

U.S. Environmental Protection Agency

Local Government Advisory Committee (LGAC)

Full Committee Meeting Teleconference

Tuesday, July 31, 2012

1:00-2:00 p.m. (EDT)

Meeting Summary

This summary reflects the Committee's understanding of the meeting's deliberations and information conveyed. The Committee is not responsible for any potential inaccuracies. Moreover, the Committee advises that additional information sources be consulted in cases where any concern may exist about statistics or any other information contained within the Meeting Summary.

I. Welcome

Mayor Heather McTeer, Chairwoman of the LGAC, called the meeting to order at 1:03 p.m. Members introduced themselves and a quorum was established. **Mayor McTeer** called to motion the acceptance of the April 19-20 Meeting Summary. **Councilor Theresa Coons** made a motion to accept the Meeting Summary, and it was seconded by **Councillor Dave Somers**. The motion passed unanimously.

II. Remarks to the LGAC

Deputy Associate Administrator Sarah Hospodor-Pallone (speaking also for Principle Deputy Associate Administrator Joyce Frank) spoke on the high quality of the five letters to the Administrator and the accomplishments of the LGAC in the past year. On behalf of the Administrator and herself, she expressed gratitude and thanked all members for their service. She asked that LGAC Members' whose appointments end this year consider joining a workgroup. Their experience as LGAC Members and knowledge of local environmental issues would be a great asset to the workgroups.

III. Public Comment

No members of the public came forward to be recognized.

A. Small Communities Advisory Subcommittee (SCAS) Report Out

Commissioner Robert Cope, Vice-chair, (for Chairman Robert Dixson) emphasized the importance of flexibility in addressing decentralized waste treatment systems, especially in regard to the varying soil types and differences in water quality and quantity. A draft letter is being developed (*a copy was provided to the LGAC*) but needs more input from SCAS members before being moved to the Full Committee. The other issue being addressed by the SCAS is the management of 'trade waste'. The impact of this solid waste issue is that construction debris such as untreated scrap lumber and other materials historically have oftentimes been disposed by incineration. This practice is being disallowed, at least in some states. This could force local governments to dispose of these materials in landfills, reducing the capacity of landfills and producing other adverse environmental impacts. The Designated Federal Officer for SCAS, **Ms. Cathy Davis**, is investigating this for the SCAS and will provide more information to the SCAS.

B. Air, Climate, and Energy Workgroup

Chairwoman McTeer recognized **Supervisor Salud Carbajal** who presented the first letter of recommendation for the Air, Climate and Energy workgroup. He indicated that there were four draft letters of recommendation to be presented for deliberation and action by the Committee.

1. Fire Truck Rule

Supervisor Carbajal discussed the highlights of the Fire Truck letter. He applauded EPA's efforts to make this voluntary for new and in-use vehicles and to include flexibility to address

emergency situations. **Mayor Jennifer Hosterman** stated the recommendations in the Fire Truck letter are very reasonable and appropriate and expressed full support of it; additionally, Mayor Hosterman noted that she sought input from her city's Fire Chief, who also found the proposal to be a very reasonable approach and is in full support of the revisions. **Mayor McTeer** called to motion to accept the Fire Truck letter. A motion was made by **Mayor Hosterman** and seconded by **Councilor Coons**. The motion passed to accept the letter.

2. Reciprocating Internal Combustion Engines (RICE NESHAP) Rule

Mayor Hosterman (*for Chairman Carbajal*) discussed the highlights of the RICE NESHAP letter of recommendation. She stated that the Committee would be making recommendations to EPA on the proposed amendments to RICE NESHAP, released on May 22, 2012. Mayor Hosterman stated that she applauded the EPA's efforts to control hazardous air pollutant emissions and protect public health. She added that it also provided flexibility for local governments in reducing the burden of compliance.

Ms. Becky Cook-Shyovitz from the EPA's OCIR added to the highlights of the RICE NESHAP letter. **Mayor Randy Roach** asked for further clarification of whether there is an exemption for use of generators in emergency situations. **Ms. Cook-Shyovitz** stated that she will check to see if there are further exemptions for generator use. **Mr. Mike Koerber**, EPA Office of Air and Radiation (OAR), stated he is not aware of an exemption but will follow up.¹

Mayor McTeer called into motion the acceptance of the RICE NESHAP letter, motion passed with no dissent. However, the acceptance of the letter is contingent on expecting an exemption for emergency generator use. **Mayor Roach** also stated that during a hurricane event such as Hurricane Rita that the region experienced power outages for approximately three weeks. This required emergency generators to operate for more than 100 hours.

Mayor Hosterman suggested that a general briefing and letter from the LGAC may be appropriate to address generic emergency response for local governments. She also suggested that the committee may want to take this issue to review it across the board for all regulatory requirements, not just RICE NESHAP.

3. Exceptional Events

Mayor Hosterman discussed the highlights of the draft workgroup letter of recommendation on the *Draft Guidance to Implement Requirements for the Treatment of Air Quality Monitoring Data Influenced by Exceptional Events (the Exceptional Events Rule (EER))*. The purpose of this letter is to support EPA's goal of providing clearer guidance. It is generally supportive of EPA's efforts to protect public health. **Councilor Coons** indicated that in the State of Colorado 'exceptional events' are an issue with the wildfires this year in the State. This issue also is important in controlling regional haze. **Mayor Randy Roach** posed the question of whether this proposed rule has any application to natural disaster like a hurricane and tornados.

¹ Clarification of the RICE NESHAP Rule: Please note that this rule does not limit the hours an engine can run in a true emergency situation, such as a hurricane, fire, or the like.

Mr. Koerber stated that the guidance specifically focuses on high wind and fire events. Events such as hurricanes and tornadoes are covered under the general Exceptional Events Rule, which was finalized in 2007. **Mr. Koerber** stated that rules on high wind events already exist; the focus of this guidance is to help states and local governments by streamlining the process. By streamlining the process, the proposal will help local governments put together Exceptional Events packages more quickly and efficiently, helping EPA to respond faster. The intent of the recommendations in the letter is to streamline the process. **Mayor McTeer** called into motion the acceptance of the Exceptional Events letter. **Councilor Coons** made a motion; it was seconded by **Mayor Hosterman**. The motion passed.

4. Proposed National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM)

Mayor Hosterman presented the draft letter which supports EPA's proposal to strengthen the air quality standard for fine particles (PM_{2.5}) by lowering the primary annual standard from 15 micrograms per cubic meter to a range of 12-13 micrograms per cubic meter. **Mayor Hosterman** commented that this standard will protect public health and assist in reducing regional haze. **Mr. Koerber** stated that current science suggests that the current standard is insufficient to safeguard public health and thus necessitates the proposed PM rule. **Mayor Hosterman** stated 'ultra fine' particles seem to be the cause of the major health problems in the San Francisco Bay area. **Mr. Koerber** stated the current science only supports a form of the standard based on all particles equal to or less than 2.5 micrometers in diameter, not just very smallest particles (i.e., 'ultra fine' particles). Health science has not advanced to the level necessary to make a definitive conclusion on 'ultra fine' particles. Because the Clean Air Act requires a 5 year review schedule for all NAAQS, EPA may choose to address 'ultra fine' particles during its next review if the science is sufficient by that point.

Mayor McTeer called into motion the acceptance of the PM letter. The motion was made by **Councilor Coons**. The motion was seconded by **Mayor Hosterman**. The motion passed.

C. Expanding the Conversation (EJ) Workgroup

Mayor Lisa Wong stated there was only one issue for the workgroup to bring before the Committee, and this was the Community Action for a Renewed Environment (CARE) letter. At the April 19 meeting in Denver, Colorado, EPA Region 8 staff gave a presentation on the CARE program, its importance, and the need to fund the program, and the Workgroup discussed this letter. **Mayor Wong** indicated this letter has been circulated and LGAC members added specific examples to the letter where CARE grants have provided assistance to communities.

Mayor Ronald Davis commented on the good work conducted by the workgroup, including Chairwoman Mayor Wong, and other members of the workgroup and staff. He stated that the CARE program is very important to communities. **Mayor McTeer** called for a motion to accept the draft CARE letter. **Mr. Jeff Tiberi** indicated that he sent one technical edit to Mayor Wong. **Chairman Steven Ortiz** made a motion to pass the letter (with technical edit). The motion was seconded by **Mayor Davis**. The motion passed.

D. Protecting Americas Waters Workgroup

Commissioner Cope reported on Workgroup issues discussed on the July 25 teleconference. The agenda focused on: 1) forest roads and stormwater discharges; and 2) the *Integrated Municipal Stormwater and Wastewater Planning Approach Framework*. **Mayor Hosterman** noted that the U.S. Conference of Mayors' Water Council will meet on Oct. 4-5, 2012, in Washington, D.C. to discuss this approach. She also indicated that this issue is very important for local governments.

E. Cleaning Up Americas Communities Workgroup

Mayor Terry Bellamy said she was pleased to discuss some of the upcoming issues before the Workgroup that are very important to communities, such as: cleaning up Superfund sites, brownfields redevelopment, and military base clean-up and closure. She thanked Commissioner Cope for being on the Workgroup call on July 24, 2012. She asked members to let **Ms. Fran Eargle, Designated Federal Officer, LGAC**, know of any interest in joining this Workgroup and address these very important issues. She would like to call a Workgroup meeting for the following week. **Chairwoman McTeer** indicated her support for this effort and agreed on the importance of these issues to all communities. She also offered her assistance to this Workgroup.

F. Wrap Up

Chairwoman McTeer indicated that the LGAC will meet again by teleconference during the last week in August 2012. She said she has greatly appreciated the hard work and the accomplishments of the Committee. She indicated her support for the workgroups as they continue their work. She thanked Ms. Eargle for her work as DFO.

G. Meeting Adjourns

The meeting was adjourned at 2:03 p.m.

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

Submitted by:



Signature Date
Catherine M. Davis, EPA DFO 8/27/2012



Signature Date
Mayor Heather McTeer, Chair, LGAC 8/27/2012

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Participants

LGAC Members

Mayor Heather McTeer, Chairwoman
Councilor Jill Duson, Esq.
Supervisor Salud Carbajal
Councilor Teresa Coons
Commissioner Robert Cope
Mayor Ronald K. Davis
County Executive Tom Hickner
Mayor Jennifer Hosterman
Mayor Elizabeth Kautz
Deputy Director Adam Ortiz
Councilman David Somers
Executive Director Jeffrey Tiberi
Mayor Lisa Wong
Manager Aaron Miles
Chairman Steven Ortiz
Mayor Randy Roach
Mayor Terry Bellamy

EPA Representatives

Joyce Frank, Principal Deputy Associate Administrator, Office of Congressional and Intergovernmental Relations
Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations
Frances Eargle, DFO, LGAC
Cathy Davis, DFO, SCAS
Becky Cook-Shyovitz
Mike Koerber, Associate Director for Policy for the Office of Air Quality Planning and Standards, Office of Air and Radiation
Ardian Coku, OCIR Intern