

EPA'S LOCAL
GOVERNMENT ADVISORY
COMMITTEE (LGAC)

MEETING SUMMARY

November
14, 2018

Local Government Advisory Committee

November 14th, 2018, 4:30-5:30 PM EDT

I. Welcome and Call to Order

Chairman Bob Dixon welcomed everyone to the Local Government Advisory Committee (LGAC) and called the meeting to order. He gave a brief overview of the LGAC stating that it is an EPA chartered committee under the Federal Advisory Committee Act. He stated the sole purpose of the LGAC is to advise the EPA Administrator on environmental and public health issues that affect local government. He stated that the meeting is open, and members of the public would have opportunity to address the committee during the public comment period on the agenda.

He outlined the purpose of the meeting is to review and take action on the Small Community Advisory Subcommittee and LGAC Workgroups: per-poly-fluorosulfonic acid compounds (PFAS) Report and transmittal letter; the Waters of the U.S. Letter of Recommendation and the letter of recommendation on the Office of Air and Radiation's National Program Management guidance.

Secretary Jeff Witte, Vice-Chairman, gave a brief welcome stating that he appreciated LGAC Members' engagement on all of the issues. He also stated that there a lot of emerging issues that are impacting, or potentially impacting water quality, air quality and quality of life across the country. *"The input EPA gets through the committee process and from the public is very important."*

II. EPA Opening Remarks

Jack Bowles, Director, State and Local Relations, opened the EPA remarks by congratulating the LGAC on the body of work. He mentioned that EPA will convene a Recycling Day Summit which many state, local and tribal government colleagues will gather along with industry and non-governmental organizations to talk about furthering recycling efforts and sustainable materials management. He then introduced Deputy Associate Administrator Henry Darwin for opening remarks.

Henry Darwin, Deputy Associate Administrator and Chief of Operations, thanked Chairman Dixon and Members of the Committee for taking time out of their busy schedule to be a part of this meeting on these very important issues.

He remarked that even though the LGAC has not had the opportunity to meet face to face that members *"jumped right in to the work on these very important EPA issues."* On behalf of Acting Administrator Wheeler, he said that it is an honor to have this distinguished group of elected and appointed officials from across the United States and territories to serve in this advisory capacity to EPA. The advice not only benefits EPA but it also benefits the partnership with local government and is important to all of our communities.

He gave a brief overview of his background. He came to EPA from the state of Arizona where he served as chief of operations overseeing 35 state agencies with 35,000 employees. He previously served as Director of the Arizona Department of Environmental Quality (DEQ) where he had worked for 18 years and director for five years. While at the Arizona DEQ, he said that he was able to make their resources more effective and efficient during the height of a recession.

While at Arizona DEQ, he established a management system borrowed from private sector manufacturing processes (Lean) which seeks to improve the speed and quality of processes by eliminating waste. He said that it was incredibly successful in meeting mission related outcomes, and improving customer service while reducing the size of the agency by about 30 percent.

He said that he deployed the same Lean management system across the state of Arizona with amazing results. For some examples, the backlog of up to 16,000 un-investigated allegations of child abuse cases in the Department of Child Safety were resolved and 'wait times' in small vehicles department went from an hour to less than 20 minutes.

What brought him to EPA, he said, "*is a passion for environmental protection*". He also intends to help EPA in deploying the same types of tools and techniques for process improvement that he accomplished at the Arizona DEQ. At EPA only 18 months, he is supporting the acting administrator's goals of getting the agency back to the basic core mission. He stated that a priority is providing more certainty to both the regulated community, our customers, and our state, local and tribal partners.

He said that Acting Administrator Wheeler believes it an obligation of the agency is to provide certainty to our customers and our state, local and tribal partners. One of the best examples of that is where we're achieving that goal is on the regulatory agenda. One of his new duties as deputy associate administrator is to implement regulatory reform. EPA has made great strides on some of the bigger issues that the President wants to address such as Waters of the US rule and the Clean Power Plant Rule. In this way we are replacing the Clean Power Rule with the Affordable Clean Energy Rule.

EPA is starting to identify some of the smaller but nonetheless important regulatory reforms. Through the partnership with the LGAC he would like to hear more from those who are impacted by EPA regulations. He said that he looked forward to hearing ideas that could help reduce unnecessary regulatory burdens that are not necessarily fulfilling their intended outcomes, or other ways to reduce the burden on communities.

He thanked the LGAC for their work on the PFAS Charge. PFAS continues to be a real issue for the states and local governments. He said that he was delighted to get the input from the LGAC in the Report on this "*very difficult and challenging issue.*"

He said that one of his priorities as chief of operations is finding a way for the agency to get handle on identifying risks and communicating risks associated with new chemicals of concern. He said that there is an agency working group that is tackling the bigger and broader issues on how EPA can be more responsive on new chemicals that EPA regulates. Local governments (rightfully) expect EPA to take a leadership role in addressing these issues.

In parallel, a workgroup was established using Lean principles to find “*aggressive and timely ways*” to address new chemicals of concern. There is a lot that we have learned from the agency’s work on PFOA, PFOS and GenX, He said that the only way to resolve these difficult issues is with everyone's feedback and input.

He said that he looked forward to the outcomes of this meeting. And he looked forward to the January face to face meeting. He said that EPA is really listening to the concerns of local governments and hearing from the LGAC on better ways to work on this together. On behalf of Acting Administrator Andrew Wheeler he wanted to express his thanks to Chairman Dixon and LGAC Members and expressed his support for the work of the LGAC.

Peter Grevatt, Director, Office of Groundwater and Drinking Water, thanked the LGAC for their work. He said that he also serves as the acting administrator’s chair of EPA’s PFAS Coordinating Committee.

EPA is bringing together all of its programmatic activities on PFAS such as waste clean- up, Toxic Substances Control Act (TSCA) reform, enforcement, and Safe Drinking Water Act (SDWA) issues.

He said that he wanted to echo all the thanks that Deputy Associate Administrator Henry Darwin (just) expressed, and for the tremendous assistance that LGAC has given through this partnership with local, state and tribal government. EPA places an important role on the LGAC in working together on drinking water issues and more recently on lead in drinking water. The work that the LGAC has done on PFAS is so important, and EPA is deeply grateful for their work and their advice which “*is making a difference.*”

The LGAC’s work on the PFAS Charge is monumental especially in gathering information and in reviewing these issues that affect so many communities. He said particularly noteworthy is the consensus put forward on priority actions EPA should focus on.

He thanked Susan Hann, Chair of the Water Workgroup and Mayor Elizabeth Kautz, Vice-chair for spearheading the LGAC's work on PFAS. He said that he is aware that PFAS is an issue in her county. Brevard County, Florida has been affected, as well as many others.

He said that he wanted to emphasize that the perspectives of state, local and tribal officials is vital to EPA’s work, and very beneficial in the decision-making processes of the agency. Over the course of the summer he visited many communities that have been impacted by PFAS across the country. There have been very important conversations with these communities, along with the LGAC’s input, that is going to help clarify a path forward.

He also acknowledged that Vice Chairman Secretary Jeff Witte is also working on the impacts of PFAS in the agricultural sector in New Mexico. He said that he appreciated the work that he is doing along with EPA’s other federal partners such as the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) to address these concerns. There is great value in the insights that the LGAC has on PFAS issues from the perspective of local efforts. He said that the case studies highlighted in the Draft Report are very important, and helpful as we move forward.

And as EPA works towards development of EPA's PFAS Management Plan or National Management Plan, he stated that the recommendations the LGAC put forward particularly, in regard to the actions identified as priorities for the EPA to focus on in the future, are very beneficial.

The release of the National PFAS Management Plan is expected near the end of the year or early next year. It will lay out an EPA Action to support state and local officials in addressing PFAS. He also emphasized that this management plan will, by no means, be the end of engagement with state, local and tribal government. There will be much more work to be done and we he welcomed continued input from the LGAC on these efforts.

He also noted EPA released the draft toxicity assessments for two PFAS compounds, GenX and (PFBS). These are available for public review and comment. This is something that will be a great interest for local government. He acknowledged that LGAC Member Commissioner Barnes had impacts of GenX in the State of North Carolina particularly in the Cape Fear River Watershed.

He said that he welcomed comments on the draft toxicity assessments, and that EPA is particularly interested in feedback on how to communicate information to the public. He acknowledged how important but also how complex and confusing emerging contaminants are. He said that *"EPA wants to be there to support all we can on local efforts."*

He concluded his remarks by saying that Eric Burneson would continue to support LGAC's efforts, and thanked the LGAC for their support to EPA on PFAS. He stated the LGAC has broad support across the agency on all of EPA programs. He said that he wanted to make sure that what EPA is doing supports the needs of local communities.

Chairman Dixson thanked Peter Grevatt and all of his staff for their support to the LGAC's work. Chairman Dixson also recognized the work that Eric Burneson contributed to the work of the LGAC.

III. Public Comments

Wesley Bowden, Esq. of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A. in Pensacola, Florida was recognized by Chairman Dixson to give remarks. He began by stating that his law firm has been involved for a number of years in PFOA litigation. He has been a co-lead in the last case that went to trial. He stated that it is an *"issue close to the heart."*

In the City of Pensacola, Florida there is PFAS contamination. He said that they participated in the 2015 EPA study that found toxicity readings of about 0.06 parts per billion. What they have learned through litigation, which is now public information, that industry for a long time knew the results of these fluorinated surfactants.

He stated that he was glad to hear of the LGAC's work and EPA's momentum behind addressing PFAS chemicals, especially with GenX and some of the newer surfactants. One observation to share and

encourage the committee is to take a close look at, and ultimately to recommend is a regulation, for a very small amount of PFOA. All of the fluorinated chemicals that were studied showed toxicity. In 2015, they looked at six different fluorinated chemicals including C6, C7, C8, C9, C10 but all of these were animal studies that have looked at these compounds all the way down to C1. They all showed toxicity.

This is the reason it is so important: Many water officials are unaware of how much contamination has infiltrated their aquifers and how long it's going to persist there. Remediation is not a practical solution. The only practical way to address it is by carbon filtration adding- granular activated carbon filtration to their water sources.

Based on our work of what a typical water supply, supplying 10,000 to 20,000 customers, we're looking at start- up cost approaching a million dollars. And the annual maintenance costs are several hundred thousand dollars, which is the cost for the city of Pensacola.

He encouraged the committee to consider that any time a PFAS chemical is detected in the drinking water supply to take proactive measures to address it, and to add granular activated carbon as soon as it is detected.

Looking at what happened in the Mid-Ohio Valley, and what has just been posted today in terms of GenX, that data suggests it causes cancer. These compounds are also bio-persistent. They stay in a human blood for a long time, and they stay in the environment for much longer than any of us are going to be here on this earth.

He encouraged the LGAC to recommend to the EPA, that they adapt a very low threshold for PFOA of no more than two parts per billion. It should also include all of the other surfactants that are shorter chain and longer chain.

Some of the low carbon chains, and some of the newer chemicals, including GenX, *“ is something that must be acted on immediately.”* The longer the wait, the more people will be exposed. And given a long half- life of these chemicals, *“we're going to see some unfortunate long-lasting health effects.”*

He expressed his appreciation for the opportunity to make comments. He said that he hoped to see that strong regulatory provisions are submitted to Mr. Wheeler and ultimately adapted.

Chairman Dixon thanked him for his comments. Chairman Dixon also invited any additional written comments be submitted to Frances Eargle at Eargle.Frances@epa.gov.

IV. LGAC Business Meeting

Chairman Dixon announced the business meeting of the Committee to be in session and announced a quorum present.

A. Small Community Advisory Committee (SCAS)

Dr. Robert Cope, DVM, Chair of SCAS, announced that the SCAS met just prior the LGAC meeting to finalize comments and approve of the Waters of the United States (WOTUS) letter. The SCAS also gave further comments on the PFAS report and transmittal letter.

Chairman Cope highlighted that the SCAS has worked on WOTUS for a number of years. The SCAS is planning to develop a workplan at the January 10-11th meeting. There are emerging issues out there that *“are near and dear to many regions of the country.”*

Chairman Cope presented the WOTUS letter in the way of a motion on behalf of the SCAS. Mr. Tom Willsey seconded the motion. All agreed. Motion passed.

Chairman Dixon thanked the SCAS for their hard work on the letter of recommendation.

B. Water Workgroup

Ms. Susan Hann, Chair, stated that the Water Work Group was charged on May 29th by Acting Administrator Andrew Wheeler to give advice and recommendations on PFAS. In response to the charge, the Water Workgroup has worked closely with the SCAS and the Revitalizing Communities Workgroup. Chair Hann thanked everyone for their input, especially Chairman Cope, Vice Chair Brian Fulton, Mayor Karen Freeman-Wilson and Dr. Gonzalez. Mayor Elizabeth Kautz, Vice-Chair of the Water Workgroup as well as the EPA staff.

Chair Hann presented the transmittal letter and PFAS Report. She outlined that the letter provides a good summary of the highlights of the report. It also addresses priorities that EPA should address. The recommendation is that EPA should use a risk-based approach to first address communities in need and citizens at the highest risk. This would also include assisting communities to self-identify their level of risk from PFAS. She mentioned that in working on this issue in her community, that a year ago Brevard County, Florida was completely unaware that PFAS was an issue, and now it has risen to a high level of concern and importance that needs to be addressed.

Guidance from the EPA and other federal partners would be very helpful. Many communities are struggling with this issue. We are giving *“our boots on the ground perspective”* as to what it's like. Citizens are concerned about their safety and the quality of their drinking water.

The second highest priority that's noted in the transmittal letter and the report is the assessment of public drinking water systems. Health equity is important and placing communities that are at risk as a high priority. This could be small communities or communities with well water that are in high risk areas or communities with subsistence fishing.

EPA needs to weigh in on guidance of testing methodologies, such as establishing screening panels and tools that can help communities, and their utility systems assess whether they are on the risk matrix. And then these communities need assistance to make sure that they are appropriately dealing

with these issues.

EPA is also encouraged to develop the ground water policy. Groundwater contamination is also an Issue of concern. There are also issues relating to irrigation, sports fields and our schools. She stated that she worked for a school district where PFAS became a very significant concern as to the level of toxicity for students that are using sports fields, that are irrigated with water that has potential PFAS contamination.

It is very important that EPA recognize *“what the local folks are going through and provide us with credible guidance as to how to deal with these issues in our community, safely.”*

Therefore, it is recommended that EPA take action to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response Compensation Liability Act (CERCLA). EPA is also recommended to accelerate actions regarding the development of toxicity values for GenX and perfluoro-benzoate sultanate.

Others on the LGAC have referenced emerging issues. Secretary Jeff Witte is working through the science on these issues. There is a keen awareness that there are more contaminants coming forward which local governments will need to address. *“Locals need an EPA process in place for dealing with these emerging contaminants and communication materials that our local agencies can use is particularly important.”*

EPA should continue to work with the industrial and manufacturing sectors on the stewardship practices. Another aspect that was identified as important for EPA is to work collaboratively with other federal agencies such as the Center for Disease Control, FDA, Department of Defense, U.S. Department of Agriculture, and the National Institute of Health.

It is an issue that requires a multifaceted approach. We encourage EPA to consider taking a lead role to create an interagency task force to engage all the applicable federal resources to help manage this emerging contaminant and the risks.

Getting the EPA regions involved, is also important. There is not necessarily a one-size-fits-all approach. Making the EPA regions aware of the needs and issues in their areas will be helpful in formulating a response. Affordability, is an issue of concern for communities, especially regarding the escalating testing, remediation and treatment costs. Communities are already struggling to provide clean safe and affordable drinking water in every community. This is another issue that absolutely needs to be addressed but also adds cost for the rate payers. Therefore, solutions that are affordable and communities can handle is very important and should be a consideration for EPA.

To summarize, the best courses of action is to have consistent and credible communication out to local and tribal governments so that our citizens can feel confident and have trust that these issues are being managed at the local level.

She stated that one of the things that happened in their community is that when this issue came up, there

was no consistent and credible communication. We looked to the Department of Health. Citizens looked to other states seeking their maximum contaminant levels and based on their own web research. There is no clearing house of information that communities can use as a foundation for making good decisions.

EPA's leadership role is critical in establishing that credible source of good information for communities that are facing PFAS concerns. She was pleased to hear Mr. Darwin talk about EPA becoming more nimble and aggressive in addressing these issues, "*because this is what is needed.*"

EPA needs to be able to respond quickly to emerging PFAS situations. There is a recognition that regulatory actions take a lot of time, but the LGAC considers that debatable. For local governments making decisions 'with boots on the ground' getting accurate information when you need it is particularly important.

She thanked Mr. Wesley Bowden (public presenter), for his comments which she appreciated and found very insightful. She said some of which he recommended were included in the LGAC report and some were not. His comments reflect much of the experience that is happening in our communities. We need to be on top of our response and doing our best to help our citizens in our local and tribal government response when these issues occur.

She offered a motion for approval of both the transmittal letter and the draft report for the LGAC to adopt. Vice-Chairman Secretary Jeff Witte seconded the motion. The motion passed.

Chairman Dixson asked if there was any opposition. There was none presented. He thanked Susan Hann, and Mayor Kautz for their leadership and commended the Water Workgroup for their work in coordinating the LGAC response, along with the SCAS and other workgroups.

Susan Hann also thanked the members of the Water Workgroup who brought a comprehensive discussion of the issue with some good local examples that are included in our report. She also commented that many members contributed greatly to this effort.

She concluded the Workgroup's report out by saying that the next topic for the Water Workgroup to address will be harmful algal blooms.

Vice-Chairman Secretary Jeff Witte commented that it had his full support of the report and the letter. He said that he wasn't sure whether he should have seconded the motion, not being a member of the Water Workgroup.

Chairman Dixson indicated that several other people had seconded the motion at the same time. Mayor Karen Freeman-Wilson indicated that it is "*within bounds*" since the motion was coming before the full committee.

Chairman Dixson thanked Mayor Karen Freeman-Wilson for that clarification.

C. Revitalizing Communities Workgroup

Dr. Hector Gonzalez, Vice-Chair, gave the report out by first thanking all of the LGAC Members on *“how well everyone works together*. Everyone’s view is heard and there is support for these issues which is so critical.

The Water Group did a great job in putting together the PFAS report. *“The critical point about getting the science out to ‘at risk’ communities as soon as possible is critical.”* Then the question of how do we communicate that to the public about the health risk of these contaminants is all the more important. Being watchful of those emerging contaminants that are coming forward is all the more reason to be on top of these issues.

The Revitalizing Communities Workgroup was recently given an additional charge coming forward from the Office of Community Revitalization (OCR). The Workgroup is enthused to receive that charge and looking forward to providing case studies of sustainability practices at the community level. *“How we invest in our communities, and looking at economic impact of sustainability is so critical for us at the local level.”* He said that the Workgroup would be looking for successful best practices which other communities can learn from and share.

Another Workgroup priority is giving input on the ARC-X developed by EPA's Climate Change Adaptation Resource Center. Dr. Gonzalez encouraged LGAC Members to look at it. He said that the Workgroup was asked to give comment on how we can make it more user-friendly. He commented that he personally had looked at it, and found that *“it has a lot of user-friendly information on the environment, climate information and public health information that very essential for local communities.”*

The Workgroup is looking to provide recommendations on the Arc-X web tool that EPA has developed. He also congratulated EPA on its development.

The Workgroup also reviewed the PFAS report and transmittal letter, the WOTUS letter and the air letter and provided input. He congratulated efforts to everybody for putting together the letters of recommendations.

There is more to look at on PFAS. While we have some information on it as a water contaminant, there are other impacts to the environment, aquatic life and wildlife and air quality that will no doubt be coming forward. He urged EPA to share the latest scientific studies as soon as possible specific to the health risks which communities need to know. The cost of testing and remediation is also important.

In summary, the Revitalizing Communities Workgroup supports all three letters and appreciate the opportunity to give input.

D. Air Workgroup

Commissioner Kitty Barnes, Chair, reported that the Air Workgroup was asked by the Office of Air and Radiation (OAR) to provide input on their National Program Guidance (2020 to 2021 Fiscal years). The NPM Guidance provides key implementation expectations for EPA regions, states, tribes, local governments and territories. This includes measures by which progress will be assessed and guides the annual grant work planning process. The guidance will bring the OAR's activities within the context of EPA's 2018 to 2022 strategic plan.

The Workgroup is putting forward a letter of recommendation encouraging the consideration of all impacts including the economic liability when an area is placed in non-attainment. She cited an example in her county, Catawba County, the loss of 25 percent of jobs due to the designation of non-attainment. She stated that this loss of jobs took away health insurance to the majority during a recession. The impacts are devastating for many families.

She stated that the Workgroup also looked at the cumulative impact of multiple air pollutants and sources which should be compiled for context including background levels, thermal inversions and transported air pollution.

Commissioner Barnes also commented that the Workgroup had a discussion regarding prescribed burning which is integral to the national cohesive wild land fire management strategy, but it's not adequately addressed in the air rule. Wildfires are exempt from the Clean Air Act as exceptional events (EE), but prescribed burning is not. Prescribed burning has potential to decrease the risk of wild fire but it can also cause a situation of falling out of attainment for PM 2.5.

The Workgroup would like to see a more efficient wood stove rule proposed. The Workgroup would like an education piece in it educating the public about the danger of wood smoke and its impact on air quality. The draft letter also encourages EPA to collaborate more with both the utilities and manufacturer sectors. She also noted that several penalty guidelines need to be revised.

Lastly, the EPA should consider PFAS impacts related to air quality. In North Carolina, she cited that there are some concerns that the air could be a source of contamination in 3-5 of North Carolina counties. She thanked EPA Staff Becky Cook-Shyovitz for help on the letter.

Commissioner Barnes entered a motion for approval of the Air letter. It was seconded by Commissioner Libby Szabo. The motion passed.

Chairman Dixon asked if there was any opposition. None replied. Chairman Dixon thanked Commissioners Kitty Barnes and Libby Szabo for their leadership on the workgroup.

V. Concluding Remarks

Chairman Dixon thanked the SCAS and the Workgroups for all of their work on behalf of the LGAC.

Jack Bowles, Director, State and Local Relations, thanked Chairman Dixson, on behalf of Robin Richardson, Principle Deputy Associate Administrator, who could not be on the call. He said that everyone at EPA was looking forward to seeing everyone at the January 10-11th, 2019 meeting.

Chairman Dixson thanked everyone on the Committee and EPA speakers for their contributions. He said that the meeting was an informative meeting and productive.

He reminded LGAC Members that Portia Banks and Fran Eargle would be getting out information soon for the upcoming January 2019 meeting in Washington, D.C. He asked that everyone mark their calendars, and that he looked forward to seeing everyone there and I think all of us are.

Chairman Dixson asked for a motion to accept the LGAC June, 2017 Meeting Summary in the record. Commissioner Barnes made the motion. Secretary Witte seconded.

Chairman Dixson wished everyone a great Thanksgiving.

V. Adjournment

Chairman Dixson adjourned the meeting.

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



January 29, 2019

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

Date



January 29, 2019

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

Date

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Meeting Participants

LGAC Members

Chairman Bob Dixon
Secretary Jeff Witte, Vice-Chair
Commissioner Dr. Robert Cope, DVM, Chair of SCAS
County Administrator Brian Fulton, Vice-Chair of SCAS
Susan Hann
Mayor Elizabeth Kautz
Mayor Karen Freeman-Wilson
Dr. Hector Gonzalez
Executive Director William Youngblood
Director Norm Archibald
Chairman Shawn Yanity
Council Member Mervin Wright
Commissioner Kitty Barnes
Commissioner Libby Szabo
Susan Lessard
Mayor Jose Aponte Dalmau
Terri Goodmann, Assistant City Manager
Council Member Dave Bobzien
Commissioner Jai Templeton
Secretary Michael Scuse
Commissioner Victoria Reinhardt

SCAS Members

Town Manager Tom Willsey
Town Manager Rodney Bartlett
Councilman Dennis Scott

Brian Holter

EPA Participants

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Fran Eargle, DFO, LGAC
Cristina Mercurio, DFO, SCAS
Eric Burneson
Peter Grevatt
Becky Cook-Shyovitz
Maggie Sauerhage

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