

U.S. Environmental Protection Agency LGAC Small Communities Advisory Subcommittee

Meeting Summary

Wednesday, April 18, 2012
2:30 pm - 5:30 pm (MT)

The Meeting Summary that follows reflects what was conveyed during the course of the meeting which is summarized. The Subcommittee is not responsible for any potential inaccuracies that may appear in the meeting summary as a result of information conveyed. Moreover, the Subcommittee advises that additional information sources be consulted in cases where any concern may exist about statistics or any other information contained within the Meeting Summary.

Meeting Summary: Small Communities Advisory Subcommittee

Wednesday, April 18, 2012

2:30 p.m. – 5:30 p.m. (MT)

Welcome and Introductions

Chair Dixson opened the meeting at 2:36 pm (MT).

Review of Meeting Summary from March 27 SCAS Call

Chair Dixson introduced the first item of business, review of the meeting summary from the March 27, 2012 SCAS Call. Commissioner Cope moved to approve the summary. Mayor Murrell seconded the motion, and the meeting summary was approved.

Draft Letter on Decentralized Papers

The next item of business was the draft letter on the papers developed by the [Decentralized Wastewater MOU Partnership](#), which were discussed on the March 27 SCAS call. Chair Dixson asked if there were any items to discuss related to the draft letter or the papers.

Commissioner Cope said he has heard the decentralized systems may lead to more sprawl. Adding the Conservation Districts and Health Districts to the MOU Partnership, as recommended in the draft letter, will help prevent these types of problems.

Mr. Tiberi moved to bring the letter to the LGAC for review, discussion and approval. Commissioner Cope seconded the motion, and the motion was approved.

Small Communities Listening Session

On April 17, EPA's Region 8 held a listening session for local officials from small communities (<10,000). The purpose of the listening session was to meet with local officials and support staff to discuss community environmental priorities, needs, and concerns and determine how EPA can best assist small communities. Local officials from counties and small towns in Colorado, Utah, and Montana called into the listening session. The session focused on communication between EPA and small communities. Topics raised by call participants included solid waste management, site cleanup, brownfields, funding opportunities, communication strategies in different types of communities, drinking water, environmental impact statements, and the need to consider economic impacts on smaller communities from environmental regulations.

The call participants appreciated the opportunity to discuss these issues with EPA, recommended more regular interface between EPA Regions and small communities and noted that small communities rely on outside consultants and engineers for environmental management. More regular communication in person would be beneficial and could be helpful in increasing local capacity. General outreach from the Region to local governments and keeping the lines of communication open would go a long way to building relationships.

To raise awareness of the listening session, EPA sent notices to the municipal leagues in each Region 8 state and to the regional environmental justice and sustainable community listservs.

Commissioner Cope asked if EPA reached out to county organizations. Idaho Associations of Counties has an environmental committee. ID DEQ attends those meetings. It would be good for the EPA to be part of those types of meeting in other states that don't have the participation of their DEQ.

Mayor Murrell stated that having listening sessions is a good idea, but EPA needs to explore other avenues to get the word out. A lot of small towns aren't members of the municipal leagues. EPA can do more to reach out to these communities.

Mr. Tiberi said it would be helpful for LGAC members to have information about these types of sessions as early as possible. Members would most likely want to participate and can help to get the word out.

Ms. Davis asked for input on ways to reach out to local officials.

Mayor Wong said every state is different. It would be good to make a list of points of contact for outreach to counties and municipalities for each state.

Keeping your Community Water and Wastewater Investments from Going down the Drain

Kellie Kubena, Branch Chief of the Sustainable Communities Branch in EPA's Office of Wastewater Management, began the session by giving a brief overview of the work of the Sustainable Communities Branch (SCB). She said the purpose of the discussion is to get input and feedback on what motivates small communities.

SCB's goal is to get sustainable wastewater infrastructure to everyone in America. There are about 20,000-30,000 homes per state that don't have adequate drinking and/or wastewater service, which equates to over 1 million people. There are important human health impacts from this. Every dollar invested in water and wastewater infrastructure can add 6 dollars in the community/economy. This infrastructure is invisible, and it is important to create an understanding of the value of water.

Training is another area of focus. There are many retiring operators. Apprenticeship programs are very helpful for transferring knowledge before the experienced operator is gone. Communities also depend on the engineer they contract with to design or upgrade their systems. What can EPA do to better support local officials in evaluating their needs so decisions about infrastructure and infrastructure investments are efficient and effective?

Some towns have declining populations, so they need to identify creative solutions to support the aging infrastructure. Additionally, there needs to be a buffer between the operator and the political leader of the community so the system has stability.

SCB has 5 funding programs

- US Mexico Border

- Work happens on both sides of the border because this helps protect the health of residents along the border and anyone travelling to the border
- Tribal program set aside from the State Revolving Fund
- Funding for territories set aside from the State Revolving Fund
- Funding for Alaska Native Villages
- Work with the State Revolving Fund program on the set aside for small systems.
 - There is not broad awareness of the small system set-aside
 - There is also a set aside for green projects, and onsite treatment can be part of this category

SCB has additional efforts that focus on collaborations with other agencies and organizations. The Decentralized Partnership helps demystify onsite treatment by providing information to encourage proper management and use of decentralized systems. EPA has recently signed a Memorandum of Agreement (MOA) with the Veterans Administration to train veterans and help fund their positions as wastewater treatment operators. EPA also has an MOA with USDA on sustainability, which includes asset management among other areas of emphasis. Regionally, EPA supports organizations like the Alaska Rural Utility Cooperative that encourage communities to share costs of operating small utilities.

In the area of outreach and training, SCB is conducting workshops on utility management, conducting webinars, improving websites, and producing annual reports for each program, as well as a decentralized case studies report with management models. SCB is also testing a homeowner outreach program called "Septic Smart." These materials can be used by local governments to inform homeowners about the importance of septic system maintenance.

Discussion Questions:

- *What can we do better?*
- *What factors do you think about in making water/wastewater decisions?*
- *Who do you go to for information?*
- *How do you make budgeting decisions?*

Mayor Wong said it could be good to develop something for homeowners related to sustainability, which is similar to the simple sheet about financials given to people when purchasing a home. It is also important to think about consumer protection. Some communities have privatized the water and wastewater systems, and the rate payers have suffered. There is not an incentive for external entities to provide the most efficient system. Could EPA create engineering advocates cities and towns could go to that could help interpret the needs of the community and prevent over-engineering? These engineers could work with economists to help put the decisions into real dollar amounts for local decision-makers.

Mayor Dixon stated EPA needs to work collaboratively with states and locals. When engineers come from other states, they do not always know the right standards. There needs to be better communications and some standardization.

Ms. Kubena agreed that the 50 states have 50 different approaches to water infrastructure standards. EPA has been discussing how to encourage reciprocity between states. Septic systems are often regulated by the departments of health, not the DEQ. EPA encourages states to focus on what's coming out of the system, instead of specifying the design parameters of the system.

Mayor Kautz said would be very helpful to inform communities about best practices. What are some policies and procedures they can put in place that can guide them in their decisions? What are the best business practices? Local governments should have access to some good models for capital improvement. People need to understand what their infrastructure is, plan for capital improvement, and implement a model for funding. EPA's Sustainable Communities Branch can support this. There should not be any more mandates, unless the federal government is going to pay for it. When working across federal agencies, EPA should also work with state agencies. The states are the ones local governments work with. The federal agencies can facilitate information, knowledge and technical assistance.

Commissioner Cope gave an example that he dealt with in Idaho. The community had a complex system installed. The health district had to approve the system, but the district does not have staff with the engineering expertise to certify the system designs. They had to send the plans to an engineering firm, and had to pay several thousand dollars for the firm to rubber stamp the design plans. There should be a certification system for installers, so the liability does not fall on the health district.

Mayor Dixon agreed. The installer has the knowledge of the area. This is more valuable than the engineer that is 300 miles away and has never worked in the area.

Mr. Tiberi asked if it would be possible for EPA to have a contract for an engineering firm in each state to serve as an ombudsman for communities to go to. He added it is also important to think of a clear and clever way to get the point across that water and wastewater services are valuable.

Mayor Peterson noted that in New York State the government is looking for ways to consolidate services. Consolidation and regionalization are good tools to use to pay for services.

Mayor Wong added mayors and managers must look at the bigger picture. There is a life cycle to these water infrastructure projects. One of the common threads of the conversation is the need for an advocate. Local officials are not completely opposed to mandates; officials are opposed to the unfunded part. The advocate could focus on consumer protection or on project planning. These unfunded mandates are drowning many local officials. EPA needs to work with local officials to identify the best phase of the life cycle for intervention. Officials are aware of the important health benefits, but local governments have to internalize the costs but are not able to internalize the benefits.

Mayor Murrell gave another example. HUD has a very complicated system for applying for funding. Arcadia has invested a lot of time into trying to get funding, but hasn't been able to navigate through the regulations and rules. Small communities do not have the systems to know the regulations, select an engineer, and find the funding opportunities.

Mayor Dixon noted that as his community has moved to low-flow fixtures, they have run into trouble with infrastructure because it wasn't designed for those types of systems. This is something that EPA needs to be aware of when promoting sustainable infrastructure.

EPA will send the following materials to the SCAS and LGAC members:

- Website describing tribal workgroup
- Information on upcoming workshops on utilities management
- Links to annual reports for SCB programs and decentralized case studies report

Sustainable Communities and Economic Development: USDA and EPA Collaborations

Jamie Spakow, Acting Director of Colorado's Rural Development Program, began the session by giving an overview of the state program.

Leveraging funding from different federal agencies is not new, but there is more focus on it. Rural Development (RD) is one of 13 agencies in USDA; RD, Natural Resources Conservation Service (NRCS), and Farm Service Agency (FSA) have a very local focus. NRCS and FSA tend to be more farming focused, and RD tends to be more focused on community development. RD is working through formalizing the coordination at the local level to improve federal government efficiency.

RD can provide more information through the service centers. Not every agency needs to have offices where USDA has offices. USDA is also thinking about how resources are used and looking for ways to use them better. Within USDA is the Food and Agriculture Council. This Council coordinates the agencies within USDA. This year, RD is heading up the Council. If EPA is trying to communicate with USDA, RD is a good place to start.

The Secretary started a new program last year called [Strike Force](#). This is an effort to coordinate existing outreach programs in disadvantaged counties. Three states were part of the program last year; three more states were added this year (including CO). The goal of Strike Force is 15 by 45 by 15: by 2015, 45% of RD funding will go to counties with $\geq 15\%$ of students enrolled in free and reduced lunch programs.

Another initiative is [Stronger Economies Together \(SET\)](#). This focuses on the benefits for working regionally. SET funding goes to capacity building training. Colorado has two SET regions. The program includes a pretty intensive training course with a set curriculum. The program is designed to assist communities in planning for how to develop.

Ms. Spakow turned the conversation over to Megan McConville from EPA's Office of Sustainable Communities. Ms. McConville began by thanking the SCAS and LGAC for [the advice letter to the Administrator encouraging EPA to coordinate more with USDA](#). Ms. McConville discussed some of EPA's efforts to collaborate with other federal agencies. The Partnership for Sustainable Communities was formed because the federal government cannot afford to make single purpose investments and must coordinate investments and serve multiple goals with a single investment. The goals of the Partnership

are similar to the goals communities have. Communities also need to meet as many goals as possible with a single investment.

Federal investments can serve as a catalyst for other private and public investment. It is important to carefully considered investments so they add up to more benefits for a community. Investing in existing communities such as Main Streets and historic town centers can help make the areas more attractive to young people, which is a concern many rural community leaders have expressed.

USDA Rural Development programs and the Partnership programs can be very complimentary. The Partnership can fund planning. This can help RD in selecting well-planned projects that are connected to community goals. RD can expand the network of communities the Partnership can reach. There has been a lot of progress in collaborative efforts between the Partnership and RD. RD has been involved in reviewing grant proposals, and the Agencies have worked to increase staff knowledge of the different programs and to produce reports (see Attachment 1 for more details).

One developing area is work with communities to build capacity. For example, USDA worked with a community to help them apply for a HUD regional planning grant, and USDA has been involved with the community as they implement the grant. In Arkansas, through the Strike Force program, USDA helped another community apply for a HUD grant. SET is a great program that trains regions on regional economic development. The program helps regions think through what their assets are and identify their economic development needs and vision. EPA contributes to the program by providing information on land use planning tools to create and implement their economic vision.

The federal agencies are working to institutionalize the ongoing collaborations. EPA is putting together a list of steps staff should use in order to work with RD and bring them in on projects.

Discussion

Mayor Murrell observed that HUD calls the largest cities “entitlement cities.” What does that mean for small communities? It sounds like small towns do not measure up. USDA sends money to communities for fire departments, but there is a match required. Agencies may be consolidating efforts, but the biggest need is to consolidate the application processes. That is what terrorizes small towns. Participating in multiple grant competitions and doing multiple assessments is too much. It is going to be difficult for small towns to get the benefits from the Partnership. The reporting requirements are burdensome. If a community applies for a Community Development Block Grant, USDA will reduce the money they are giving that community, and then the community will have two agencies to report to.

Ms. McConville thanked Mayor Murrell for the comment. The Partnership is looking into how to make consolidation work. It is challenging. Right now the agencies are looking for ways communities that have gotten funding from one program will receive special consideration when applying for funding from another agency. One step that has been made is the Economic Development Agency (EDA) now accepts the plans communities develop for HUD.

Ms. Kubena stated USDA is working with EPA and others to streamline the document requirements for funding programs. The agencies have put together a table of the requirements for different projects.

Commissioner Cope noted there is not a lot going on in the rural areas in the West; in the western states, USDA is mostly the Forest Service. He noted that for USDA's Strike Force program, when using free and reduced lunch as the criteria for lower income communities, the agency needs to consider the percentages of school aged population. The median age in rural communities keeps increasing as younger families are moving out. Commissioner Cope also stated that in Idaho they see the benefits of regionalization. Most companies are looking for a trained work force. EPA and USDA need to be aware that there are many legal and cultural obstacles to development in the Western states.

Mayor Davis asked to hear more about the HUD initiated Brownfields policy.

Ms. McConville explained that HUD previously adopted a policy preventing use of cleaned up sites for housing. EPA believes land can be cleaned up so it is safe to build housing on the site. From a community design perspective, it allows building housing in areas closer to existing transportation and job opportunities.

Mayor Davis stated that this change in policy a good step forward. Many older communities have lead paint problems and would be considered brownfields. Has the new policy been made public?

Ms. McConville said it had been made public, and EPA will send the SCAS a link to the information on HUD's website.

Mr. Tiberi encouraged USDA and EPA to use the LGAC as a conduit to local governments to move forward with streamlining the application and reporting process.

Mayor Peterson noted there is a movement for localization, in terms of buying local. New York State has set up regions and done competitions, but it was problematic because the regions were defined by the state, resulting in communities being grouped together differently than how they would have been if the local communities had defined the regions.

Ms. Spakow said the RD regionalization efforts which have really worked are from the groups that came together voluntarily.

Mayor Wong asked where the Partnership can play a role in crisis situations. This Partnership has been able to bring together many efforts in a very short amount of time and this could be applicable to crisis management.

Ms. McConville said the Partnership has been working with FEMA and has been making a lot of progress. EPA has an MOA with FEMA, and EPA has been able to help them incorporate some of the principles and practices of the Partnership in their planning for rebuilding. The approaches the Partnership is helping communities use will be applicable in different situations, including preparing for and recovering from disasters.

Mayor Dixon noted FEMA just completed a nationwide process on disaster assistance and sustainability. Some of the efforts done to recover post-disaster are the same things that need to happen in preparing for a disaster.

Mayor Murrell reminded the Subcommittee that a lot of the people in small, rural communities are fiercely independent. Agencies need to present the concept of regionalization with some finesse because right now it sounds like a top-down effort. It sounds like small towns don't have a place anymore. She recommended working on the language and talking about the benefits.

Ms. Spakow really appreciated Mayor Murrell's comment. The SET training begins by focusing on the individual communities, what they bring to the effort and why they are separate.

Mr. Tiberi noted there are lots of lesson to be learned about consolidation by looking at the school consolidations that have happened in rural areas. There are some successes and many things that could be done better.

EPA will send the following materials to the SCAS and LGAC members:

- More detailed information about RD
- Link HUD policy on use of cleaned up sites

Pesticide Permitting

Commissioner Cope presented information about weed control and federal requirements for pesticide general use permits. (See Attachment 2.) Commissioner Cope stated it has been impossible to determine what is required. The need for pesticide general use permits should be waived in the case when they are used for noxious weeds. There was a bill that passed the House of Representatives last month related to this issue.

Ms. Eargle thanked Commissioner Cope for bringing this issue to the LGAC, and stated the Commissioner's participation in the discussion has been helpful to EPA.

Commissioner Cope noted that this is an important issue because it demonstrates how an action at the federal level can lead to unintended consequences.

Public Comments

There were no public comments.

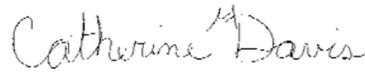
Other Issues

Mayor Wong invited everyone to the EJ Workgroup meeting the next morning.

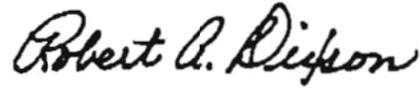
Meeting adjourned at 5:20 pm

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

Submitted by:

 6/7/2012

Signature Date
Catherine M. Davis, EPA DFO

 6/7/2012

Signature Date
Mayor Robert Dixson, Chairman, SCAS

Participants

LGAC Members:

Mayor Bob Dixson
Commissioner Robert Cope
Mayor Marilyn Murrell
Executive Director Jeffrey Tiberi
Mayor Lisa Wong
Mayor Elizabeth Kautz
Mayor Ronald Davis
Mayor Carolyn Peterson
Mayor Heather McTeer
Adam Ortiz

EPA:

Jack Bowles, Office of Intergovernmental Relations
Cathy Davis, Office of Intergovernmental Relations
Fran Eargle, Office of Intergovernmental Relations
Megan McConville, Office of Sustainable Communities
Kellie Kubena, Office of Wastewater Management
Abby Fulton, Region 8
Laura Farris, Region 8

Other Attendees:

Jamie Spakow, USDA Colorado Rural Development
Janetta Chapple, Town of Arcadia

Partnership for Sustainable Communities & USDA Collaboration: Accomplishments and Next Steps



**MEGAN MCCONVILLE, EPA
SMALL COMMUNITIES ADVISORY SUBCOMMITTEE MEETING
DENVER, COLORADO
APRIL 18, 2012**



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Presentation overview

2

- **Background on the HUD-DOT-EPA Partnership for Sustainable Communities**
- **How the Partnership and USDA can support each other and rural communities**
- **Ongoing Partnership collaboration with USDA**
- **What we can do next**
- **Discussion**

Partnership for Sustainable Communities

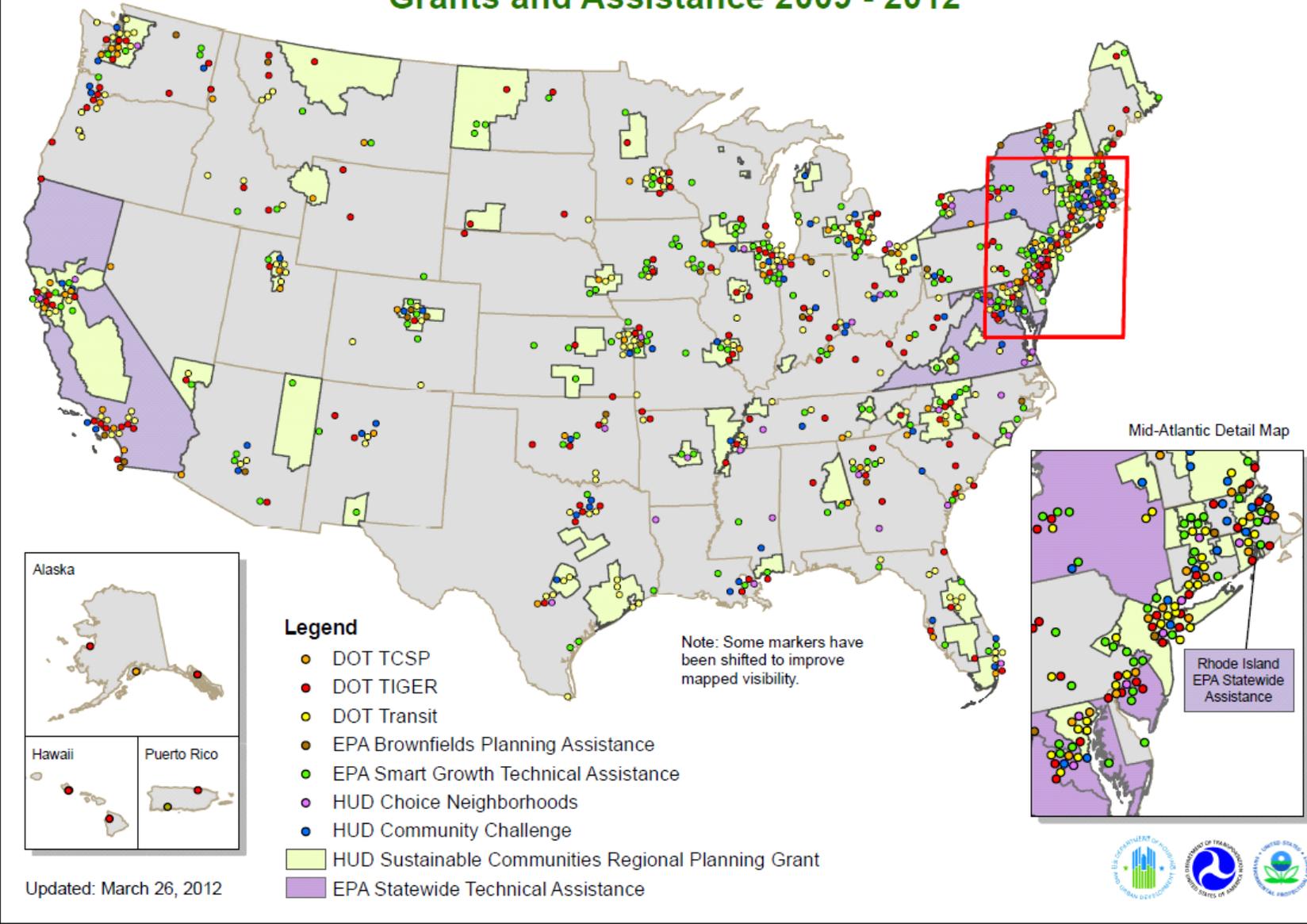
3

- **Goals:**
 - Align agency priorities around Livability Principles
 - Remove federal regulatory and policy barriers
 - Target resources to help communities use federal resources more strategically, achieve their goals, and become more prosperous and sustainable

HUD-DOT-EPA PARTNERSHIP FOR SUSTAINABLE COMMUNITIES GUIDING LIVABILITY PRINCIPLES

- ☞ **Provide more transportation choices.** Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.
- ☞ **Promote equitable, affordable housing.** Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- ☞ **Enhance economic competitiveness.** Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.
- ☞ **Support existing communities.** Target federal funding toward existing communities—through strategies like transit-oriented, mixed-use development and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.
- ☞ **Coordinate and leverage federal policies and investment.** Align federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy
- ☞ **Value communities and neighborhoods.** Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.

HUD-DOT-EPA Partnership for Sustainable Communities Grants and Assistance 2009 - 2012





- Federal investments in rural communities attract other public and private sector investments – they serve as **catalysts** for future development.
- The **location** of federal investments is important. Investing in existing places can:
 - Build on previous investments,
 - Save communities money,
 - Achieve multiple community goals, and
 - Meet market demand.

The Partnership..



- **Funds planning**
- Is helping hundreds of communities and regions across the county produce strategies for their future growth, development, and economies that will lead to well-designed projects
- Is leveraging and coordinating the resources and programs of 3 agencies and working with others
- **Funds implementation**
- Seeks projects that will contribute to the economic viability and sustainability of communities
- Works with communities that may need resources and capacity-building for planning and development
- Has rural expertise & presence
- Can improve delivery of other agencies' programs to rural customers and expand the network of communities they reach



- **USDA is an active part of the Partnership**
- **Publications**
 - *Supporting Sustainable Rural Communities*
 - *Federal Resources for Sustainable Rural Communities*
- **Building staff capacity to work together**
- **Building grantee capacity to use federal resources effectively**
- **Collaboration with RD State Directors**
- **SET module on land use approaches that can support economic development visions**



- Connect Partnership grantees and USDA staff and resources
- Connect Partnership regional staff and USDA state and area staff
- Leverage each others' resources
 - SET
 - Strikeforce
- Showcase successes—where we've worked together to support vibrant, sustainable rural communities

Questions

9

- How could EPA/the Partnership and USDA work together to benefit your communities?
- What resources or programs do the Partnership agencies and USDA offer that could/should be coordinated?
- Who from each agency do you work with in your community? At what level would coordination be most helpful?

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200 Fulton St. Suite 201
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3/28/2012

Robert Cope
200 Fulton St.
Salmon, Id. 83467

Re: Pesticide General Use Permits, Experiences in Idaho

Cope

This is a list of talking points regarding the Pesticide General Use Permit within the small communities of Idaho. I did send a request to every weed superintendent asking for any additional information that they would like added to this list.

- EPA in particular Dirk Helder (Region 10, Idaho Operations Office) has been extremely helpful with being available for questions and helping as we have worked through the permitting process.
- The Electronic Notice of Intent is very easy to use and hasn't been a problem.
- There is a lack of PGP knowledge at the private landowner level and it doesn't appear that the EPA is receiving very much assistance in spreading the word from other agencies.
- Noxious weeds and the enforcement of them pose some difficulties with the permitting process, the PGP has the potential to undermine the State Noxious Weed Laws and slow or prevent the treatment of these species. It is our preference that State listed noxious weed applications should be exempt from the PGP process.
- Primary problems with the permit are a result from additional consultation with NMFS
 - If a County doesn't have ESA listed resources of concern (Salmon or Stealhead) there is a 10 day waiting period after the NOI has been submitted and no consultation is needed.
 - If a County does have ESA listed resources a 30 day waiting period is required. Lemhi County submitted a NOI on January 19th, 2012. We still do not have an active permit for coverage to or near Waters of the United States (WOUS) with ESA listed resources.
 - The PGP currently states that any amount of herbicide to WOUS with ESA listed resources must have a Notice of Intent submitted regardless of amount. EPA is working at changing that requirement in order to not require private landowners to submit a NOI, however it has not yet been changed.
- Concerned about potential consultation with USFWS, through various e-mails it appears that the USFWS believes that application under the PGP should not occur in sensitive areas due to the lack of consultation between EPA and the USFWS.
- The effect that the PGP has had on the Federal agencies has been rather alarming since by in Large the small communities within Idaho are greatly affected by the Federal agencies.
 - In Lemhi County the Forest Service has suspended all herbicide treatments until June 1st at the earliest, this includes upland sites. They are gunshy of applying anything in the off case a major rain event occurs and the pesticide makes it to the river.
 - The Salmon Field Office BLM has suspended all herbicide treatments until further notice. They are hopeful that upland treatments will be allowed this year but are hesitant to even think that riparian treatments will be allowed. The BLM is working at updating the current BA but that is the hold up.

I hope this helps if you have any questions please feel free to call me, my cell phone number is 940-0933

Sincerely,

A handwritten signature in blue ink that reads "Dan Bertram". The signature is written in a cursive style with a long horizontal line extending to the right.

Daniel Bertram
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