, and that it was all done in-house. The LGAC discussed and it was decided that the LGAC endorses contractor support for preparation for the meetings and producing reports.

The discussion followed for dates and location for the next LGAC meeting. It was decided that the next LGAC meeting should be held in Washington, D.C. in early 2008.

Mr. Steve Jenkins made an announcement that the working meeting of the SCAS was cancelled and would be rescheduled via conference call and for the next LGAC meeting. He thanked all of the SCAS and especially Mr. Ken Fallows for the work in putting together a very good working draft.

The LGAC thanked Mr. Lyons Gray for his participation in the meeting and thanked him for his message. The LGAC expressed their view that having the meeting in conjunction with the ECOS meeting is a good way to proceed in the future. The LGAC also commented that the EPA Regional Administrators added quite a lot of perspective to the work of the Committee and that the LGAC has a desire to involve them and engage them more in the future. They also reiterated their thanks to the EPA Regional Administrators for participating in the meeting, and all of their support to the Committee.

Mr. Mike Linder thanked EPA and the LGAC for their participation and assistance in the ECOS Local Government Forum. He stated that he received a lot of feedback from ECOS, and that it had been a great success.

Mr. Ken Fallows raised a travel issue that the travel service did not necessarily yield the greatest service in finding economical rates for air travel, and he asked EPA to look into the issue of cheaper fares for the LGAC.

**5. Other Business**

Mr. Jimmy Kemp raised two areas of other business for LGAC discussion: 1) Clean Water Needs Survey (CWNS) and the 2) National Advisory Council for Environmental Policy and Technology (NACEPT) Report on Water Infrastructure. Mr. Kemp raised the issue that the 2004 CWNS has not been released, and that reporting was very important for determining the budget needs for clean water. He also presented that the NACEPT Report was recently released on Water Infrastructure and presented to the Administrator. A key recommendation of the NACEPT Report is that the LGAC should be consulted on 'watershed' issues. A discussion followed that there should be follow-up with the NACEPT Committee to proceed on this recommendation.

Mr. Jimmy Kemp indicated that the EFC database was an important and valuable resource to local governments, and that it could be of great value and an excellent potential tool, for assisting local officials as they meet the challenges of implementing TMDL's and other non-point pollution control projects. A discussion followed among the LGAC. Mr. Fende stated that it would take some investment for states to participate, and that EPA Region 5 did not seem to push this issue. Mr. John Bernal said that $8,000 was not much for a state to get information in the database. Ms. Kathleen Jimino said that it is an important tool for local governments and how it gets done is between EPA and the states. Mr. Mike Linder indicated that he would like to know more about it before the LGAC made a recommendation.

Mr. Joe Palacioz made a motion that the LGAC should send a letter to encourage investment in this type of information so that other states could be added to the database. The motion was seconded. The ayes carried the motion, with one dissenting vote from Mr. Mike Linder. The motion was approved.

**H. Adjournment**

The LGAC meeting was adjourned at 5:45PM.

## ***Wednesday, September 19 , 2007***

**A. Welcome and Call to Order**

Chairman Roy Prescott called the meeting to order and requested that LGAC Members and participants board the bus for a special field trip of the LGAC to 'small communities' in central and southern Idaho.

**B. Field Trip Sites**

The LGAC made stops to the following areas on the field trip for the purpose of gathering information on small communities:

**1. Hulen Meadow Water Company and Owners Association, Inc.**

Mr. Marc Longley gave a presentation on the type of water system owned and operated by the homeowners association known as Hulen Meadow Water Company and Owners Association. It was constructed in 1965 with the first well activated in October 1968. They operate three deep water wells that deliver drinking water through more than 3 miles of pipe to a 60,000 gallon storage that services homes and a community park. The Idaho Service and Rating Bureau awarded Hulen Meadows as a Class 6 for fire protection.

Hulen Meadows does not have a waste water system. All residents own their individual septic system which must comply with Blaine County Health Codes. They test the following substances at various schedules as directed by EDP and IDEQ. Nitrites/Nitrates, Radon, Lead, & Copper, Organics and Inorganics VOC and SOC. Tests for coliforms are conducted on a monthly basis. One of the major issues is the turnover of the homeowners. In maintaining and upgrading a system, constant education and reeducation are necessary and it is sometimes difficult to get decisions to make the necessary improvements to comply with changing regulations. Needs change over time which also makes upgrades difficult.

**2. Cold Spring Subdivision**

The systems operator, Mr. Marc Longley, gave a presentation on the Cold Springs Subdivision, a community system serving approximately 300 people through 74 connections. It is located in Blaine County, two miles south of the city of Ketchum approximately 200 yards south of Canyon and Gimlet roads intersection, in the Big Wood River Valley. The public drinking water system for Cold Springs Subdivision is comprised of one well, which was drilled in 1976 and is 84 feet deep. The source for the drinking water (both tap water and bottled water) includes rivers, lakes, streams, ponds, reservoirs, springs and wells. Cold Springs Water Company routinely monitors for contaminants in drinking water according to Federal and State Law and has recently completely a Source Water Protection Plan for the water system.

**3. City of Dietrich**
**Mayor Jeanetta R. Knowles**

The City of Dietrich incorporated in 1909, and is located on the south slope of a sagebrush-covered, extinct volcano, Crater Butte, in rural Lincoln County, Idaho. The city is located about 225 miles northeast of Twin Falls and has a population of 215. The leading employer of the town is the school district, with many residents commuting out of town for work. The City put in a community drinking water system in 1992 and recently completed a lagoon system for their waste water treatment. The City has its own contractor and used volunteers and equipment loaned by its citizens to do much of the construction, including the demolition activities. The Mayor of Dietrich expressed her concerns about the completion of the project without the needed financial resources and technical assistance for her community. The City of Dietrich follows both state and federal regulations for complying with contaminants in their drinking water system.

**4. City of Twin Falls**
**Mayor Lance W. Clow**

The City of Twin Falls has a population of 31, 989. It is the fifth largest city in the state. Agriculture, food processing and retail businesses are the major economic drivers. The Mayor gave an overview of the public water systems of the City and the challenges they had to overcome in order to meet the new arsenic standard rule for drinking water. Innovative fixes were developed to bring in source water without the arsenic background to mix with other sources of water in order to comply with the new standard. The problem was solved but the cost escalated.

There was some concern expressed by the City for future sources of clean and safe drinking water for its growing population while meeting compliance schedules.

5. **City of Castleford**
   **Mayor Rita Ruffing**

The City of Castleford is a rural community in Twin Falls County, Idaho, with a population of 277. The City's water system serves 118 customers including, two churches, one school, twelve businesses and 103 residents. The Mayor also serves as the City's water system operator.

For any community, water is probably the most essential component of public infrastructure, and new standards imposed by federal regulations can be especially burdensome on small communities. The City of Castleford explained their problems confronted in trying to meet the implementation of the new Arsenic Standard Rule. The City had to relocate its municipal well due to higher background arsenic levels, which then created other problems for the City in complying with other regulations such as the American Disabilities Act (ADA) for relocation of other amenities.

6. **Double A Dairy**, Jerome, ID

The Double Day Dairy is a family owned dairy in Jerome County, Idaho, that milks approximately 13,000 cows a day (approximately half three times a day). It is a self-contained dairy that also processes feed. The tour included discussing the operation of the dairy, combined animal feeding operation (CAFO), complying with regulations, and the milking process. Waste management of the dairy was discussed and dairy representatives indicated that they regard dairy waste as a resource that can be treated and processed and then used as land applications as manure and fertilizer. Also discussed was the Combined Animal Feeding Operation (CAFO) at the farm and the measures used to protect the environment.

## C. Adjourn

The Chairman adjourned the meeting at approximately 6 PM.

Submitted: _____ Date: _____
Frances Eargle, DFO

Approved _____ Date: Dec 13 2007
Roy Prescott, Chair
Local Government Advisory
Committee

**Attendees:**

| Committee Members | EPA Representatives | Members of the Public |
|---|---|---|
| Mr. Ivan Fende<br>Mr. Jerry Griffin<br>Mr. James Gitz<br>Ms. Paula Hertwig Hopkins<br>Honorable Kenneth Fallows<br>Mr. Lurlin Hoelscher<br>Mr. Steve Jenkins<br>Mr. Jimmy Kemp<br>Mr. Michael Linder<br>Mr. Joe Palacioz<br>Mr. Roy Prescott, Chair<br>Mr. Bruce Tobey<br>Commissioner Kathleen Jimino<br>Honorable Melanie Worley<br>Commissioner Dave Somers<br>Mr. Chuck Hafter<br>Commissioner Peggy Beltrone<br>Ms. Laura Fiffick<br>Mr. John Bernal | Lyons Gray, EPA's Chief Financial Officer<br>Mayor Randy Kelly,Deputy Associate Administrator, Intergovernmental Relations<br>Elin Miller, Region 10 Administrator<br>Jimmy Palmer, Region 4 Administrator<br>Bob Varney, Region 1 Administrator<br>Bill Chamberlain, Region10<br>Doug Gutro, R1<br>Frances Eargle, DFO for LGAC<br>Anna Raymond, DFO for SCAS<br>Ron Slotkin, OA<br>Judy Pino, OA<br>Daniel Hart, OA<br>Cindy Graf, EPA, Idaho State Office | Mrs. Roy Prescott<br>Bill Jarocki, Director Environmental Finance Center, Boise State University (BSU)<br>Darcy Boyle, BSU<br>Joe Francis, State of Nebraska<br>Mr. Marc Langley, Hulen Meadows Water Company and Homeowners' Association |