

U.S. Environmental Protection Agency

Local Government Advisory Committee (LGAC)

October 7, 2016
Meeting Summary

Executive Summary

EPA's Local Government Advisory Committee (LGAC) met on October 7, 2016 via teleconference to discuss issues that are of high priority to the EPA and local, state and tribal governments. The LGAC reviewed and discussed the Protecting America's Workgroup Report and Recommendations on a National Drinking Water Action Plan, and addressed other EPA priority issues where the LGAC's input would be valuable.

Friday, October 7, 2016
11:30 a.m. - 12:30 p.m. (ET) WJC North 3528

NOTES

I. Call to Order/Introductions

Chairman, Mayor Bob Dixon

Vice-Chairwoman, Councilor Jill Duson

Chairman Mayor Bob Dixon called the full LGAC meeting to order, asking Fran Eargle to comment on the features of Adobe Connect and to call roll to ensure a record of quorum.

[Fran Eargle and Marta Zeymo described the features of Adobe Connect to be utilized in the meeting, and took a roll call.]

Mayor Dixon explained the purpose of the LGAC to review and take action on the Draft Drinking Water Report and other Workgroup actions. He emphasized the importance of the LGAC's recommendations to EPA and the need to move forward.

[Chairman Dixon recognized Vice-chairwoman Councilor Jill Duson to give remarks].

Vice-Chairwoman Councilor Jill Duson: Thanked the Chair and everyone on the committee, for their hard work in the success of the LGA thus placing that work in high regard at EPA. I look forward to hearing the public comments as well.

II. Remarks of EPA Administrator

Mark Rupp, Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations, Intergovernmental Relations (Introduction)

Gina McCarthy

EPA Administrator

[Mark Rupp introduced EPA Administrator Gina McCarthy to the LGAC].

Administrator Gina McCarthy: Thank you Mark and thanks for your leadership, Chairman Dixon. I really appreciate you allowing me to take some time to speak with the members of the LGAC.

I'm really here to remind you and tell you how grateful I am for the partnership you have provided in the job you have done. It's really been quite remarkable, and though I'm not allowed to play favorites, you're my all-time favorite advisory group.

So thanks so much – every time we have these difficult issues, we know who to turn to. A lot of the work EPA does touches each and every family and community. When we have a tough issue, you guys have been there to help us tackle these challenges and help us understand what the impacts of these issues are; what our obligations are; and how to fulfill them at all levels of

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government so we can improve people's lives. Your commitment has been quite amazing. One of the challenges we are facing is that of clean and safe drinking water. It's something that has kind of come on the radar over the last few months, and we've worked really hard to look at soliciting recommendations on how we can deliver a good national drinking water plan from here out there where it is needed.

I want to thank you for delivering such a comprehensive report, and for doing it in such an expedited way. It's not easy to get things done well in such a timely way, and it's been important to hear your voices about all of your communities – small, medium-sized, urban. With your report, I think we're really better prepared to find ways to confront these challenges.

Let me thank Sue Hann and Chairman Cope for their phenomenal leadership on this project and in the Water workgroup, the Small Community Advisory subcommittee, and really everyone who has contributed. When we talked back in July, one of my big priorities that we talked about was ensuring community access to clean and safe drinking water.

We all recognize that this is a basic building block of public health, and we've really had an opportunity to step back and realize that, despite really great efforts by state, local and tribal governments, we still have an awfully long way to go to meet our obligation to provide good, sound drinking water to the people of this country. We know we need to have an urgent call for action on the National Drinking Water Plan.

It's been great to have you all involved because clearly you represent folks that have the same interest and share the same concerns, so it's been great to have you all on the ground. Thank you for engaging with your colleagues outside of the LGAC as well, and bringing more voices and perspectives to the table as well. So often, you represent our closest eyes and ears as to how local governments are thinking and feeling – not just about EPA, but also where we might be falling short and where they need government as a whole to step up. We have lots of work to do yet, beginning with protecting our water sources, but also in working with our agriculture industry and others about nutrients getting into our water supplies. These are issues that are really posing significant challenges to us from a water quality perspective – harmful algal blooms and the effects of climate change as well.

One of our most urgent needs is figuring out how to invest in water infrastructure. We need to be focused on what we want to do, but also how to get those resources. Mayor DuPree, we've spoken a lot about what this means particularly for the city of Hattiesburg, Mississippi, and in rural Mississippi, you've really given me a glimpse of what you're doing out there – so we know your struggle has to be ours as well.

We have to look at how to not just boost the abilities of rural communities to address these issues, but also take a look at how we should work together in communities to better address your challenges in a way that allows you to properly use these funds to invest in good, sustainable infrastructure moving forward.

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We know environmental equity has to be part of the deal. We have to face it and deal with it because it can't be somebody's zip code that determines the quality of water they can drink. So we'll face these issues together. You've helped us build a really great foundation to see what work we need to do, and I'm guessing you all will continue to be a part of this effort.

I will continue to call on you to provide your tremendous input. I'm really amazed that, even with as many new LGAC members as you all have, how you've been able to hit the ground running. I see that everyone has contributed to this document and so much other work produced for us as well.

There are many diverse opinions about concerns that vary, depending on what part of the country you're from, what your background is, the size of your community, and local challenges. But somehow you always manage to put those together in a way that is really – not making value judgments – but sharing the facts with EPA, seeing what the real world looks like, and how to address those partnerships in a collaborative way.

Chairman Dixson, I think you bring not just partnership, but credibility and sincerity to the work you do. You can bet we'll keep coming back to you in the next few months before I'm out of this office, but I do just want to take this opportunity to thank you for the work you've done on this national strategy and plan.

Again, thanks so much for pulling all this work together – your time has been well-spent, you'll see, because it's going to be reflected in our National Drinking Water Plan which we hope to be announcing soon. So thank you all again.

III. Public Comments

[Chairman Dixson acknowledged the public comment period and called on presenters].

Former Commissioner Don Larson: This is Don Larson from Brookings County, South Dakota. I am a former LGAC member with a continued interest in water issues and conservation of our environment. I would just like to say great strides are being made in this country, especially in rural America. There are just a lot of great things happening as we move forward and work extensively in precision agriculture. Now, we have this technology, but we need to work together as partners and create affordability so that this technology is available to small farmers, as well as the large units. I'm really encouraged by this report and what the SCAS has contributed. We need to talk about the good stuff – as well as the problems – that we and our states, counties, and other partnerships are working to solve to overcome a lot of water quality issues. I am really encouraged as we continue to blend sound science, common sense, and respect for local efforts to all achieve reasonable goals.

IV. Workgroup Actions: Report-Out

Protecting America's Waters Workgroup (PAWW)

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Susan Hann, Chairwoman

Mayor Elizabeth Kautz, Vice-Chair

[Chairman Dixson recognized Susan Hann].

PAWW Chairwoman Susan Hann: As you all know, this is in response to a charge presented to us by the Administrator back in July, regarding five main issues – implementation of the Safe Drinking Water Act, environmental justice and equity and infrastructure funding, the lead and copper rule, emerging and unregulated contaminants, and other issues including source water protection. In my opinion, we've produced what I think is a very comprehensive report, in response to the people who touched on so many issues.

First of all, the theme the Administrator has talked about repeatedly is a new era of partnership. I feel confident that our workgroup has lived that partnership, not only with EPA as part of our team, but also with our intergovernmental organizations and members of the public. Mr. Larson is a great example, bringing us good information about precision agriculture.

We appreciate the contributions brought forward by SCAS, Cleaning Up Our Communities, and the Environmental Justice Workgroups. We hope they'll accept the opportunity to be a signatory to the transmittal letter.

We've covered issues such as sustainability, green practices and solutions, integrated planning, affordability, and environmental justice. We've been pretty strong in emphasizing that water needs to be clean and safe and affordable, because so many of our communities are struggling with those issues.

The traditional framework of public water utility providers and customers is one thing, but we also have other things to deal with here. We have Americans who do not have access to these systems and may be on well water or some other method of acquiring drinking water. We really need to look at things in a more comprehensive way.

So we encourage EPA to look more broadly at clean, safe, and affordable drinking water for all Americans. We've talked about the role of EPA as being more significant as a facilitator in their regulatory role. Some of our members have given great examples of how punitive the regulatory framework can be which is really counterproductive to the goal of bringing clean and safe drinking water to our community, so a facilitative partnership is really important.

We've talked about best practices and making sure folks are aware of what's going on in communities around them, and new technologies such as precision agriculture are emphasized in the report. Many communities have talked about the need for low-cost infrastructure financing and resources. While this is an issue highlighted in the SCAS publication, it is also an important issue throughout the country, and I think it also mirrors what we are facing in our suburban and urban communities in this country.

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We addressed source water protection. Not only is drinking water itself a significant issue, but its relationship to wastewater treatment is important as well, as all these things are related and need to be considered in a holistic manner.

Finally, the idea of communication is so critically important that it needs to be at the forefront of the national conversation about drinking water. The way we communicate with our communities and our public right now has proven to be ineffective, and we need to do a better job, collectively, with communication.

We had an excellent discussion with SCAS this morning, and there were a number of clarifying comments that we'll be adding to the report, including those relating to precision agriculture and soil health. There was a comment that groups such as watershed districts, conservation districts, tribal advisory groups, and grassroots involvement need to be recognized. We've talked about integrated planning and adding the Quincy (WA) example, and Mayor DuPree made the comment about the affordability issue again, and how penalties can be counterproductive to the concept of delivering safe, clean drinking water.

Mayor Elizabeth Kautz: Everyone acknowledges that we need clean and safe drinking water. But it needs to be affordable. We have an infrastructure we need to take care of. Some of these cost issues are part of the big concerns and desires of mayors, cities, and government agencies. We need to look at a partnership where we can address these issues together rather than punitively. When all of the money goes toward lawyers, there isn't money for making sure that we fix the infrastructure and resolve the issues. Drinking water is a precious resource for all of us.

The document that we have is great, and contains everyone's input, so thank you all. This is truly about civic engagement in solving a problem and making sure that our constituents have affordable, clean, and safe drinking water.

PAWW Chairwoman Hann: Just to wrap up, I can't express my appreciation enough. We're very excited to have some new members on our LGAC board who jumped right in. We appreciate having such an active workgroup who collaborates so well in bringing this report to the EPA. So with that, I'll be prepared to take a motion.

SCAS Chairman Robert Cope: One request – when the motion is made, I'd like to have the report approved pending non-substantial amendments and inputs made at the SCAS meeting this morning. We had a few additional clarifications. They do not change the actual substance of the report, they are just some clarifying factors. I would appreciate if you would allow those to be heard.

PAWW Chairwoman Hann: I would like to make a motion that the LGAC approve the report pending non-substantial amendments and clarifications, and that the delegation of the final approval of the report goes to the Executive Committee.

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The motion was unanimously passed.

PAWW Chairwoman Hann: I think all of you have seen the draft transmittal letter. It's relatively short and to the point, but it transmits our report to the EPA Administrator. It outlines some of our partners' comments. Emphasizing clean, safe drinking water for all citizens is the overarching theme addressed in our report. When you're ready, I will make a motion to approve the transmittal letter and accept the signatories from SCAS, Cleaning Up Our Communities, and EJ Workgroups.

The motion was carried unanimously.

Chairman Mayor Dixon: Ladies and gentleman, we want to thank Sue and Elizabeth for their tremendous leadership on this issue, the drinking water report, and the transmittal letter. I'd also like to thank all the EPA staff that has helped out – the interns and especially Fran Eargle. I know many have put in long, hard hours to get clarifications as we've been submitting ideas and putting all of this together. What a great final product we're moving on. We appreciate everyone's input.

PAWW Chairwoman Hann: Thank you, Mayor Dixon. I echo those words of thanks. We had a great partnership with our EPA team and all of our LGAC members. It's been a truly collaborative effort, and I appreciate that very much.

Small Community Advisory Subcommittee (SCAS)

Commissioner Robert Cope, Chair

Mayor Johnny Dupree, Vice-Chair

SCAS Chairman Commissioner Cope: We had a discussion that several folks here were involved in this morning, and had some really good additions from all over the country. We had representation literally from California to New Hampshire – everyone weighed in on the report.

At this point, SCAS definitely wants to stay involved to make sure the drinking water rule comes up as beneficial for small communities. I think we did a pretty good job of making those issues known in the report coming through. So now, we'd like to move on and help the Air, Climate and Energy Workgroup in developing some air issues – there's some SCAS input on air quality issues. That's where we stand at the moment. I'd like to thank my Workgroup members for the work they've done and the input they've added. A special recognition goes out to Don Larson – he's no longer a committee member, but he was really valuable in bringing up precision agriculture issues important to SCAS.

Mayor Johnny DuPree: Cope, I think you've done a wonderful job chairing this committee, and Sue's done a wonderful job with the water workgroup. The one thing Sue did not bring up that I think is important is being prepared for emergencies. In light of what's going on with Hurricane Matthew right now, this is particularly important. Also, the educational aspect of this – making sure that we have technicians that are ready to take up those positions where we are losing

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experts on water and wastewater. Also, educating local officials, either full-time or part-time. This is a great report.

Chairman Mayor Dixon: I'm just wondering – as far as that LGAC input on the charge for the request from the Office of Air and Radiation – where are you guys on that?

SCAS Chairman Cope: Just getting involved. We're in the early stages. We know we have issues in the west. We have issues with small communities downwind from urban communities about quality attainment issues. Particulate matter is a big deal, as it applies to wildfire and prescribed fire in particular. There is a pretty wide range of issues that affect small communities on air quality and potential non-attainment. But this is particularly true in the particulate matter and ozone fields. So we'd like to be involved in that and possibly help with the letter from ACE.

Environmental Justice (EJ) Workgroup

Dr. Hector Gonzalez, Chair

Mayor Jacqueline Goodall

Chairman Mayor Dixon: Even though he's not here now, I know Dr. Gonzalez has been very involved in this issue. He has expressed that the EJ Workgroup's concerns have been totally included in this report.

Cleaning Up Our Communities Workgroup

Councilor Jill Duson, Chairwoman

Mayor Karen Freeman-Wilson, Vice-Chairwoman

Councilor Jill Duson: Thank you. We had the full opportunity to participate in producing this report we've just approved. The major accomplishment for us is the integration of the comments from all workgroups. Thank you, everyone, for your tremendous efforts.

We will be moving to tee-up other items that we highlighted for the Cleaning Up Our Communities Workgroup in the next couple of meetings. We've had a number of items on our plate in the face-to-face meeting, and we'll be moving onto those items.

Air, Climate and Energy Workgroup

Commissioner Carolyn Peterson, Chairwoman

Commissioner Carolyn Peterson: We just met on September 21. We reviewed the methane strategy update and the landfill rules, refinery rules in oil and gas updates, and greenhouse gas reductions at the local level. We'll be following up on that to look at best practices, and we have examples in many of our communities. Lastly, as is reflected on our agenda, something that is timely is the request for early input to fiscal year 2018-2019 for the Office of Air and Radiation National Program Manager Guidance.

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The LGAC wrote a letter two years ago for that cycle we're currently ending, and this is a generally early input. They're not regulations, they're not rules. These are ideas to help us update our regional offices, laying out areas of focus. In our letter two years ago, we addressed things such as wood heaters, prescribed burns, the Clean Air Act, air toxics, air monitoring funding, diesel emission reductions, and reducing asthma incidents both indoors and outdoors.

As you can see in the agenda packet, there is an outline thus far for input topics for guidance. Those are the topics that were gathered from the members of the workgroup. We would also like input from SCAS, so we can supply the input from small communities and local governments.

The action we're looking for is permission for the Executive Committee to complete a letter reflecting those topic areas included in your packet. We have some timing issues to work on, as input is desired by mid-October. The Executive Committee is meeting on the 18th, but traditionally ACE is meeting on the 19th. I'm also turning to Fran to help frame what this request should be.

Eargle: Would it be possible to have a combined Executive Committee meeting with the workgroup in which a draft letter could be presented?

Commissioner Peterson: If people can meet at that time, I'm flexible.

Eargle: If the motion is to delegate it to the Executive Committee (EC) then it can be delegated for the EC to draft the letter and complete it, and the ACE Workgroup could be a part of that discussion. It's just one option on the table.

Commissioner Peterson: Then I would like to propose a resolution that the Executive Committee complete a letter on the NPM guidance for the Office of Air and Radiation that will also actively include input from the ACE Workgroup and SCAS. That is my motion.

The motion was carried unanimously.

V. LGAC Wrap Up and Summary *Mayor Bob Dixson, Chair of LGAC*

Chairman Mayor Dixson: I just want to thank everyone for the hard work and service you've provided on drinking water issues. LGAC's focus is putting our accomplishments forward in a draft report to provide to the transition team. As you all know, there is an election coming up, and there will be a change in administration. This is our opportunity to highlight what we've done and what we see on the horizon to pass that on to the transition team. I'd like that draft by the end of the calendar year so we can pass it onto the transition team in early 2017.

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Mayor Kautz: I think that's a fabulous idea. It's imperative that they understand the work we've done and the difference we have made, because we have done a lot of work. That should be recognized by the transition team.

Chairman Mayor Dixon: That's great. So all the Workgroups and SCAS – if you would just be thinking about those things and working with Fran and the EPA staff, we'll put together a draft report for the full LGAC to review, so we can move that onto the transition team.

Just another reminder – there is an Executive Committee meeting on October 18 in which we will finalize the report and a letter to the Administrator, so we can get that to her as soon as possible. EPA will post that report at that time to the EPA website and it will then be available to the public. That way, everyone can spread the word and refer any concerned citizens and constituents to the site.

Our last business item today is to accept the meeting summary of our July meeting that we had face-to-face in DC. You all have copies that were emailed to you of that meeting summary. Do I have a motion to accept that July meeting summary?

Peterson: In the motion, I hope to include some corrections. It doesn't affect much, it's just some factual errors that were recorded. I can tell you what they are.

One is on page nine, regarding Peter Grevatt's commentary. It says that yesterday, there were 700 waterline breaks. Then it says there are about 2,000 breaks per year. The math doesn't compute. Something needs to be corrected. And on the previous page, there's something Jim Taft said about 155,000 systems with less than 90 percent representing populations of less than 10,000. I thought it was the other way around. Those are my two main questions.

The motion was passed including Carolyn Peterson's amendments.

Mark Rupp: So much has been said, and the Administrator expressed much of what I wanted to say to you all, which is – what a tremendous group of people you all are. I think we'll find cause to bring you all together one last time before January 20. I do want to clearly thank you all. It's been a pleasure to work with you all. I'd also like to thank a number of folks at EPA who have been supporting you – Fran, Jack, and I have seen the richness of what our universities are producing in some really great interns over the years. Katie and Marta have continued to carry on that tradition. I'd also like to thank Joel Beauvais, Peter Grevatt, and Eric Burneson from the Office of Water, who have met with you all a number of times.

This has been incredibly voluminous in a very short period of time. We are moving very quickly on the drinking water action plan out of the Office of Water. This is incredibly timely, and thank you for making it so it can be part of the discussions here in the agency. I think it will inform many others interested in this topic as well. You're doing the agency a service, you're doing other organizations a service, but most of all, you're doing this nation a tremendous service

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because there's a whole lot to do, and you've laid a foundation for a good road map to take. So thank you.

Chairman Mayor Dixson: Thank you, everyone. I just want to thank the full LGAC one last time for their tremendous input. I'll declare this meeting adjourned.

VI. ADJOURNMENT

Mayor Bob Dixson, LGAC Chair

Meeting Participants

LGAC

Mayor Bob Dixson, Greensburg, KS (Chairman of the LGAC)
Commissioner Robert Cope, Planning Commission, Salmon, ID
Water Workgroup Chairwoman Susan Hann; Director, Brevard County School Board, Malabar, FL
Councilor Jill Duson, Council Member, Portland, ME (Vice-chairwoman)
Commissioner (Former), Carolyn Peterson; Environmental Management Commission, Tompkins County, NY
Mayor Elizabeth Kautz, Burnsville, MN
Mayor Dawn Zimmer, Hoboken, NJ
Mayor Jacqueline Goodall, Forest Heights, MD
Mayor Johnny DuPree; Ph.D., Hattiesburg, MS
Mayor Steve Williams, Huntington, WV
Mr. Kevin Shafer; Executive Director, Milwaukee Metropolitan Sewerage District, Milwaukee, WI
Representative Stephanie Chang, State Representative – House District 6, State of Michigan
Mr. Rodney Bartlett; Town Administrator, Peterborough, NH
Commissioner Kitty Barnes, Catawba County, NC
Supervisor Ryan Sundberg, Humboldt County, CA
Chairman Shawn Yanity, Stillaguamish Tribe
Mayor Norm Archibald, Abilene, TX
Representative Tom Sloan, State Representative, State of Kansas
Councilmember David Bobzien, City Councilmember At-Large, Reno, NV
Councilor Andy Beerman, Park City, UT
Secretary Jeff Witte, Secretary of Agriculture, State of New Mexico
Commissioner Victoria Reinhardt, Ramsey County, MN
Mr. Scott Bouchie, Director, Environmental Management and Sustainability, Mesa, AZ
Mr. Jeff Tiberi, Director of Planning, Montana Association of Conservation Districts, Helena, MT
Mayor Karen Freeman-Wilson, Gary, IN
Representative Jeff Morris, State Representative, State of Washington
Board Member Cynthia Koehler, Board of Directors, Marin County, CA

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EPA

Gina McCarthy, Administrator

Robin Richardson; Office of Congressional and Intergovernmental Relations (OCIR)

Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations

Jack Bowles, Director, State and Local

Eric Burneson, Office of Groundwater and Drinking Water

Fran Eargle, DFO

Marta Zeymo; OCIR Intern

PUBLIC ATTENDEES

Don Larson; Brookings County, South Dakota

Allen McEntire; Southeast Rural Community Assistance Program

Darrell Osterhoudt; Association of State Drinking Water Administrators

James Paulsen, Navigation Group

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

Robert A. Dixon

December 13, 2016

Mayor Bob Dixon
Chairman
Local Government Advisory Committee
U.S. Environmental Protection Agency

Date

Frances Eargle

December 13, 2016

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

Date

