



EPA's Local
Government
Advisory
Committee
(LGAC)

Meeting Summary June
29, 2017

Teleconference

Thursday, June 29 2017

2:00 p.m.-3:00 p.m. EST Teleconference

I. Call to Order/Introductions

[Chairman Mayor Bob Dixon called the meeting to order at 2:00 p.m. EST.]

Chairman Dixon welcomed everyone to the EPA's Local Government Advisory Committee Teleconference Meeting. The LGAC was chartered by the EPA under the Federal Advisory Committee Act (FACA), and it is currently made up of 35 state, local and tribal elected and appointed officials. The sole purpose of the LGAC is to provide advice and recommendations to the EPA Administrator on environmental matters affecting local governments. The LGAC is a diverse committee representing small, moderate and large communities, urban and rural from coast to coast.

Chairman Dixon stated the purpose of this meeting was to review and take action on the May 3rd EPA Charge on Waters of the United States (WOTUS). In accordance with FACA, the LGAC conducts all their meetings in public. He welcomed members of the public joining the meeting. He said that he wanted to clarify that this is not a hearing for the recent EPA and Corps announcement of the rescission of the WOTUS rule.

The aim of today's meeting is to get input from state and local government officials, and to give recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

The Charge outlines eight (8) specific questions in regard to WOTUS. The Committee has worked very hard on the charge. The Protecting America's Waters Workgroup took the lead on the charge, and did a fantastic job of gathering perspectives on the many issues.

It has been a committee effort, and everyone has contributed. There has been a great deal of discussion and deliberation on the issues in order to gain consensus on WOTUS. The only chartered LGAC subcommittee, the Small Community Advisory Subcommittee, also reviewed the issues for small and rural communities, and focused on agricultural issues. The Environmental Justice (EJ) and Cleaning Up Communities Workgroups also gave input.

The Water Workgroup submitted their Final Draft Report for the consideration of the committee today, along with a Transmittal Letter. During the business portion of the meeting the committee will hear a report out and then the committee will take action on the Report and Letter.

There is a time allotted on the agenda to hear comments from the public. Registered participants will have 5 minutes to speak. Chairman Dixon requested that the comments be kept to the issues outlined in the committee charge and from a local, state and tribal government perspective.

II. EPA Remarks

Chairman Mayor Bob Dixon recognized Troy Lyons, Associate Administrator, Office of Congressional and Intergovernmental Relations to speak. **Troy Lyons** thanked Chairman Dixon and the Committee Members. He expressed his appreciation to the Committee. He indicated that he had been with EPA about three months. And that this is his first Committee meeting.

The Office of Congressional and Intergovernmental Relations is generally focused on getting input from the states and providing an effective forum for intergovernmental coordination. The LGAC provides a great forum to present that input.

The Administrator really wanted to join the meeting today, but his schedule did not allow him to do that. But he really appreciates the work that the LGAC does. And he particularly wanted to commend the LGAC on their work with WOTUS.

Intergovernmental collaboration is an important part of working on environmental challenges like Waters of the U.S. (WOTUS). The work the LGAC is doing on Waters of the United States (WOTUS) really exemplifies what EPA is trying to do with intergovernmental coordination. He along with everyone at EPA really appreciates the work the LGAC has done on the Charge. This work will help build a foundation to jumpstart EPA efforts on WOTUS, along with other intergovernmental stakeholders.

The Administrator really wants a rule to provide clarity and consistency. On June 26th, the Administrator announced with the Department of Army Civil Works to rescind the 2015 Clean Water Rule, and a rule to recodify the regulatory text that existed in the 2015 defining of waters of the US. This is Step 1 of our process and we look forward to working with the LGAC.

He also thanked the Committee for the perspectives from being on the frontline of environmental issues at the local level and how important that is. We really appreciate the work the LGAC has done. And we want to continue to engage this very important partnership.

He said that he has an open door policy. EPA wants to be good partners with local governments. We cannot do our work without your support and your work. And we look forward to strengthening our partnership.

III. Public Comments

Chairman Dixon announced the time on the agenda for public comments and called upon registered speakers.

Commissioner Jai Templeton, Tennessee Department of Agriculture, opened by stating his appreciation for the opportunity to speak to the Committee. He also appreciates that the LGAC listened to the comments of the Department which were submitted on the 2014 Proposed Clean Water Rule. And he appreciates the opportunity to submit comments once again.

Commissioner Templeton commented that he thinks the Tennessee approach has merit in providing a state example of WOTUS, and it has been recognized by the LGAC. We stand ready both here at the Department of Agriculture and my sister agency here in Tennessee to be of assistance with any information that you may need or EPA may need as called upon for consideration.

Our proposal was reiterated in the letter that Commissioner Bob Martino and I jointly signed and sent in for comments on WOTUS. I thank you again for your consideration of our comments, and we stand ready to assist in any further way.

Nathan Ohle, Executive Director, Rural Community Assistance Program (RCAP) said that he really wanted to introduce himself as the new executive director of RCAP. It is a non-profit organization that provides technical assistance to rural and small communities with water infrastructure, drinking water, wastewater, asset planning and training operators. We work in communities typically of 10,000 or less across the country and provide technical assistance and training for wastewater operators and drinking water operators. He thanked the committee for the opportunity to speak.

Jan Goldman- Carter, National Wildlife Federation, thanked the Committee for the opportunity to speak. She also stated that written comments were submitted (from Delaware and Colorado) regarding the Federalism WOTUS consultation. She asked the Committee consider retaining the current Clean Water Rule based on its scientific merits. She also urged consideration of a wider interpretation based upon the importance of headwater streams and their importance to the economy. The million miles of streams and wetlands are important to local governments. It is important to have an inclusive definition as what is in the current in Clean Water Rule, pending a thoughtful, inclusive, science-based and legally sound process to consider any potential revisions in the 2015 Clean Water Rule.

The state of Colorado filed comments on WOTUS and speaks to the importance of their headwater streams and small tributaries, and their importance of those to the economy. A high priority should be to define 'relatively permanent' and 'continuous surface connection' so that the definition includes an assessment of whether waters alone, or in combination with other similarly situated waters, have a significant nexus. This is important for the local governments, as the states have done, to insist that the EPA in any rulemaking on this Waters of the U.S. issue, take in to account the benefits associated with protecting these small streams. These millions of acres of wetlands and millions of miles of small streams will potentially lose Clean Water Act protections. She said that this needs to be considered in the economic analysis. Conversely, the cost to local governments and states of not protecting these waters should also be considered.

Steven Falk, Environmental Law Initiative, He stated that he is a former Iowa state representative, a farmer, and was formerly President of the Buchanan County Farm Bureau. He said that he is concerned about the Waters of the U.S. definition and keeping the current standard. He said that all water is connected. That is why a strongly enforced Clean Water Act and Clean Water Rule which clarifies what waters are covered by the Act are vitally important. The quality of water flowing from small headwater streams impact downstream rivers and lakes which then effect the water we drink. He also expressed a concern about compliance with water quality objectives without federal protection in place. Polluters will have a chance to pollute streams and wetlands which will imperil drinking water quality and cost to citizens. He said that the EPA 2015 Connectivity report concluded the impact to downstream waters. He stated that the state of Iowa and the public is paying much more attention to clean drinking water like it never has before; Flint, Toledo, the Des Moines Water Works

lawsuit has heightened the interest and the public is actively engaged in these issues. He said that this year, the citizens of Iowa spoke out for clean water at the state legislature. If you have not heard from your citizen yet about their drinking water, you surely will. He stated that water protections should move forward, not backward, to protect our vital resources. Taken in whole, the economics of clean healthy water will always exceed polluted water.

Chairman Dixon asked if there were others that would like to speak. He thanked public presenters. He stated that the Committee will review all the written comments submitted.

IV. Workgroup Actions-Report-Out

Chairman Dixon stated that this is the time for the business part of the meeting. He stated that the subcommittee and workgroups will report out on their actions. He indicated that the Small Community Advisory Subcommittee is the only chartered subcommittee which focuses on communities of 10,000. He said that the SCAS is important in helping the LGAC to stay focused on the impacts of regulations, policies and government processes on small, rural and disadvantaged communities. SCAS is also helped us to focus on agricultural communities as well.

A. *Small Community Advisory Subcommittee (SCAS)*

Commissioner Dr. Robert Cope, Chair of SCAS, thanked the Chairman. He said that the SCAS has met on multiple conference calls. The SCAS heard good input from Tennessee, South Dakota, New Mexico, and New Hampshire. We've had nationwide input on WOTUS. He said SCAS Members have contributed greatly to the WOTUS Report. He said that they have also heard from former members, as well, Commissioner (former) Don Larson on agricultural issues that have been incorporated in to the report.

He reported out that the SCAS proposes an amendment to the report, on page 31, to strike the definition of 'significant nexus', and to amend it by adding a new definition that the SCAS heard in public comments received at the meeting from California (asked to be considered by Supervisor Ryan Sundberg).

The amendment states:

"That states under definition that the term Waters of the United States includes only one, those Interstate waters that are navigable impact and currently used or susceptible to use and interstate of foreign commerce. These waters include the territorial seas.

Two, permanent standing or continuously flowing streams, rivers, and lakes directly connected to navigable (impact) waters described in part one: continuously flowing means an uninterrupted flow accept in extreme weather conditions such as drought. These waters do not include ground

water or channels through which waters flow intermittently or ephemerally or channels that provide only periodic grade such as from rain fall.

Three, those wetlands directly abut and that are indistinguishable from the waters described in one and two. Wetlands are those areas that inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted (for) life and saturated (soil) conditions.

Wetlands generally include swamps, marshes, and bogs. Wetlands are indistinguishable from Waters described in one and two when the wetlands and waters submerge so there's no clear demarcation between the two."

The SCAS agreed that this language is very clear, and is written in plain English, easy to interpret, and that this is aligned with what the LGAC has put forward.

He introduced the motion to amend the Report, to strike the aforementioned section and replace it with this definition of 'Waters of the United States'.

Dr. Hector Gonzalez, asked how this definition addresses different bodies of waters which are in our community. He stated that for people along the Border communities of United States and Mexico, that there are additional bodies of waters that need protection for drinking water. These may include retention ponds, or other bodies of water for irrigation as well as for recreation. And that is an important economic impact as well. He said that he prefers a broader definition that locals can have input on to say, *"this body of water needs to be protected for our community."* He said that he wants to make sure that locals have input to decide for their watersheds, their bodies of water, regardless of what we call them, as long as it fits within the broader definition. He said that he did not want it to be so restrictive that, the water that we re-use for food, for water, for recreation, is not protected. "These are our water sources and they have to be protected." He said that the Rio Grande river, for example, is an international body of water that has other rules and regulations as well. So he suggested that caution be considered to not restrict ourselves that we exclude *"local watershed concerns."*

Representative Tom Sloan, Kansas, emphasized that state officials should be determining what are intermittent waters, and the other categories within the definition of WOTUS, subject to appeal by the EPA.

He said that *"getting to 'one' definition that fits every situation across the country may get us in trouble."* He said that, *"EPA has tried to do that and got in trouble."* He said he supports state officials to make the initial call of WOTUS designation, subject to an appeal to the EPA or the courts or whomever. He is said that *"definition is fine we just need to make sure that its local so-to-speak and locals are making the determination."*

Commissioner Victoria Reinhardt, Ramsay County, Minnesota, said that having just heard this language for the first time, she said that she had a problem with adding it. This is all new to us. She said that serving as Chair of the Environment, Energy and Land Use Committee for National Association of Counties, the question that came up most often were about definitions. I think, for example, the language that is in the definition of 'significant nexus' that's proposed to be replaced, is

in clear language as well. The more definitions that we provide, the easier for local and state governments such as Minnesota, to make these determinations. I don't think the amendment gets to all of the issues the previous speakers have addressed. It's going to come down to "there will be waters that I think should be under the 'Waters of the U.S.' protection that this amendment language would not capture." So making the definition 'simple' could run risks of 'Waters of the US' that should be covered are not because of this new language. So I will not support the new language. Something this big in the last couple of hours is really difficult for us to go forward with. So I won't support that language. If we need to do something different that is somewhere in between these two, so that we have enough definition that we can make sure that waters are protected by the locals and states as we move forward, that's fine. But right now, I think we've gone in the opposite direction. I want to make sure that 'Waters of the US' that need protection are protected. And the more definition we have of that, in making that clear, it is for the better.

Council Member David Bobzien, Reno, Nevada, said that he also would like to, express issues of concern about this approach. I think the strength of the existing draft report on page 15 and 16, Section F (solely) approaches the challenges and opportunities. As we heard from the comments raised by the National Wildlife Federation, they point out their concern of a narrow approach. And I certainly share some of those concerns. But I think the power of this consensus document especially in the second section of our report is that it talks about the importance of working with local governments and tribes in identifying the significant water bodies by delineating and mapping the significant waters of the States. This leaves open that flexibility of the 'significant nexus' test that we've been discussing. I share the concerns that by trying to achieve that simple of a definition, we may be as what has been stated by other speakers, unwittingly, leaving some things off the table that do need protection.

So, Mr. Chairman I greatly appreciate your driving us forward and always trying to achieve consensus on this, but I do have to wonder if perhaps this sizeable of a proposed amendment – this substantial of a proposed amendment- should perhaps go back to the Water workgroup for more consideration before we move forward.

Susan Hann, Chairwoman, Protecting America's Waters Workgroup, weighed in on this by expressing equal concerns of previous LGAC Members, noting that this language as proposed came in virtually in the last moment. The report has been thoroughly vetted and reviewed on numerous occasions. It really is a collaborative document with considerable opportunity for input. And I think that we have reached a point where we have developed a consensus document that reflects a wide variety of input from across the nation especially from the standpoint of local governments. That being said, I recognize that there are certainly differing perspectives and approaches and refinements, that may be needed as we move forward with future opportunities to weigh in. I believe that with confidence, that EPA will view this collaborative approach as they are moving forward with the rule making process. So I'm not comfortable changing the report of the LGAC as it stands at this moment. I am comfortable acknowledging that we have received input and comments from the public that reflect different perspectives and certainly acknowledging them as part of the record. But I'm not comfortable modifying the report at this time.

Teri Goodmann, Assistant City Manager, Dubuque, Iowa, stated that she too would not support an amendment to our report at this time for all of the reasons previously stated.

Councilor Jill Duson, Portland, Maine, also expressed the desire to move forward with the report as

drafted.

Mayor Karen Freeman-Wilson, Gary, Indiana, was recognized by the Chair, concurring with everyone as well.

LGAC Chairman Dixon asked Chairman Cope, SCAS, if he wanted to withdraw the motion.

Commissioner Cope stated that the definition offered had no conflict with the definition that the LGAC has discussed and found in Section F of the Report. We were charged to bring the rule and our advice on a rule that comes in line with the Scalia approach, we didn't see a whole lot of reason to leave in the definition of 'significant nexus' (part of the Kennedy decision). The other thing that we heard repeatedly in all our public listening sessions (2014) is that everyone was in agreement about wanting clarity on definitions.

In fact, we heard from the Assistant Attorney General from New City (in Worcester, Massachusetts in September, 2014) that there had been something on the order of 400 cases filed in litigation of the Clean Water Rule with decisions all across the board. So nobody knew where the jurisdictional limits were. SCAS Members passed this motion with the thought that this particular definition (as read) would eliminate the litigation battle so that everybody would know exactly where those bright lines are.

Chairman Dixon said that as an order of business there was a motion to amend from the SCAS. We have discussed it. I have yet to hear a second on that motion. Hearing none that motion dies for lack of second.

Chairman Dixon thanked Commissioner Cope and the committee. The great thing about what the LGAC does is that we have honest open dialogue on these issues. I appreciate everyone's comments, thank you so much.

Commissioner Cope said that that's all we had from the SCAS. I guess we would hope that this document as it's put forward would at least be incorporated into whatever the administration does. Two years ago we had a similar document in a similar form and very little of it actually got incorporated into the 2015 CWR rule.

And those very things that were not incorporated we (posted) on the basis for the rejection from the (court at) North Dakota to stay the rule. So hopefully, we'll have a little better reception from this administration than the last.

Chairman Dixon thanked Commissioner Cope for his report out, and he thanked the SCAS for their work. Chairman Dixon recognized Ms. Susan Hann, Chair of the Protecting America's Waters Workgroup for a report out.

B. Protecting America's Waters Workgroup

Ms. Susan Hann thanked Chairman Dixon and members of the LGAC, as well as members of the public who commented. There are many perspectives on this issue and many aspects of this issue. It is complicated. And so we appreciate the collaborative approach and the input that everyone has given,

and I'm very hopeful that EPA will take all of the comments and input that they've received on this issue into consideration as the rule-making process goes forward.

Ms. Hann acknowledged Vice Chair Mayor Elizabeth Kautz, stating that she has contributed greatly as Vice-Chair and she has worked very closely to develop the report. I would like to acknowledge Mayor Kautz for an opportunity to give remarks.

Mayor Elizabeth Kautz, Burnsville, Minnesota, thanked Susan Hann, Chairman Dixon and everyone on the committee. I also want to thank everybody who have given us the input. We have worked very hard on the collaboration that was needed to put this report forward. I would also like to thank Fran Eargle for all of her hard work and continuously looking at amending and editing the reports that you have before you. And everyone I thank you for bringing your perspectives forward and also responding by providing your quotes, which greatly added to the Report. Thank you everyone and I can't say enough for our Chairwoman Susan Hann. Even though she travels a great deal and is extremely busy, I don't know how she does it, but we have both stayed on top of all of these issues. So thank you Mr. Chairman, thank you Sue, thank you Fran, and everyone.

Susan Hann again thanked Mayor Kautz. As Chairman Dixon pointed out, our work began on the WOTUS charge began on May the 3rd. We've been working diligently since that time to produce the report that you see before you today. The Executive Committee met on April 26th and delegated the waters of the U.S. charge to our workgroup. We held a meeting on May 18th to seek national intergovernmental organizational input, we heard from National Association of Counties (NACo), U.S. Conference of Mayors, National League of Cities (NLC), American Water Works Association and the National Association of Towns and Townships.

We had additional meetings on June 3rd, and more recently on June 22nd to finalize our report. We've worked very closely with the Small Community Advisory Subcommittee (SCAS), Environmental Justice and Cleaning Up Our Communities and all of the workgroups and members of the LGAC have contributed greatly. I'm very proud of the work that we have done. And you will see as you read it, that it is truly a collaborative document.

I would like to recognize Mindy Eisenberg from EPA's Office of Water, as well as Cindy Barger from U.S. Army Department of the Army, Civil Works to see if they additional comments to add.

Mindy Eisenberg, Acting Director, Office of Wetlands, thanked the LGAC for the work done on the charge in a short amount of time. You have invested quite a lot in preparing this report for the agencies as we move forward with our step to rule making. It really is important, and we will be looking at it very closely.

Cindy Barger, Department of the Army, Civil Works, I just wanted to just to say thank you also. On behalf of the Office of the Assistant Secretary of the Army for Civil Works, we really appreciate the comments and input in pulling this report together.

Susan Hann thanked Cindy Barger and the Corps as well. She stated what great partners the Department of Army has been in this process. I feel very confident that we're moving in the right direction in streamlining the permitting process. She also stated her appreciation that the Army and the

Corps have been participatory partners throughout.

Susan Hann began a summary of the report on what the general content in the report. I think first and foremost, everyone agrees that the importance clean and affordable drinking water is paramount to the health of our communities. So that's the foundation on which our report is built upon. The 'how' is subject of interpretation, debate, and public policy making, I think the outcome is something that we can all agree on.

In the Report, there is consensus that a revised Waters of the U.S. rule is needed to give clarity and improve regulatory performance. Clear definitions and criteria are needed for jurisdictional calls, rather than interpretation. Regulatory certainty is needed to simplify the process of making jurisdictional determinations. We generally agree that a narrow interpretation of the Clean Water Act (via Scalia) is an acceptable approach. However, Supreme Court decisions and other court decisions will not alone provide the regulatory certainty we need for local governments.

Therefore, the LGAC is putting forward an approach (consistent with Scalia), that the EPA consider along with the 2008 guidance with refined definitions. The LGAC have put forward some of these definitions needed. We also put forward that jurisdictional determinations should simple answers such as "yes", "no", or "maybe" should be the result. And that criteria should be used to make those jurisdictional calls. In the case of "maybe", we recommend the use of state- developed criteria to make jurisdictional determinations that reflect regional variability.

This is really an important point that we discussed on several occasions during our conference calls that there is not a "one size fits all" answer and providing regional variability is quite important.

Representative Tom Sloan provided some examples of such criteria that could be used in the state of Kansas. We also heard from the state of Tennessee. This concept could be put forward for each state or region. Jeff Witte and Council Member Brad Pierce also provided similar criteria that could be used in western and arid regions. One such of these waterways that was noted was arroyos which could be exempt. The state by state criteria could be a place to start with more local engagement, and also the accelerated use of state general permits.

We also, agree that the current exemptions should be retained for normal agricultural practices, but other exemptions should be considered like that for western ephemeral streams. However, some attention should be put toward prior converted crop lands and agricultural areas in general. The LGAC seems to favor an enhanced state role, either through state assumption of the 404 program or state program adding general permits. We also, believe that a more active local role should be encouraged in this process as well.

However, as Mayor Karen Freeman-Wilson has also pointed out, resources and technical assistant will need to be put in place for that transition. The issue of drinking water and source water is an important issue for all of us in local government. This has come up in member's comments throughout the report. There are approximately a 117 million peoples' drinking water protected by the Clean Water Act and there's concern about the economic costs of weakening those protections.

And this really does not even address those individual serviced by private wells. The American Water

Works Association has warned that the cost of repairing and expanding U.S. drinking infrastructure will top one trillion in the next 25 years; an expense that will be met primarily through higher water bills and local fees.

And again this is a very consistent theme throughout the deliberations we have had amongst the Water Workgroup and the Executive Committee and what we put forward in the Drinking Water Report with the theme of affordability.¹ We need to make sure that as we are moving forward with rule making that this is a frame work that leads to affordable drinking water for our citizens. Because streams, wetlands and other water bodies will lose protections under the Clean Water Act, to protect these sources of drinking water then the local cost for treatment could be enormous and then our local water infrastructure assets threatened.

For example, the water treatment cost in the city of Portland, Oregon are very low because the source water is protected by the Clean Water Act in their state. In Salmon, Idaho, the treatment cost can exceed what is considered affordable. These costs will continue to be transferred to local governments.

If Clean Water Act, Section 404, permits are granted that pollute, degrade or destroy a water body the permittee would to be required to mitigate those costs. Therefore, the LGAC, especially the E.J work group has put forward this concern that states should identify these areas of source water, map them so that they can be considered part of water infrastructure assets and protected. This way it is clear to everyone.

The LGAC also recommends that permitting reform be undertaken with simple steps to make a jurisdictional call within 90 days. If not, the permit is granted. We also have recommended some other permitting features to consider and we do think that the LGAC continued engagement will be of service to the EPA once a revised rule is published. Again, this is a common theme that we've heard throughout this round as well as our previous round, that permit reform is definitely needed and we do appreciate the partnership between the EPA and the Army Corps to work towards making that happen.

We also, recommend that a broader economic analysis be conducted that includes all Clean Water Act programs, state and local programs affects as well. And we have included some of those state programs that could be affected.

We also, recommend targeted outreach to local government. We learned a great deal in what happened with the 2015 Clean Water rule. Specifically, we also learned the importance of outreach with local governments was needed with the Deepwater Horizon Gulf Spill.

Lastly, there needs to be an educational component that includes the importance of water that engages local governments and stakeholders. So, that summarizes what's in the report. I hope everyone has had a chance to read it. We've also, referenced a number of recommendations that were made in the 2014 LGAC report but there are also a lot of new material as well.

And again, I'd like to thank the SCAS and the Environmental Justice Workgroup for their work and

¹ https://www.epa.gov/sites/production/files/2016-10/documents/lgac_water_report_-final-draft_3.1.pdf

contributions. Also, I would like to thank Representative Sloan, Council Member Brad Pierce, and Assistant City Manager Terry Goodman for submitting their detailed recommendations and they were a big help in compiling the report. That concludes the report.

Dr. Hector Gonzalez, you already have said, "congratulations and thank you", to the Water workgroup for all the committee members who contributed. Chairman Dixon I would also like to say 'thank you' for your leadership which has been very critical on this issue and in protecting our water. It is certainly very important and really appreciate your dedication to it.

I just wanted to highlight the input of the EJ Workgroup put forward includes in the report that I think needs to be emphasized, especially when you look at small communities, E.J. communities and tribal communities. We wanted to make sure that it was included that our water bodies are protected. Because for some of our communities, access to water – to safe, potable water is still an issue.

That is in the report and I appreciate everybody supporting that. Then second, as we look at new and upcoming and emerging contaminants that we still continue to work with the Science Advisory Board to take into account what they say and take into account what the local and state standards are as well. But we enrich the discussion by looking at all perspectives. And so we want to make sure that we include the science in this discussion as well.

And then finally, enforcement is an issue. EPA needs to continue enforcement. And use standards that are logical, and that also take into account local infrastructure, local needs and resources. You can have the best standards but if it's cost prohibited, then in particular E.J. communities, tribal and small rural communities are impacted.

So in addition to the great work that the Water workgroup did and all of the other contributions. What The EJ Workgroup wanted to put forward highlights those issues of accessibility and affordability. And I agree that we need to move this forward. So again, to the Water group and all the groups who gave input, and the EJ work group, thank you very much. Great work, Susan Hann and Mayor Kautz!

Chairman Dixon asked if there was any other discussion. If not, then I would ask for a motion.

Susan Hann moved to accept the report with the final approval by the executive committee to finalize with any editorial comments (typographical edits and formatting). We would also expect a quote from Chairman Shawn Yanity of the Stillaguamish Tribe so I would move to include it as well. Also included in my motion is that the Executive Committee will go through all of the comments that have been submitted to the committee and decide which ones are most applicable to the charge to include in the appendix of the report as additional comments received. Representative Tom Sloan seconded, as well as Mayor Karen Freeman-Wilson and Legislator Manna Jo Greene. Chairman Dixon acknowledged that there is a motion and a second. He called for the question to accept the Motion. Motion carried.

Susan Hann introduced the second item of business for the Water Workgroup which is the transmittal letter. I believe everyone had an opportunity to review the transmittal letter at our last meeting. I'll make a motion to approve the transmittal letter with the authority for the executive committee to make any final editorial modifications.

Dr. Hector Gonzalez stated that it is an excellent letter. Besides any editorial changes that need to be made, I would also like to include a sentence that EPA also take into account input from other stakeholders and as the groups who presented today. I think all of these comments have valuable information and those comments should be looked at (just as the Senate is recognizing that).

Susan Hann said that she is fine to incorporate that into the motion.

Dr. Gonzalez seconded the motion.

Chairman Dixon acknowledged the motion and the second on the transmittal letter with those edits. He asked for if there was any further discussion, and he called for the question to approve the action. Motion carried.

Chairman Dixon thanked everyone. He again thanked Ms. Susan Hann and Mayor Elizabeth Kautz and the Protecting America's Water Workgroup and the great collaboration with all of our other workgroups and EPA staff have put forward on this.

C. Environmental Justice (EJ) Workgroup

Chairman Dixon acknowledged Dr. Hector, Dr. Gonzalez for a report out of the Environmental Justice Workgroup. Mr. Chairman, I think I said most of the most of the points that the EJ Workgroup had were included in the WOTUS Report. I would like to thank all the workgroup members. He acknowledged Legislator Manna Jo Greene for any final comments from E.J.

Legislator Manna Jo Greene thanked Dr. Gonzalez. I think you summed up the EJ comments very well and I very much appreciate the comments. She also stated that she felt very honored to be a part of LGAC.

Dr. Hector Gonzalez stated that he wanted to thank his fellow LGAC colleagues because everyone does such great work. He stated that it could only be done together and with everyone contributing. So thank you. think the only other committee member we have right now is Manna Jo on the line so thank you, Representative Greene.

Chairman Dixon thanked Dr. Gonzalez and members of the EJ Workgroup.

Chairman Dixon acknowledged Commissioner Cope to give a report out for the Air, Climate and Energy Workgroup.

D. Air, Climate and Energy Workgroup

Commissioner Cope said that they the Air workgroup has not met because they were focusing on the WOTUS issue. But he stated that hopefully we can get that going again. We have several issues on the back burner with ozone particulate matter. There's a lot of things there that may well come our way but hopefully we'll get at them soon.

Chairman Dixon thanked Commissioner Cope for the Workgroup.

E. Cleaning Up Our Communities (CUOC) Workgroup

Chairman Dixon acknowledged Councilor Duson for a report out for the Cleaning Up Our Communities Workgroup. **Councilor Duson** thanked the Chairman. She said that the last couple of meetings have been primarily centered around giving input on WOTUS. We do have a couple of items in development for agenda working with Mr. Demond Matthews. Councilor Duson acknowledged the vice chairwoman, Mayor Freeman-Wilson for any comments. Mayor Freeman-Wilson indicated that she did not have any comments.

Chairman Dixon thanked Councilor Duson for the report.

V. Closing Remarks***A. Other Business***

Chairman Dixon acknowledged that the meeting was running overtime. He said that there had been quite a good discussion and important deliberations. Chairman Dixon said that there was one more order of business to take up to accept the January 13th meeting summary. The Chairman called for a motion to accept.

Commissioner Victoria Reinhardt moved to accept the meeting summary. **Mayor Elizabeth Kautz** seconded the motion. The motion carried.

Chairman Dixon thanked everyone for their participation and everyone's great work. I am very proud to be associated with each and every one of you. He said that he really appreciated that we have true, honest, and open dialogue in the midst of complex issues with sometime differing opinions. He acknowledged the great respect of committee members regardless of the different thought processes. "It's a real honor and pleasure to do that just to be here as – serve as chair of this committee." He thanked everyone for their respect and the valuable contributions of each of the members. Chairman Dixon also thanked the members of the public for joining the meeting and for submitting their thoughts and opinions. He said that he hoped that we can move forward with these issues that are very important to all of us. So big thanks to everybody.

B. EPA Closing Remarks

Chairman Dixon called on Robin Richardson, Principal Deputy Associate Administrator for closing comments.

Robin Richardson thanked Chairman Dixon. She said that she echoed strongly his comments. She thanked Chairman Dixon for leading the committee to such great achievements. She thanked everyone for their individual contributions that makes it such a great committee. I think today's call is a hallmark of what this committee contributes to improving our environment and the communities that we serve. So thank every one of you.

Just a couple quick things. I just wanted to highlight some key accomplishments and really congratulate what you had accomplished this year so far with the National Drinking Water Plan in November, the Biannual Report in January, 2017 and now the landmark 'Waters of the U.S.' report.

You've challenged us to step outside our stovepipes and think outside the box. You've connected us with our communities that we serve together. And have made our voices even louder as we work with local governments. It's how we've gotten to the point where when we need that local viewpoint we look to the LGAC and that is a huge advancement.

I wanted to give you a quick update on the membership process. We started back in January with looking at what the needs of the committee are and we consulted our office here that manages our federal advisory committees. We anticipate getting a Federal Register notice out very soon here hopefully within the next week or two.

We don't know, of course (ahead of the process), who will be reappointed until all the nominations are in and we go through the process here at EPA for a balance and diversity. But I encourage you, if you haven't already done so, to let Fran Eargle and Demond Matthews know if you have any interest in it reappointment for those members that are still on.

The LGAC Charter does require members to hold an elected or appointed office of state, local or tribal government. The terms are one to two years (based on elected terms in office). There is a six year but on occasion exceptions are made for extensions beyond the six -year limit. So, please send your interest in soon. Be on the lookout for the notice.

C. Chairman's Closing Remarks

Many of you are moving on because you will leave office. A special thanks to you, also for all of the hard work and your time and service. We really do appreciate it here at EPA. With that, Mr. Chairman, I will stop and thank everyone again for your great work and wish you a great summer. We're looking forward to scheduling a face to face hopefully in September.

Chairman Dixson thanked Robin Richardson for her remarks. Chairman Dixson reiterated the accomplishments of the committee. I personally want to say thanks to all the LGAC members that are rotating off for whatever reasons but we've always appreciated your input and your support and your dedication to the LGAC.

And, I would be amiss if I didn't recognize Fran Eargle for her tremendous work in – as our DFO, of assisting all of our work groups.

Frances Eargle thanked Chairman Dixson and all of the Committee. Mayor Kautz thanked everyone again. Without you, Fran Eargle, we probably wouldn't have the kind of product that we have before all of us today. Thank you.

Chairman Dixson announced the closing time of the meeting. I thank everyone for their patience. I know when we have timeframes set we like to stay within them but do not – did not want to stifle any input or discussion on this valuable and important issue. Because we all just want to be good stewards

of our environment and we all want to find solutions that will last for generations to come.

And, again, I appreciate everybody's input and I wish everybody a safe Fourth of July weekend and through the week there make sure you get the bottle rockets out the window before you light them.

VI. Adjournment

Before I declare the meeting adjourned, a last thank you to everyone.
Meeting Adjourned.

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



July 17, 2017

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

Date



July 17, 2017

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

Date

The Meeting Summary that follows reflects what was conveyed during the course of the meeting that is summarized. The Committee is not responsible for any potential inaccuracies that may appear in the meeting 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 within the Meeting Summary.

LGAC June 29th Meeting Participants

The Honorable Bob Dixson, *Chair*
Mayor, Greensburg, KS
Greensburg, KS

The Honorable Robert Cope
Commissioner, Planning and Zoning, Salmon, ID
Salmon, ID

Mr. Rodney Bartlett (SCAS)
Town Administrator
Peterborough, New Hampshire

The Honorable Jill Duson, *Vice-Chair*
Councilor, Portland, Maine
Portland, Maine

The Honorable Dawn Zimmer
Mayor, Hoboken, NJ
Hoboken, NJ

The Honorable Manna Jo Greene
County Legislator, Ulster County, NY
District 19 Rosendale, NY

The Honorable Sal Panto, Jr.
Mayor, City of Easton
Easton, PA

The Honorable Stephen T. Williams
Mayor, Huntington, WV
Huntington, WV

The Honorable Kitty Barnes
Commissioner, Catawba County, NC
Terrell, NC

Ms. Susan Hann, PE
Director, Planning Palm Bay County Schools, FL
Palm Bay County, FL
The Honorable Johnny DuPree, Ph.D.
Mayor, Hattiesburg, MS
Hattiesburg, MS

The Honorable Stephanie Chang
State Representative- House District 6
State of Michigan

The Honorable Victoria Reinhardt
Commissioner, Ramsey County, MN
St. Paul, MN

The Honorable Elizabeth Kautz
Mayor, Burnsville, MN
Burnsville, MN

The Honorable Karen Freeman-Wilson
Mayor, Gary, IN
Gary, IN

Mr. Kevin Shafer, PE
Executive Director, Milwaukee Metropolitan Sewerage District (*Appointed*)
Milwaukee, WI

The Honorable Mark Stodola
Mayor, City of Little Rock
Little Rock, Arkansas

The Honorable Norm Archibald
Mayor, City of Abilene, TX
Abilene, TX

Dr. Hector Gonzalez, MD
Director of Health Department, Laredo, TX
Laredo, TX

Teri Goodmann
Assistant City Manager, City of Dubuque
Dubuque, IA

The Honorable Tom Sloan
State House Representative, State of Kansas
Kansas

The Honorable Brad Pierce
Council Member, City of Aurora, CO
Aurora, CO

The Honorable David Bobzien
City Councilmember At-Large - City of Reno
Reno, NV

Scott Bouchie
Environmental Management and Sustainability Director - City of Mesa
Mesa, AZ

Susan Anderson
Director, Portland Bureau of Planning and Sustainability
Portland, OR

Members of the Public

Jan Goldman-Carter, National Wildlife Federation, Washington, DC
Commissioner Jai Templeton, Tennessee Department of Agriculture, Nashville, TN
Steve Falk, Environmental Law & Policy Center, Des Moines, IO
Nathan Ohle, Executive Director, Rural Community Assistance Program (RCAP), Washington, DC
Allen McEntire, Southeast RCAP, Winnsboro, SC
Angela Drawling, KCPS

EPA

Troy Lyons, Associate Administrator, OCIR
Fran Eargle, DFO for LGAC
Demond Matthews, DFO for SCAS
Mindy Eisenberg OWOW
Carmen Assunto -Region 6
Robin Richardson, OCIR
Angela Brees, R7
Delores Wesson-OWOW
Damaris Christenson, OWOW

Other Federal Agencies

Cindy Barger, Department of Army, Civil Works
Stacy Dempsey, Army Corps of Engineers