



EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE

MEETING SUMMARY

May 2-3, 2019 Meeting
Washington, D.C.

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Washington, DC 20460

I. Welcome and Call to Order

Chairman Bob Dixon called the meeting to order. He welcomed everyone and began introductions. He stated this is a public meeting of the Local Government Advisory Committee (LGAC). The LGAC is chartered the Federal Advisory Committee Act. It is a diverse group representing communities large and small communities from across the United States and territories. He stated that everyone's input is valuable in offering advice to the administrator of EPA on the charges that EPA issues to the committee.

Vice-Chairman Secretary Jeff Witte stated that he has served on the LGAC for four years. He said that the LGAC covers many issues including agricultural issues. There is a great opportunity to learn about the impact of EPA policies by serving on the committee. He stated that the LGAC works very well together and everyone contributes.

II. EPA Remarks

Britt Carter, Director, Intergovernmental Relations began by thanking Chairman Dixon, Vice Chairman Secretary Witte, and members of the LGAC, and SCAS. She also thanked members of the public, and the intergovernmental association representatives attending the meeting. She gave a special welcome to new LGAC and Small Community Advisory Subcommittee (SCAS) Members. She said there would be opportunity to learn about EPA programs and get to know one another. The LGAC's advisory role to the administrator is very important to EPA. Your advice representing state, local, and tribal governments is a great benefit to the agency and our country. Administrator Wheeler sends his regrets that he could not meet with the LGAC as he is in Brussels participating in the G7 meeting. Acting Deputy Administrator Henry Darwin will join the meeting, as well as EPA's assistant administrators from the EPA program offices. She said that this will be a good opportunity to hear more about the Administrator's top priorities for the agency and the critical programs where we need your experience to weigh in. Risk communication is a high priority of the Administrator. She said that there will be a guest speaker, Douglas Hoelscher, Director of White House Intergovernmental Affairs and Deputy Assistant to the President along with representatives of national intergovernmental organizations for a risk communication panel. EPA is looking forward to the committee's recommendations on Waters of the U.S. (WOTUS) which is a high priority for the agency and for the Administration, and the recommendations on harmful algal blooms especially as we move into the summer months. She said the next session will be an opportunity to meet with the Army Corps and EPA together: Lee Forsgren, Deputy Assistant Administrator Office of Water and his colleague Ryan Fisher Principal Deputy Assistant Secretary of the Army for Civil Works. Their discussion is about the EPA and the Corps partnership on implementing the Waters of the U.S. rule. Britt Carter introduced Lee Forsgren, Office of Water.

III. EPA and the Corps of Engineers: Leading the Way in Intergovernmental Cooperation

Lee Forsgren, Deputy Assistant Administrator, EPA's Office of Water, began the discussion by saying that the WOTUS proposed rule was published in the Federal Register on Valentine's Day (February 14th), and the public comment period closed on April 15th.

Ryan Fisher, Principal Deputy Assistant Secretary of the Army for Civil Works, start by saying that the Corps of Engineers has about 30,000 to 35,000 employees (one-third are strictly military constructions). The Corps oversees the other two-thirds of the employees the Civil Works. This includes the operation and maintenance of 700 multipurpose reservoirs around the country, and partnerships with non-federal sponsors on projects for flood risk management projects and small harbor navigation projects.

Chairman Dixon opened the discussion for the LGAC to ask questions. He also acknowledged that the EPA and the Corps were engaged in public hearings on WOTUS and that he participated in the Kansas City, Kansas public hearing. He said that it is great to see both the EPA and the Corps here together at the same table and that he appreciated the input and the cooperation between the Corps and EPA. Cooperation is critical for the permitting process. In the past the LGAC recommended that the EPA and the Corps to work on greater cooperation.

Ms. Susan Hann thanked the speakers. The LGAC has worked for a number of years on WOTUS. It has been a hindrance in the past not to have the Corps engaged. Local government with 'boots on the ground' are concerned about WOTUS implementation. They've been through many "nightmarish scenarios with the permitting process", that sometimes prevented really good projects moving forward. It is good to see the Army Corps and EPA come together with a focus on outcome and results. It is going a huge step forward.

Lee Forsgren, Principal Deputy Assistant Secretary of the Army for Civil Works, said that when EPA started on WOTUS, the President issued an executive order that gave EPA and the Corps direction. EPA's direction was to be strongly grounded in the law (and not what we wish the law to be). The Corps had a very different take. What was proposed in step one is to repeal the 2015 WOTUS rule. We have a temporary replacement with the 1988 rules and then the – going final on – we just closed the comment period in mid-April on step two. To date there were 660,000 comments on WOTUS (not counting mass mailers). He said that they are working hard to get things done and to move expeditiously.

Ryan Fisher, Principal Deputy Assistant Secretary of the Army for Civil Works, stated that the Corps of Engineers is all about implementing the rule. It is about clarity and balance. The rule should be clear to the regulated public, and landowners. Also, it needs to be clear for regulators in the field to move permits. He said that the Corps hears weekly updates from stakeholder groups on Clean Water Section 404 especially on opinions that differ from the court district. There are concerted efforts underway to address any inconsistencies. It is a balance between federal and state authorities as well as protecting federal waters and balancing the need for economic development. The Corps initiated rotating Corps field staff and getting their input on the final rule which is a great help.

William Youngblood, LGAC Member, stated that there is "no one rule that fits everyone". In Pennsylvania it is different from other areas of the country. In the last two years there has been extreme flooding near Pittsburgh, where at least six people died in Western Pennsylvania because of the

flooding. The stream levels are a foot and a half to four feet and depths shallower prior to 2004. Stormwater MS4 regulations were imposed and now communities have stream flooding issues due to the discharge pipes going from 30 inches to 52 inches. They are getting “walls of water running down all those streams.” As vice chairman of the Allegheny County Health Department the flooding of 10 feet of water running down through the main street of Millvale poses public health concerns. Concerns of mold along with catastrophic flooding are public health issues. The Corps has been invited to meetings. We're not able to fix the situation because the stream beds are so shallow. There has been no action taken by the Corps. It has been almost 10 years to get anything done. It is a major problem and he hopes the Corps and EPA will move faster on it.

Ryan Fisher answered that he was familiar with Western Pennsylvania. The topography is unique. However, he visited with folks in the Everglades a couple of months ago and they talk about Lake Okeechobee flooding about 20 feet. Every region is different. WOTUS is applicable here as well. That's the reason we went out and met with folks in Atlanta, Kansas City, Albuquerque, Seattle. We wanted to hear their perspectives. The climate is certainly different in those areas and it will require implementation tools such as manuals for field staff to address regional concerns.

Lee Forsgren commented that EPA is working with the other federal partners on how to address the biggest environmental challenges. The issue of MS4s and flooding in general, in most areas of the country is get the water out fast. And in more rural areas we are working with DOI and USDA to capture and reuse that water in a way that is beneficial for residents and to turn a ‘threat’ or waste product into a usable asset. Solutions take time. We are working together to try to find creative solutions. In the past, agencies have acted as complete silos. But now we are starting to work on ways to integrate water management.

Bill Youngblood said that he would like to address the issue of unintended consequences regarding harmful algal blooms (HABs). The largest sewer authority in Allegheny County from the North Hills to the McCandless Township Sanitary Authority promotes water treatment systems without chlorine. The drinking water rules keep getting tighter and we put in a \$14 million drinking water treatment plant that uses ultraviolet light. In July through August there are 25-foot streams of algae coming out of the system. He said that every four days go it is necessary to clean out the algae that's blooming in the pipes due to the UV light.

Teri Goodmann said that her city of Dubuque, Iowa have implored federal agencies to work collaboratively. The city benefited from the past administration's EPA, HUD and DOT partnership. Local governments are where the rubber hits the road and where policy meets reality. Hearing from agricultural stakeholders is important. We need more clarity on WOTUS. She asked whether the proposed infrastructure bill would begin to take care of the backlog of water and wastewater which is about \$400 billion and \$600 billion over the next 20 years. Local governments do not have resources other than the State Revolving Fund (SRF). Local governments have limitations in how they can address these serious water infrastructure issues. The Army Corps of Engineers' backlog on infrastructure also needs to be addressed.

Lee Forsgren stated that the last two Clean Water Needs surveys showed a \$700 billion gap on the drinking water side and about \$475 billion on the wastewater side. The Wastewater survey needs to be redone. It is anticipated that the numbers will increase. The SRF has been incredibly successful program; however, resources are limited. EPA has supported the Water Infrastructure Finance and

Innovation Act (WIFIA). In year three, we are seeing success. In year one, \$25 million was appropriated into about \$2.5 billion dollars' worth of federal financing and about \$5 billion worth of infrastructure. In the second year, we turned about \$50 million in appropriations into about \$6.5 billion in federal infrastructure and about – which was a – gave us about \$12 billion in total infrastructure. This year, we've appropriated \$80 million, with a \$8.5 billion federal cap on that. These funds will not address all of the problems but there is hope that the President and the Congress will come up with other innovative ways for us to work on that infrastructure.

Ryan Fisher commented that the backlog is roughly a \$100 billion of authorized projects. We have been getting record funding. The last two appropriations have been about \$8 billion which are the highest they've ever been. We just had a supplemental for Hurricanes Harvey, Irma, Maria of \$17 billion. Even with record funding, it is not enough to address the backlog. The Corps is using innovative approaches. WIFIA is a program that the Corps also has authority. There is a Memorandum of Agreement (MOA) with EPA for collaboration on that. Advanced contributions from non-federal sponsors are part of it. We're hoping that between public-private partnerships and other innovative financing mechanisms that we can get projects completed.

Judge Jeff Branick asked about the lead agency role for WOTUS Section 404. Lee Forsgren responded that the President asked the Corps to take the lead. However, it is a joint rule with EPA. Section 404 implementation also addresses mitigation. We encourage innovative mitigation to solve a myriad of problems. For example, the most severe water quality issue is nutrients nationwide. EPA has a regulatory tool known as Total Maximum Daily Load (TMDL). It takes an average of 10 years to get one in place and at least another 10 years to show any environmental impact. Most communities do not like them because they don't work very well and they are expensive. We're trying to find ways to jumpstart market-based mechanisms to solve these problems. The CWA Section 404 program has been successful in supporting mitigation banking as a way of speeding up permits and getting better environmental outcomes. For example, one of the things we're facilitating is the use of multi-use banks. An environmental restoration project that would be a good mitigation bank under Section 404 could also be a very good nutrient reduction opportunity. In Iowa, we are talking about the possibility of using the CWA Section 402 program where a large community might be interested in working with prevention rather than clean up. For example, working with farmers to apply buffer zones on their fields to capture and transform nutrients rather than spending hundreds of millions of dollars cleaning up the water. This would be more cost-effective and it's a 'win-win' for the farmer. We are also working on market mechanisms to jumpstart those investments.

In Western Virginia there is a good example of a nutrient trading program. If we can combine CWA Section 404 restoration outcomes we could potentially get greater nutrient reductions. We are working to streamline permitting so that it will go faster for the regulated community. That is a major goal. And the second is to try to facilitate this broader use of market mechanisms.

Ryan Fisher said that mitigation rulemaking would be done by the end of the calendar year. A schedule is being worked on for that.

Judge Jeff Branick asked what are MS4's. Ryan Fisher answered that MS4s are stormwater permitting systems for stormwater required for larger communities.

Commissioner Victoria Reinhard thanked the Corps and EPA for their presence at the National Association of Counties Legislative Conference in February. She said that it was one of the most productive meetings that she's participated in. Communication is key issue between the district offices and the field. Everyone should have the same information. She also commented that ditches are the main issue with WOTUS between 1988 to 2015. Consensus is the new rule is generally going in the right direction. She said that the current rule can work. When the new rule is put in place it will be the test of the efficacy of the definitions and recognizing that 'one size doesn't fit all'. The proposed rule appears to be clear. There are always going to be questions. Communication issues between the EPA or the Corps, and local governments we should be able to get to one answer. Communication is really the key. There appears to be a more unified approach between the Corps and the EPA. She also stated that the consequential way for WOTUS to work better is to use better mapping and GIS technology. The most important single issue for local governments however is that ditches are excluded with the exception of ones that impact navigable waters. We don't want to lose sight of what we're really trying to do and that is clean water for generations to come. That is what it's about at the local level.

Lee Forsgren said that the mapping issue will be moving on a different track and a different time line than the WOTUS rule. He hoped to complete the step two in the rule first. The goal is to get to the point where there would be enough common data and maps that you can look at a parcel of land and get a ballpark of whether it is in WOTUS or not. We're not there yet, but we're making progress. Federal partners continue to improve stream data to differentiate stream types. Counties and municipalities have good databases that can be easily accessible. Progress is being made on mapping so that we have an expectation that by 2021 that there will be a national map of WOTUS. It is an aspirational goal.

Ryan Fisher commented that about 20 percent progress is being made on Section 10 navigable waters. Ditches are more complicated.

Mr. Tom Sloan commended the Corps and the EPA on their coordinated work. The LGAC is working on a letter to the Administrator on harmful algal blooms (HABs). We are urging the Corps and the EPA to work with tribes and states that are willing to put in the investment to make progress on eradicating HABs.

Dr. Robert Cope asked about the definition of "irrigation-induced wetlands". In the West, there can be wetlands created by irrigation ditched that when you shut off the ditch then the wetland dries up. In Idaho, the Corps doesn't see it that way. They say that if it's hydric soils, that it's a natural wetland. The problem is that irrigation has been going on since the 1880s. The soils are hybrid, but if the ditch is shut off it is no longer a wetland in our view. He asked whether the Corps would be amenable to redefining irrigation-induced wetlands to a more "common sense" definition.

Lee Forsgren said that once the WOTUS rule is finalized the implementation issues will follow shortly. Handbooks, manuals, and sort of guiding principles concerning the new rule will go out to the District offices.

Chairman Mark Fox said that he appreciated the outreach efforts. He said that there are more than 500 federally recognized tribes in the United States. Tribes are generally positioned differently and regionally. For example, Tribes in Washington, water is very important. There is Public Law 280 in the State of Arizona that governs federal, tribal, and state agencies and water in Arizona. It is vastly different for Tribes in North Dakota in regard to water. He reiterated the importance of outreach and

communication in Indian country. He urged for more information to go out to Indian Country as soon as possible.

Lee Forsgren agreed and said that this point was well-taken. He said that outreach to tribal nations has occurred. He said that two outreach sessions were held in New Mexico and Washington State. There was valuable input gained in Albuquerque. Not all tribal nations were engaged. But there was effort to gain input on at least five- to six-hour interchanges with tribal nations. He said that outreach will continue to tribes.

Secretary Michael Scuse said that mapping of the streams and ditches would bring clarity. He also hopes there will eventually be an appeals process for those that would take exception to the rule.

Chairman Bob Dixon thanked the speakers for their presentation and the dialogue with the LGAC. He also said that the session has been very helpful. He stated that he was pleased to see the cooperative relationship with the Corps and EPA which benefits everyone.

IV. Remarks of Chief Financial Officer

Holly Greaves, Chief Financial Officer, thanked Chairman Dixon for the opportunity to speak. EPA's federal advisory committees are an important and integral part of what we do here at EPA. The LGAC has particularly been very helpful. The LGAC has helped to bring the perspective of the local governments as key partners to EPA. She thanked committee members for their service and the time devoted to help EPA.

The agency's mission of protecting human health in the environment is important. That cannot be accomplished without this partnership. She thanked the LGAC leadership who took part in the budget engagement session. There was a discussion about how to advance priorities the high priorities for the Administrator such as permitting, lead, Superfund and non-attainment. She appreciated the input about the importance of clarity and predictability in the permitting process and how to work better at a local level. Permitting is – has been one of our long-term strategic performance metrics. It's important to the President, it's important to the administrator, and so we're continuing to focus on that. We know it has impacts in all of your communities. There was also discussion about the importance of technical assistance to reduce lead exposure, which is a high priority of this Administration. We talked about environmental justice considerations in Superfund cleanups as well as the additional flexibilities that we can offer at the state and regional level to address nonattainment areas. She looked forward to their continued work together. She said that she has started her third year at EPA, and her observation is that the advice of the LGAC is needed more than ever. Environmental issues and the challenges that we face today aren't going to be addressed by EPA working alone. It's going to take input from all levels of government as well as with our tribal partners and even from the private sector in order to address these really challenging concerns. At all levels there are budgetary constraints that are realities that we must deal with and that's why we need valuable advice and new and innovative ideas about how to address these issues.

As EPA's CFO she said that she is also responsible for both EPA's long-term strategic plan and then our budget on an annual basis. She said that the Strategic Plan covers fiscal years 2018 through 2022. The new Strategic Plan is different in that it focuses on brighter lines on critical areas for the

agency. EPA's goals and objectives do not capture all of the important work that we do, but it focuses on driving progress. The three goals that we have emphasized is our core mission. The objectives under those goals are clean air, clean water, clean land, as well as shared accountability among states, tribes and all of our partners, and improving our internal processes. Under the core mission, there are four objectives: improving air quality, providing clean and safe water, revitalizing land and preventing contamination, and ensuring the safety of chemicals in the marketplace. The core mission is at the forefront of what we want to do here at EPA.

One area of focus is to modernize outdated and aging drinking and wastewater infrastructure, which is a huge problem for America. We're continuing to leverage the state revolving fund (SRF). She spoke before the Environmental Finance Advisory Board (EFAB) and the one thing that she heard was how important and critical the SRF is to communities. The SRF offers low-cost financing and that will continue to be a significant tool in our toolbox to address these needs. Water Infrastructure Finance Improvement Act (WIFIA) is another important program. This is a new finance tool to address infrastructure challenges. It does take a small federal investment and leverages private investments to maximize the use of federal dollars. This program continues to evolve but great progress continues. In our core mission we're focusing on pollution control measures to reduce non-attainment areas.

Great progress has been made in air quality improvements. In 2017, there are approximately 111 million people who live in areas that do not meet national standards for at least one priority pollutants. This is still a huge problem, that's about 40 percent of the U.S. population based on 2010 census data.

The second goal is shared accountability of environmental protection. States, tribes and local governments are key implementers of environmental programs. The third goal emphasizes the need to modernize our agency by improving our internal processes. EPA is demonstrating our commitment to the President's management agenda. Implementation at the local level needs more shared solutions using off-the-shelf software versus doing things in-house and then building things in-house. There is opportunity to highlight the goals and progress we've implemented in our Strategic Plan to improve permitting processes which is of great interest to local governments. One thing that's unique about EPA is that it makes good business sense to align our Strategic Plan with our budget. The 2020 budget continues to reflect the Administration's commitment to be a good steward of taxpayer dollars while making critical investments in the nation's health and infrastructure.

For EPA, it also means continued progress in reducing the regulatory burden while investing in areas that demand greater attention such as protecting children from lead exposure. Our 2020 budget includes many requests that directly support efforts at the local community level. For example, we requested incremental funding for both the Clean Water SRF and the Drinking Water SRF. A great thing about the SRF is the continued investment on a yearly basis. There is a supplemental of \$80 billion. The SRF resources are critical. It also provides funding to help replace lead pipes. It can also pay for salaried positions at the state level. In the WIFIA program, the President's budget also includes incremental funding supplement. A good example of the leveraging of WIFIA is EPA requested in the budget to provide \$2 billion in credit assistance. EPA has closed eight loans, totaling more than \$2 billion in WIFIA and these projects would combine/create over 6,000 jobs. EPA is very excited to work with our communities across the country on the WIFIA program. The second round of WIFIA project selections is underway. We've selected 39 projects and these projects alone would translate into benefits for 22

million people in 16 states and Washington, D.C. EPA has requested a funding increment to support the new legislation the President signed into law last October called the America's Water Infrastructure Act (AWIA). This proposal includes five new grant programs. This program would assist with lead testing, system resilience, and sustainability, technical assistance, sewer overflow control, and water infrastructure workforce and development. The AWIA tool is just another tool in our water infrastructure toolbox to complement our ongoing SRF program. These programs offer new tools to address primarily water issues that are impacting smaller communities. The budget also proposes a new \$50 million grant program called Healthy Schools that is geared to helping prevent and resolve environmental issues in our schools today. Nearly 50 million children attend more than a hundred thousand K through 12 schools across the country. Children spend most of their time in a school building of which many have significant environmental challenges. It is very important to the Administrator that our budget reflect EPA's commitment to children's health. We want to make sure they have a safe environment where they can learn. The new Healthy Schools grant program is focused on preventing childhood lead exposure, reducing asthma triggers, promoting integrated pest management, and reducing or eliminating exposure to toxics in schools. EPA's budget continues to support funding to prioritize and speed up efforts in the Superfund area to make sure that progress occurs especially in those sites that have the highest environmental concerns.

Environmental justice is a concern for many communities and for EPA as well. The budget request includes both personnel and grants to support our environmental justice program. The Appropriations committees are beginning to mark up our 2020 bill.

There is also significant additional funding over our base budget from Congress to address infrastructure problems. There is an additional incremental infrastructure funding. The House and Senate both must pass bills, they must reconcile their bills. In closing, she thanked committee members for their time.

Dr. Hector Gonzalez thanked her for her work. For local initiatives funding must come both ways. Local governments have best practices to share to better protect children's health, and especially in protecting water, and food supply. At the local level we form partnerships to maximize resources. It is very nice to see the Corps and EPA working together. For public health and addressing contaminants, we need the Center for Disease Control and the National Institute also at the table. He appreciates that EPA is reaching out to locals because this is where to find best practices for resiliency. Partnerships enhance our resources to make sure we protect our food, water, and our children.

Commissioner Ron Poltak thanked Holly Greaves for her comments. He stated that he comes from a small community that has the responsibility through the federal-state partnership as a delegated authority for implementing programs such as the water program, and groundwater protection. The 'gorilla in the closet' at the local level is funding for implementation of these programs. The new initiatives out of this Administration from our viewpoint in the Northeast represent a retrenchment of the federal commitment to take an active leadership role in regard to the implementation of the Clean Water Act. The responsibility is going to fall on our backs at the local level for clean water. The State Technical Assistance Grants (STAG) were zeroed out in the President's budget. Holly Greaves corrected that by saying there was a reduction. There are some particular state grants, the Section 404 grants were zeroed out. EPA has an allocation within the whole broader scheme of the proposal. The President had made it very clear that one of his number one priorities was to support a stronger defense

and so agencies and the non-defense bucket certainly must accommodate those proposals. Our goal is to look at our statutory responsibilities and fund those efforts first. A voluntary program or where we aren't the lead agency, for example, such as non-point source pollution, USDA has a significant number of responsibilities there to address those issues. In the budget areas that did get reduced or eliminated Congress sometimes rejects these cuts. We'll have to see where things land in 2020.

Commissioner Ron Poltak said that it is a matter of interpretation. Under Section 106 of the Clean Water Act, which has coastal, beaches and wetlands funds, and the Section 319 program and a few others, we observed a disconnect between the Strategic plan of the agency and the implementation side. With these cuts, it falls on our shoulders. My take-home is that more and more responsibility is falling on the backs of the states, tribes and localities. There should be improvements both within the context of the agency's approach through the Strategic Plan of the recognition that strengthening the federal-state-local partnership is needed. " Words are wonderful, but actions speak louder than words and we're not seeing action in terms of backing up the delegation that we are taking responsibility for when we go home to implement these programs."

Mr. Brian Holter thanked Holly Greaves for this opportunity to address some of my concerns with the groundwater. Water is life for our tribal communities. My main reason for being here is to talk about some of the concerns in Region 10. I'm a representative of Regional Tribal Operations Committee in EPA Region 10 from Alaska. One of the main concerns is the effects of hydrofracturing (fracking) and its impact on our drinking water. Cancer is a very high rate in our region, and rising. Pollutants that come from fracking leach into our drinking water and is a major concern. We'd like to see more testing done on the effects of the fracking. Climate change also comes into the equation because the furthest point north in Alaska, the permafrost is melting. Groundwater is being impacted and that leaches into our drinking waters. In Idaho, there's been a big concern of this. Their drinking water is being affected by the fracking.

Mayor José Aponte Dalmau said he has met with Mrs. Carmen Guerrero, Director of Puerto Rican environmental agency, and with Region 2 Administrator Peter Lopez who recently visited Puerto Rico. Solid waste management and recycling are huge issues. Instead of dumping and contaminating the groundwater, we recycle materials in Puerto Rico. The biggest recycling center is in his city of Carolina. Of the 78 municipalities in Puerto Rico, there exists only a small number of landfills that can receive domestic solid waste. The life expectancy of these landfills is between 1 to 3 years. The situation is getting worse because of the last two hurricanes that creates millions of millions of pounds of debris that went directly to landfills. EPA should consider assistance to the Caribbean territories to help with developing a robust recycling program. The biggest environmental problems that Puerto Rico and the rest of the Caribbean territory island like Saint Thomas and Saint Croix is solid waste.

Mayor Elizabeth Kautz said that it is her understanding the President's budget proposes a 30 percent cut to EPA's budget. She would like continued holding the budget for municipalities. EPA gives approximately \$2 billion in grants to states for the SRF program and that's one of the programs that's being cut in the President's budget. This includes WIFIA loans to local government which have spent \$123.6 billion in 2016 alone. Continued work with partners such as the U.S. Conference of Mayors, NACo, National League of Cities (NLC) is important and who really value the work that EPA is doing. Because we need to hold your budget or increase because of the important work.

Holly Greaves thanked Mayor Kautz for her comments. She said that she understands there is always a need for more. Every one of our programs has a constituency. It's challenging and kind of constrained environment to make those difficult choices. We will continue to work with Congress and with all of our partners and we will continue to allocate the funding as they direct us to. She thanked the LGAC for all of their comments.

V. Risk Communication Roundtable

Britt Carter, Director of Intergovernmental Relations, introduced the Risk Communication Panel. Risk communication is one of the highest priorities for Administrator Wheeler. It is also an important issue at the local level. What we hear today will be very important for EPA in helping to shape what is important for communities regarding risk communication. The panel is intended to be a dialogue to foster our work together at all levels of government to improve our delivery of information to our citizens. This information exchange is important so that state, locals can take the proper steps to avoid or minimize harm or exposure during an emergency whenever there is a problem.

A. Doug Hoelscher, Director of the Office of White House Intergovernmental Affairs and Deputy Assistant to the President

Doug Hoelscher thanked the LGAC for their service. The White House complex believes it important to meet with our state, local, and tribal partners at the table. He said that when he served under Governor Branstad of Iowa, the biggest frustration is that we often couldn't get answers out of the federal government. Any answer is better than none. It drives uncertainty that drives up costs and doesn't serve our citizens very well or citizens very well. He said that he grew up on a farm in Iowa and he appreciates the rural landscape. He also appreciated the voice of rural America and communities represented on the committee.

The White House Office of Intergovernmental Affairs serves as a front door for state, tribal and leaders across the country. There are about 90,000 state local and tribal jurisdictions across the country. There are a couple of hundred thousand people who serve our citizens at the elected level. We do want to make sure that we are connecting people to the folks throughout the government like Britt Carter's counterpart across government. In the first two years of this administration, we invited every county commissioner in America to come to the White House complex, something that's never been done before by any White House in history. We're restarting that initiative in June and we'll be inviting state legislators from across the country. We've also included mayors and tribal leaders into those initiatives. For the first meeting, there were 2,004 county commissioners that met with the White House. Another 1,500 mayors, tribal representatives, sheriffs also took part. It is a good example of federalism in opening the White House door for the first time, for these consultations, on issues that of concern such as 'Waters of the U.S.'

Formal consultations are being done by the EPA, but folks of the White House and agency heads also heard in a variety of different ways from local officials directly on matters like Waters of the U.S. and many others. Each of these 35 events had at least one cabinet member at all of them except for one of the events. The Vice President participated in about 13 or 14 of them and the President participated in the capstone event. We want to make sure we keep that drumbeat for local officials,

tribal leaders and state leaders to have their voice directly heard. Each of sessions also includes a time for questions and answers. One thing that we give out at each of those meetings is a roadmap to success on contacting all of the intergovernmental contacts across the federal family. It shouldn't be a mystery of who to talk to in each federal agencies. That should be the easiest thing in that process and so if you don't have that contact information, I want to make sure that we get it to you all.

The President met with governors in February for their third visit to the White House. President Trump met with governors 350 times. That is 65 percent more than President Reagan who is the last probably great champion of federalism. Whether it's state, local, and tribal officials, governors, we are making sure that we're giving ample opportunity to have their voice heard. We want to keep up this pace of meetings in a bipartisan way. There was a bipartisan group of attorney general from across the country at the White House and a bipartisan group of governors at the White House. We've also had tribal leaders at the White House.

The EPA has come out with a proactive plan for per-poly-fluorosulfonic acid (PFAS). PFAS is an issue of concern for communities across the country. I'm glad to see that the EPA for the first time ever having proactive outreach, a summit, and then a lot of follow-on consultation as well. Also, I mentioned Waters of the U.S. and I know the consultation continue to be advanced there.

Converting federal implementation plans to state implementation plans (SIPs) is an important step. Instead of controlling this from federal buildings, we should be focused on driving environmental improvement throughout the country and empowering people who are closest to the citizens and have the most respect of the citizen to make those decisions.

Mr. Tom Sloan asked about the roadmap to the agency intergovernmental people. Britt Carter agreed to send that out to LGAC Members after the meeting.

Chairman Mark Fox representing the Mandan, Hidatsa and Arikara Nation (MHA Nation) spoke about communication and trust responsibilities. Trust responsibilities may not be a familiar term for local governments. Sovereign nations, or tribes have a unique government-to-government relationship with the U.S. government. Authority over water is paramount to tribes for protection of their water resources and equality of waters that are essential to travel treaty protected resources, commercial ventures, culture, and health of tribal members. The trust relationship is codified in United States law and treaties. The WOTUS rule revisions could impact treaty rights and trust responsibilities. One of the things that is not well understood is how important the federal- tribal relationship is and how that can be impacted. He said that when he accepted the Administrator's invitation to serve on the LGAC, it is not easy given his other advisory boards DOI, and the IRS. Also as a tribal representative, there are challenges in representing all of Indian country. If you do things that are in contradiction to the way Indian people view things, I have the responsibility and the opportunity to speak up. It's very critical my role today. Why is there a federal tribal relationship? Historically, it comes through laws or case laws whether it's the Supreme Court of the United States or policy, it's a long history of adversity between tribes and state. That's the whole reason why there became a federal tribal relationship. At some point in time in history under law, the United States government said we can't afford to have conflicts, territory disputes, wars, interactions and hence they said the relationship with tribes will be primarily with the federal government. It is not the purview of the state government. That's been going on for centuries. There must be a federal -tribal relationship established because of the differences with states. This issue is raised in the historical conflict and that the adversarial relationship between states

and tribes. Some of you derive from states in which you know there are jurisdictional concerns. What's happened at EPA has been no different and so I wanted to make sure that we talk a little bit about it. Fort Berthold is an example which is a million acre reservation. Once time there was 13 million plus acres, now we have a million and about half of that held in trust. Trust means that land gets a certain status, it's titled in the United States of America, but it's held in trust by United States for the benefit of tribes and tribal members. You have a trustee responsibility and then you have the trust beneficiary. The person that is being protected, the entity. And so that's what it's all about, that's why it's called a trust. In our Nation, there is an intrusion of the state in tribal laws. The state comes on to the reservation and then they dictate what is to be developed. They'll give permits on fee lands within our boundaries. But our Constitution approved that the federal government says – approved by United States of America signed by Secretary of Interior in the 1930s under a law, Indian Reorganization Act says that our tribal nation shall have civil authority over all lands and all people within our boundaries and that's federally approved. Since that time we've asserted our rights to govern and regulate our own lands. Over time that has been infringed upon. We have a state issuing permits in our Nation. Whether it be EPA under their federal authority approving of certain permits on lands within our boundaries, or a statute that says there's not to be any waste disposal within our reservation boundaries, yet they are licensed and permitted on fee lands within our boundaries. This has been a great concern. Water permits and access to water within our boundaries as well are a problem. We have certain rules and regulations that say you can't do that and that's been occurring. Another big one that just recently occurred in the last two years under DOI BLM, BLM; Bureau of Land Management.

One of the rules in regards to water we asked for our tribe to adopt our own policy and rule that said that you shouldn't have a well pad, drilling rig that drills for oil within a thousand feet of Lake Sakakawea which is the Missouri River program, which is a large reservoir of water, 23 million-acre feet lake. There is pressure for us to adopt the rule as we interact with producers, oil companies within our boundaries. We adopt the rule and say there's to be no drilling within a thousand feet. But what happens immediately after that is the very entity that asked us not to approve it sends us notice that they are approving pads within a thousand feet. We have an appeal ongoing. Our biggest concern is that there should be federal oversight on trust lands. The United States of America has a trust responsibility. States and tribes have sometimes adverse positions. The tendency is to allow the states to go ahead and implement without any action or backing or regard for our laws, rules, and regulations. Recently we've had some changes even with BLM. The federal government needs to have oversight and defer to the tribes on all lands within our jurisdiction. And add in a 'gray area' if they're within our boundaries, accept and understand that we have primacy.

Chairman Fox indicated that he met for the first time with the President of the United States and discuss Tribal policies. I was able to sit across the table and talk about these issues. His position he stated was that in order to have energy dominance, much of these resources are on federal lands and 30 percent of the non-renewable energy resources in the United States and are also located on trust lands in Indian country. To drill on tribal lands, you must defer to tribes and our laws. He said that he promotes energy development on our reservation, and for our nation. But they also promote responsible development. When the oil and gas is gone, we will still have to live there for thousands of years and so it's very critical, Mr. Chairman.

Chairman Bob Dixon thanked Chairman Fox for his comment. He also commented that this is not just a tribal issue but also an issue in rural America. Communication is so important. It is critical to work with not only States but also small communities as well.

Doug Hoelscher thanked Chairman Dixon for his comments. He acknowledged that he was in the room with the President, at the meeting referred to by Chairman Fox. We want to make sure we keep the tribes engaged, and make sure your voice is heard, and respected. We also met with Secretaries of Agriculture at the White House, and Vice-Chairman Jeff Witte. We want to make sure – whether state, local or tribal, that all have a chance to have your voice heard. It does not all happen at the White House, but the agencies do a lot of that hard work. That’s why the intergovernmental work at EPA and the work of Britt Carter’s office is so important and her counterparts throughout the federal government.

The Department of Interior produces more energy in the last year than it has in history with the smallest footprint that it has in history. So that turns the argument of environment versus energy production on its head. They’re not mutually exclusive, but when it's done right it can be done very well and it can help drive towards the President's goal of American energy dominance -done in a way that's respectful to the land and respectful of the environment.

Commissioner Dr. Robert Cope commented that he serves on many federal advisory committees such as BLM's Wild Horse and Burro Advisory committee. We found ourselves hamstrung by Congress on all the fixes to mitigate the environmental damage for the overpopulation of wild horses. Serving on the LGAC for 10 years, the Committee worked hard on the 2015 Waters of the U.S. rule putting out a 2014 report. We met with people across the U.S. in listening sessions around the country on WOTUS. We made excellent recommendations to EPA. Those recommendations did not come close to making it into the 2015 WOTUS rule. My point is I hope this Administration will listen to our advice. The North Dakota court decision on WOTUS ruled against EPA but that decision tracked our recommendations on common-sense suggestions from the LGAC.

Doug Hoelscher stated that “the untold story of this Administration is a story of humility” especially in how we approach the state /federal tribal relationship. We're not always looking for the answers from inside the Beltway. That's one reason why advisory committees like this are so important. When I was at the Department of Homeland Security, I oversaw a FACA committee for then Secretary Chertoff. I've seen how committees can work and can work well. It does takes somebody willing to listen and actually look at the results. One thing that I implemented when I was head of a FACA committee giving feedback to the committee. There wasn't a practice to give the Committee feedback on what advice was taken or not. Maybe that's one thing that this committee can think about. You should hear back that your recommendations were looked at, they were analyzed, and what came out of that, and has some accountability in that because that's the least you deserve for the time that you're willing to give. And I think you've given some examples of how that can make an impact if people are willing to listen and I wouldn't be here today if we weren't committed to listening.

B. Andrea Drinkard, EPA's Risk Communications Workgroup Senior Advisor in EPA’s Office of Public Affairs

Andrea Drinkard said that she was here at the meeting to listen and learn from all of the experiences that the LGAC has on the ground as it relates to communicating risk to the public. She

presented a risk communication charge to the committee. Coordination is really critical to successful risk communication. All levels of government need to be on the same page and giving the same information on risk communication. The public doesn't really know who to look for, who to trust and what to do in response when there is an emergency or an environmental hazard. She reiterated Administrator Wheeler's priority on risk communication of speaking with one voice to the American public. Another priority is to work closely with our federal, state, tribal, and local partners to ensure that we are providing the public with the information that they need to answer the question, what is the risk that they are facing in their daily lives.

We are doing a lot of that at EPA on risk communication. PFAS is an issue that we are addressing every day. There are many experts working on that EPA. The reason for the Workgroup is to enhance the way that EPA communicates risk to the public. As local, state and tribal officials you regularly communicate and engage with your citizens on a wide range of issues such as hurricanes, contaminants in drinking water, or a new air toxic in the air that you need to tell people what to do and you need to get information to them quickly. We have an opportunity to learn from you and work together as we design a comprehensive and universal approach to communicating risk to the public.

Administrator Wheeler established an agency wide risk communication workgroup run by senior leadership here in the Administrator's office as well as the Office of Public Affairs. We have representation from all of EPA offices from all 10 EPA regions. EPA regional offices often communicate with your state counterparts, so it's important that we are all working together. One of Workgroup's focus is to develop an institutionalized cohesive approach to risk communications across the agency. And as one of our first action items, is to conduct an agency-wide survey to see how everybody in the agency is working on risk communication. We are also looking at training needs, what is working and is not working. The survey revealed that there is a lot of different ways of communicating risk. Building trust with communities is foremost. Are we using plain language so that everyone can understand? Do we understand our audiences who we're speaking to? Are we being open and transparent? And then also who are our partners, who can we partner with to get those messages out?

It takes a local messenger, and sometimes it takes a federal messenger, or someone completely outside of government. Who the appropriate messenger is for the appropriate office is something that we do across the agency? We would like to establish internal consistency to our communication processes, identifying best practices, and strategies, and then also providing a workforce here at EPA and across the regional offices with the training that we need to make sure that we do know how to communicate risk to the public. Our hope is that we can get clearer information into the public's hands and into your hands quicker so that we can be responsive to your citizens so that they know what they are supposed to do in an emergency or an event.

She highlighted two main pieces of the EPA Charge: what are we doing well, what does EPA need to work on? What are some areas where we can provide more information? We would like to also hear your best practices. What are you doing in your communities on risk communication? What are you doing to make sure that folks have that information and have accurate information as quickly as possible? What are ways that we can better coordinate especially with this committee with the local, the tribal, the tribal officials, and government as well as some of the state governments? We can all work on together and hopefully have a good result.

Britt Carter opened the panel discussion asking that each organization talk about what they are doing on risk communication.

C. Dr. Richard Anderson, U.S. Conference of Mayors

Dr. Anderson began by thanking the LGAC for convening this session. The USCM represents mayors of cities that are 30,000 population or more and we work with those mayors on practices and policies. Mayor Elizabeth Kautz is one of our past presidents and she has been in our leadership for over a decade or more and she brings these types of experiences into the Conference of Mayors.

In 2015, there was an earthquake in Northern California. In the NAPA valley, the population is about 80,000. There were 200 breaks in water pipes. The contaminant trihalomethanes (THM) has an 80 microgram per liter standard. The readings in one part of town after the earthquake detected 80 to about 97 micrograms per liter in those samples. It was not found throughout the town only in one area. A letter was sent out in March and the response. When people read the information on THM that it may cause cancer, the USCM and Mayor Jill Techel of Napa believed the public had an absolute right to know. But when this information came out the reaction by the community was a knee jerk reaction of fear. One man passed away from cancer a week or so before this happened, the wife blames it on the trihalomethanes. Another woman three years after came to the office of the mayor and said, "Is it safe to use tap water on my plants? The public's expectation is that they are given information so that they can make a plan and remedy. The second letter came out about a year later in February of 2017 which says that continual monitoring says that the THMs are down 56 micrograms. It will take another few readings below the 80 to get the annual average below 80 micrograms. The mayor and her team held focus groups with the community to find out where does the communication understanding break down. It was clearly on the public side. Most of us here can look at these numbers and make good sense out of it. It gets lost in the translation at the public level. The city tried to allay fears and communicated what they were doing and changed operating practices. They wanted to protect the watershed from organic matter getting into the water supply. They reduced the retention time of the water in the pipes by optimizing pumping operations. Secondly, they have a huge volume of water and those tanks are used for fire suppression. A couple of vineyards burned in the last big fire. In Santa Rosa, the whole town burnt down. Water there is very important. But the water must be flushed every day and refilled and they've had to put in technology for that to work. They had to put aerators in to keep the water flowing so it does have retention time where THMs might form. Additionally, they installed aerators and mixers volatilize disinfection byproducts that might form. And then long-term, they're talking about granular activated carbon with a projected cost of \$1 million a year or more. This is a very highly intensive operation to solve the problem. The city intends to do a cost benefit analysis to see if the risk is worth the technology improvement. The simple answer is "no, it is not." The THM exceedance is short-term and it's receding. For PFAS, how will that be approached. Political reflex is not a good substitute for thoughtful reflection. I support what the agency has done so far. It took 25 years for the dioxin reassessment to be completed. We have to have a reference dose because the cancer potency slope didn't really fit very well. Reference doses are important for risk communication even for these primary drinking water standards. EPA needs to relook at how people react. Boil water alerts work really well. People get it. Toxics are another thing and not well understood. EPA should conduct focus groups around the country to find out how to better communicate with people to understand all of the risks.

D. Julie Ufner, the National Association of Counties

Julie Ufner opened by thanking the county commissioners on the LGAC and all members for their valuable work. You're not only speaking for your community, but for other communities throughout the nation. Local governments must deal with risk communication on a daily basis. NACo represents the nation's 3,069 counties. About 70 percent of our counties are considered rural with populations less than 50,000 and these commissioners. Elected officials wear many hats and their staff do many things. Risk communication involves weighing the risk. For counties, it could be as simple as notifying the public about a closed road or a new ordinance on burning or even as complex as communicating and coordinating an evacuation plan for a hurricane or a wildfire. And as an elected official, you know that there are good ways to communicate and there are bad ways to communicate. And this is something the federal agencies deal with as well. Local governments interact with EPA in a lot of ways and the communication process isn't always as (expected) as it could be and one of the problems that we hear from federal agencies is that they just don't know how to get your attention. Locally elected officials are dealing with so much information such as the number of emails daily. Federal agencies must break through the language barrier. Local governments are viewed more as stakeholders as outside the process rather than intergovernmental partners and not talking about EPA necessarily, but sometimes they're brought in after decisions are made. She stressed the importance of early, consistent and meaningful consultation with local governments, whether it is for proposed rule, a guidance or other documents. That's why the federalism process is so important. It's a way to get ahead of issues. This has been demonstrated repeatedly during environmental emergencies, chemical facility explodes, a pipeline spill, a dam threatens to burst or we're scrambling to respond to previously unknown threats like PFAS. We tell our counties to build those relationships ahead of time and this is an important message for EPA as well. This needs to happen before our counties start to call you or the residents start to call our counties.

The agency is viewed as a valuable resource rather than an enemy. Building relationships and trust are critical. How can EPA do this? Federalism consultation is only one part of the key. At the local level, EPA can send regional offices out in the field, hold regular meetings with elected officials. They can speak at national conferences which they do. Attend farm shows and fairs, be a presence in the community. Encourage agency staff to volunteer in the community to get to really know elected officials. Based on estimates we have found that during every election there's a 60 percent turnover in elected officials, especially at the local level. There is a need for constant re-education. And if you're educating the community, many of those people who may be elected officials may be touched ahead of time. At the end of the day we're all accountable to someone. Elected officials are accountable to their citizens, EPA is accountable to you, the states, et cetera. We're all in this together.

E. Carolyn Berndt, National League of Cities (NLC)

The NLC is the voice of America's cities, and towns, and villages. We represent more than 200 million people. We work to strengthen the local leadership influence federal policy and drive innovative solutions. We do this through working with 49 state municipal leagues and we're serving as a resource to 19,000 cities, towns, and villages. Our membership is diverse. At least 50 percent of our membership is considered a small city with a population of 50,000 or less. Our membership is very diverse politically, from very liberal to very conservative. Our policy positions are developed and adopted by our full

membership. When we represent cities, towns, and villages, we're doing that based on policy positions that are vetted across the political spectrum.

There are two of our research reports that examine how cities do the things they do, how they financially capable of doing the things they do. Our city fiscal conditions report (in its 33rd year), gives us a snapshot of budgeted revenues and expenditures taken all together across the country. Having strong municipal finances means being able to build and maintain parks, investment infrastructure, and keep your communities safe. Last fall, we saw city fiscal numbers not declining but growth is slow. Cities are echoing cautionary signals from previous economic downturns. City leaders are preparing for uncertainty ahead. And there are numerous factors that show a more complex economic reality in cities from slowing housing markets, stagnating wages, and the impacts of the 2017 tax reform legislation.

NLC will launch the sixth annual report that gives a 'state of the cities' from 160 mayors from cities across the country. Last year we found that economic development is the major policy issue across cities and this has been so for the past six years. Infrastructure budgets and housing are rising in importance for cities. Many mayors are talking about water infrastructure in terms of initiatives to build and maintain new water and wastewater infrastructure treatment plants, water main sewer systems, et cetera, and improve drinking water quality for residents. These two reports give us insight on local government priorities and the fiscal ability to meet those priorities.

Communicating risk is about communicating health safety, but also the economic risks to cities. Local governments come at PFAS contamination in a variety of ways: clean water providers, landfill operators, airport operators, public safety officers, finance administrators in paying pensions for our firefighters who may end up sick. The public health risks, but also the economic risks of water quality, and food in terms of agriculture and fishing industries are a lot of the questions we get from members and from elected officials who are relaying questions from their public, "Is it safe to eat the fish? Is it safe to do this?" It's like what we saw after the Flint drinking water crisis where communities across the country, the public was questioning the quality of their drinking water. Many turned to bottled water which creates then different challenges in terms of waste and recycling and plus the high cost of drinking water. Nutrient runoff and harmful algal blooms (HABs) especially from the Great Lakes region and also Florida is another issue. For example, Lake Erie is an important drinking water source, but it's also important for recreation and it's an asset for economic development. Toxins produced by harmful algal blooms can cause a variety of public health issues. The city of Cleveland, for example, is working to identify threats of HABs and impacts to drinking water and economic impacts. We're also hearing a lot about risk communication as it relates to climate change.

Cities are seeing an increase in extreme weather events. Local leaders want to make sure that their communities are resilient. Local leaders are assessing local vulnerabilities and conducting risk assessments of potential impacts and taking action to mitigate those risks, and whether that's pre-disaster mitigation, hazard mitigation, et cetera. There's public health, safety, welfare risks and also economic risks of not taking action on climate change. Communication, and education, and community involvement are part of these local government action plans. This may not be under EPA's purview, but I would be remiss if not mentioned, risk communication as it relates to climate change is also important. We're hearing a lot about flood maps and the lack of map resources or inaccurate maps. These resources are important to communities across the country who are at risk of flooding.

F. Dr. Chelsea Gridley-Smith, Director of Environmental Health programs, at the National Association of County and City Health Officials (NACCHO).

At NACCHO, we aim to improve the health of communities by strengthening and advocating for local health departments. Membership are nearly 3,000 local health departments across the nation. We work to provide cutting-edge skill building and professional resources programs seeking health equity and supporting effective local public health practice and systems. In the last couple of years, NACCHO has undertaken efforts to better understand local health department's communications capacity, capabilities, and preferences. We found that at most local health departments, communications activities are managed by staff whose primary duties are not communication focused.

For some communities, bandwidth is an issue and hampers communication. Evaluating the effectiveness of communication strategies should be an issue. How do you evaluate the effectiveness of risk communication? How do we train folks to develop appropriate communication tools? How do we translate that and provide those tools that works and those that didn't work to other folks across the country so that we stop reinventing the wheel?

Templates for communication tools would be helpful. The NAPA California case study we have learned quite a lot. For example: How can we develop the right messaging so that we're getting the response we need, and not create more problems? In Flint, Michigan when people were told of the lead contamination some thought that boiling the water would eliminate the problem. Communication failed to help or solve the problem in Flint.

Local health departments serve communities in many ways. We need to think about who the target audience is, who's delivering the message, has the information been vetted, and do we have the time to reinvent the wheel. How can NACCHO work with EPA to make sure that we are making things easier for folks at the local level. County health departments have enough to do. We can serve as that trusted source of information, coordinating our voices, providing a united front for our local programs. Three years ago, I sat in this room with the LGAC taking lot of notes and found the discussion very helpful. I'm from a small town in Western New York, so I relate very closely to a lot of the things that you're talking about and the issues that you must deal with in your communities. Coming from a small town, I recognize that it is very challenging to feel like your voice is being heard and that you have a constituency probably that either has a lot of faith in you or maybe questions a little bit. And I think that we're here to do whatever NACHO can to help you deliver effective risk communication strategies for your folks.

G. Alan Roberson, Executive Director, Association of State Drinking Water Administrators (ASDWA)

ASDWA has 57 members who run Drinking Water program in the 50 states, five territories, D.C. and the Navajo Nation. He gets the question often: "Is the water safe?" In Fairfax County, Virginia where he lives, it's a large utility with a \$170 million budget and two new treatment plants. They're in good shape. It varies quite a bit when you go across the country. People have no choice when it comes to their drinking water or their air. They have one system that they get the water from and so they – you hear stories about Napa Valley and those stories are repeated unfortunately across the country because

we have about 3,800 violations in health-based standards. It's an interesting debate, when you look at a standard of 80 and they have a range of 80 to 97. There was a lot of safety factors in that 80 and that doesn't mean that it's right or wrong, it just means that, yes, if you're above it you're above that number. But 3,800 violations are a large number. Hearing the story of Napa, they have the highest number of violations of maximum contaminant level. There's a lot of work that needs to be done in Napa and other communities to try and reduce that number. EPA has a new series of breakthrough measures to try and reduce that number by 25 percent by 2022. And that's an admirable goal, but it's going to be really challenging because you have these small systems. They don't have the money to invest in the mixers or aerators or the carbon that Napa might even be able to evaluate. Four unregulated contaminants are a concern. Lead the regulated one that is getting a lot of press. Flint water crisis brought it forward. We're going to see more activity on that with EPA put out funding for lead testing in schools and childcare centers, that program is going to start up this year. School districts will have a struggle to get the funding to replace the fixtures. EPA is also going to propose the revised guidance this summer. It's a challenge from an engineering and water commission perspective, at putting in appropriate controls to minimize lead levels. It's not easy and it's a greater challenge for small communities. Four unregulated contaminants that are creating challenges for water systems is when there is not a standard in place. There may be a health advisory, there might be something else, but it's not the same thing as an enforceable standard. PFAS is becoming a bigger problem across the country. We've heard a lot about harmful algal blooms. In Ohio, there was a HAB bloom and also in Salem, Oregon. Legionella is another challenge for water systems. The Legionella problem is in a building that's owned by somebody else where the conditions allow proliferations to occur. People can die and do on a regular basis from that pathogen. It's problematic. Manganese is another problem for some time in groundwater. It's become an issue that EPA is requiring monitoring as an unregulated contaminant monitoring rule. There is a health advisory for young children and there have been cities like Pierre, South Dakota, where they have had to issue a 'do not drink order' given the levels they found in their water there. It's naturally occurring, but it can still be problematic. We're seeing these unregulated contaminants such as PFAS where we've got no federal standard. We have health advisories and those are sort of being implemented as the de facto standard and they are not completely enforceable. We don't have a federal standard that leads to states setting their own, because they must, they're getting pressure from their constituents. Then there are states with different numbers and that creates a perception problem. For example, in New England New Hampshire is following EPA's numbers, and Vermont next door has much lower numbers. We're also in an area of an increased public expectations. I think people are used to getting the information in a timely manner. It's also hard to digest information if it's not clear. When that communication raises more questions such as "What should I do? Do I need to drink bottled water? Do I need to buy bottled water for my plants?" There's actually a lot of materials on risk communication. The state of Minnesota has developed a lot. The Environmental Council of the States has worked with the state and territorial health officials, they come up with some nice communication materials for PFAS. There's an equal challenge of developing and delivering risk communication messaging. When you look at doing risk communications you want to start off with a caring message and then move to accident and talk about perspectives. And as an engineer, you want to go right to point and say, "Well, this is really not that bad or this in water compares to that in food". You can forget about the need to send a caring message. It's really challenging for engineers and scientists to start off that way. There is a need for training on how to develop the right message and

how to deliver and then the last point I heard is about evaluating the messages. How effective are we at communication that is actionable and will result in changes necessary?

H. Risk Communication Discussion

Britt Carter opened the discussion with several questions for the Panel and participants: How can we better inform local governments about agency decisions and risks? What are some tools and processes that federal, state, tribal, and local governments can work together on to advance effective communication of an environmental and public health risk?

Dr. Robert Cope asked how did we arrive at an 80 part per billion on trihalomethanes and do we know there's a health risk? If we're telling people, there is one than we need to be on solid scientific ground when we say these levels are high and that it's a problem.

Dr. Richard Anderson said that he sent a letter to the last five of seven EPA administrators. There was an original risk assessment approach that was adopted. Over the last 30 years it has been terribly eroded. That risk assessment is four-part. You're sort of assessing what the nature of the volume of risk is based on the media you're talking about, is it air, is it water, et cetera. Third part is that you look at alternative solutions and the fourth part is you decide. Now here's where it goes wrong. The second part is an assessment and that assessment is a technical assessment. Where data is not available the agency relies on modeling. Modeling may have many errors as it has answers. And I think where the confusion is. Scientists can measure things and detect things with very high level of accuracy. They find a number hypothetically at 800. So, they would say, "Well, an order of magnitude safety that's a political decision. That is not a scientific decision." The other problem is that when a rule is finalized, is it justified as a science-based standard. Most times it is a political decision. What should happen is to calculate the worst-case scenario and add an order of magnitude safety. Local decision-makers spending taxpayer money most likely want decisions based on what it most likely to happen.

Alan Roberson said there should be bright lines on risk communication. Human and animal studies show some increased risk. There is still a big uncertainty bar around that. There are certain standards that are more solid such as arsenic. The National Academy of Science addressed it, and it was a big issue in the West requiring drinking water treatment for arsenic removal. This was a solid risk assessment, but I'll be the first to admit it's not a bright line.

Dr. Chelsea Gridley-Smith commented that one of the things that can be improved is answering the question: "What does this mean?" We have a lot of numbers with different levels of units. What does that level mean? There is no silver bullet answer to getting down to what does this mean and being very clear about that. There's a challenge to get information out quickly and provide accurate information. People want immediate answers on whether it is safe. There are circumstances where we may not have the best answers. How do you manage this and provide information quickly, but also work on the assessment portion and to make sure there is a clear understanding of what information means and managing uncertainty? That's a really a hard message to get across when you're dealing with emotional responses to something. In the NAPA example, the message was out that this could cause cancer. Immediately that puts the public in an emotional place as opposed to a rational place. And so how do you kind of bridge that gap? This is something we grapple with that at all levels-the federal level, and the local level.

Secretary Jeff Witte commented that we have a huge risk communication problem. We live in an instant communication society, everything is nine-second sound bytes. We live with Facebook and Instagram and social media. I lived through an example with the Gold King mine spill which was a huge challenge for EPA. We're still dealing with it in the State of New Mexico, Colorado, Utah. EPA is pulling water samples and they're doing as they should. Yet at community meetings you'll hear "the river is orange, it should be green and blue." People want to know what the water quality is. EPA comes back and says, "We pulled water samples and we'll know in three days." Communities want to know results immediately. It is a challenge. PFAS in another issue for New Mexico. There is a contaminated area near a military installation. With emerging issues like PFAS, the public doesn't understand what the word "emerging contaminant" means. All they know is that there's a problem and they want to know how you're going to fix it. Or how come it's not fixed, yesterday. Risk communication is a 27 word, nine second sound byte. I see this as the biggest challenge. Everybody wants to know now. That's the challenge.

Scientists at EPA develop the standards for what is considered a risk and define the risk for each of these issues. There is a level of trust that EPA that it's not just scientists coming up with a political point saying something about, "Well, we think it might be this or it might be that." It must be relevant to those in the community. It also comes down to if we trust that message from EPA can we develop templates and something quick hit that folks on the ground can take right away? The turnaround time – that sounds like a problem that I'm not necessarily equipped to address, but training the folks to be able to communicate those messages in that quick 90 second with 120 characters on Twitter or whatever it might be, how do you communicate that and it is a big full circle I think of having standards from the EPA and the scientists and the federal that you can trust and coordinated messaging from all of us up here and working with all of you folks in the ground.

Ms. Susan Hann said that Dr. Anderson's examples are "near and dear." There was an issue she recounted as city manager of Palm Bay, Florida where THM levels were an issue. Correspondence was sent out to residents and it indicated they may get cancer if they drink a million gallons of our water, but nobody reads that part. The context of risk communication is especially important, especially in the social media world. There are people communicating about this whether we're in there or not and they're forming their own opinions and we're kind of low on the totem pole. I now work for a school district and we had PFAS come up in our community totally out of the blue. There is an air force base that's on the east end of our community. We have a water system that serves a beach community, but the source water is 25 miles away. The beach community off had the idea that the air force base was affecting their closed water system. The challenge is overcoming this sort of inertial type of communication was that's there is nothing to do with people who know what's going on. And in fact, we're probably the last folks that anyone wants to listen to. The comment about building trust ahead of time is particularly important. There's a role for building risk communication ahead of an event. For example, "We can't get people to stop texting and driving." That's far riskier than drinking our water. We're not doing the best job if the public is concerned about the wrong thing (unless there truly is a risk). When there is true a risk we'll do an incredible job. It's the gray areas where the risk is not clear that there is a heightened awareness and panic. Public officials need to do a much better job of helping the public understand what's risky and what is it and put it sort of all in the same context, because at least in my community I'm not convinced that drinking water – bottled water is any safer than drinking municipal water. In fact, it's probably not safer, but everyone assumes that's the way to avoid the risk of

drinking municipally-treated water. She stated that this discussion has been helpful, and she looks to progress working together.

Commissioner Victoria Reinhardt said it is all about communication. She represents Ramsay County of about 75,000 people. A company received a \$7 million fine the largest that the Minnesota Pollution Control Agency issues. There were emissions posing a problem. Instead of letting the local officials know or at least giving a 10-minute heads-up on enforcement issue there was a blast press release that came out of the Minnesota Pollution Control Agency and the Minnesota Department of Health. It put fear in people and so then there was a public meeting. Local elected officials are trying to get as much information as they can. The meet was about tetrafluoroethylene, a solvent which there is an alternative for. It was a meeting where emotions were revved up. We're supposed to trust this company that just expanded in our community. We knew that there was a problem in April of last year. We had to shut them down in January and that's when everyone was notified. So, at every point going forward it only made matters worse. She was called in as the elected official of the county to be a stabilizing force. There were 5,000 people that were impacted including two of her six and nine-year-old grandchildren. She said she had a personal stake in the issue. I want to listen to what they have to say. She said that she is comfortable with steps taken. But she said that the wrong words were use such as "uncontrolled emissions." Technical terms aren't going to work here. You must tell people what it means to them. To that you need to have relationships with the local officials. And the fact that they were called in to the next meeting was helpful. Local officials can forward the same facts citizens have trust in information we give them. Reach out to local elected officials. Use us to do that. And the only other thing is what is being done about TCE? What's EPA specifically doing about this?" Because it is bad stuff. The science is there, and it is on the list for the EPA to take action. But it was stalled in the current administration. In Minnesota we are is looking at it and how egregious it was and the impact on everyone. We're looking at banning it in Minnesota. The bottom line here is the communications side of it, I think it's been said before, talk to us, don't leave us out. We can reach people that you're not going to be able to because they do trust us. For the most part, they do trust us to listen and we can make a difference.

Mr. Brian Holter spoke about Alaska's number-one concerns is gray water discharge from the cruise ships. Our natural resources are being heavily impacted by this. It is producing HABs. We see also seen impacts of ocean acidification. In an aerial view of the waters and you following the weather forecasting maps, you can see the impacts of warming of the waters. This is an issue we need help from the agencies to work on together to address this problem. There are different types of cruise ships. The older ones constantly discharge gray waters. The newer ones have more capacity and permitted to dump gray water. A bigger issue is the super cruise ships that have 8,000 people aboard. These ships are floating cities that have waste water issues. It's affecting our natural resources. As a tribal person, I grew up when there was a never-ending supply of salmon. "The salmon population was so thick you could almost walk across the river on their backs." The herring population is decreased which is their major food source. Therefore, the salmon population, the halibut, the sea mammals, all of these things are shrinking. It's not just the algal blooms or the gray water, there is also the impact of Fukushima, and mining tailings. The mining tailing ponds are also threatening our natural resources.

Dr. Hector Gonzalez thanked the panel. The Revitalizing Communities Workgroup is assigned the risk communication charge for the LGAC. It has been our observation that communities have already some best practices to share. We need the science for risk communication. We owe it to the public to

explain what the risks are. I'm also a member of NACCHO. We need the Center for Disease Control part of this discussion, as well as the National Institutes of Health. Sometimes we can't wait at the local level to get all of the science in place. But these agencies are experts at it. I congratulate EPA for bringing a Risk Communication Workgroup in place. For health impacts, we must give the best information possible to the community besides the trust, besides the outreach we need to make it simple. The best two messages that the LGAC heard was from New York City they used a sign with a fish and a line through it to communicate it is not safe to fish. People understand simple communication tools. The outreach component is important too to consider local communities' concern. We're not going to have less contaminants, we're going to have more. One of the things I've been asking EPA is give us the most current status of the science on PFAS. Let's develop the standard based on what we have. Let's not wait. We owe it to the public. EPA needs to maximize resources to protect children's health, food and water. Thank you to all the panelists.

Britt Carter summarized by stating the four- step approach that was mentioned. Commissioner Reinhardt also mentioned this as communication between you all and us. That's our job here in intergovernmental relations to communicate with you all and have that open dialogue. We're all here to help and make sure we know what's going on in all of your communities and our job is to communicate what's coming down the pipe here as well. That's really important. We also deal with a lot of false information being put out there not from our agency, but other sources. It's really important to come back to us first before it's put out there. It's harder to fix misinformation once it's out there.

VI. Henry Darwin, Acting Deputy Administrator

Acting Deputy Administrator Henry Darwin thanked LGAC Members for their commitment to help EPA to make us a better organization. He said that he wanted to talk about a few changes that we have already made at EPA and changes that are ongoing at EPA. We are deploying a management system for the first time in a long time at EPA. The management system starts with measuring what's important. And you all know as local government officials that figuring out what is important and figuring a way to measuring what's important is almost infinitely complex in the government setting. The private sector can measure their success with via profits and losses. We must measure our successes and failures based upon our mission-related outcomes. Whatever department is, or whatever the goal of that part of our organization is, we can only measure our success by measuring the outcomes associated with those efforts.

At EPA, we are currently measuring over 800 measures on a monthly basis. In every national program and regional office on a monthly basis there is a reporting system in place looking at how they're doing against the measures that we've agreed upon important to EPA's success as an organization. Each one of those measures has a target. And when they're on target, that measure is green. That measure is slightly off target, it's yellow. And when it's significantly off target, it's red. In short order, I can go through 800 measures and see how we're doing as an organization. At any time when we're off track, it requires a plan submitted to me on how to get back on track. It's a system that requires regular review our work and to take action when we're getting off track. The other things that we're doing at the executive level is we are reviewing a subset of those measures on a monthly basis, and the administrator reviews them on a quarterly basis.

We can start to see in visible terms workflow and performance. Every process that we perform as an organization will eventually have a visual management tool associated with it. [He demonstrated a

flow chart of agency performance measures]. Every process that the agency is doing we can measure progress, whether it is on schedule and target on performance.

The goal is to deploy a management system (LEAN) among 80 percent of our processes by the end of fiscal year 2020 which is September 30th of 2020. And we're about 25 percent of the way there. We initially deployed the system in 9 of our 10 regions and four of our national programs. We're well on our way. In our regional offices now, you will see on the walls throughout the regional office both visual representation of the flow of our work and the performance of our work depending on the process that we are mapping, or the process that we are trying to improve. As an organization, we are changing the way we operate significantly. There has not been a system in place at EPA for a long time to manage our operations. We're spending a significant amount of time over the past two years in establishing a system for management and monitoring the operations of the agency in an effort to achieve our mission rated outcomes. We have customers and we want to deliver better customer service. The best example of this is permitting. The agency was not tracking its permits. It was not tracking the amount of time it took to issue permits or even the number of permits that are issued. We instituted a system to track how many permits we issue each year. We know how long it takes for each one of those permits. And we know where our permits are in the process. So that at any given time, I know how old our permits are, how long they've been in the applicant – application status.

The goal is to issue permits within six months. On the average, the timeframe for a permit was about three years. It's a significant effort to reduce our backlog of permits in excess of excess of six months. It does not mean that we are becoming a permitting mill. A permitting decision should be given within six months which could mean in resulted in a denial. Since June of last year, we reduced our backlog on permit applications older than six months. We reduced that backlog by almost 50 percent over the past year. In each regional office where the vast majority of permits are issued, we know where those permits are in the process through our visual management. We know which permits are on schedule to be done within six months. We know which are behind. For every permit that's behind, we have a schedule to get it back on schedule. So that's just an example of the results associated with managing our work. Over 97 percent of the permits that are issued, federal environmental permits that are issued are issued by the states. As a former state commissioner, the vast majority of the permits are state issued permits. An inventory of the permits that EPA issued shows that there are only a few permits EPA actually issued. We are starting to get our permitting processes under control. Our next focus is to work with the states and ask the states what they could do to issue permits in a timely manner. We're going to set a timeframe issuance within six months. We'll be coming up with a policy on expectations for quality of permits, and the timing of issuance of permits with the states. And then we'll work with them on a way of becoming more effective and more efficient in permitting processes. We've already reached out to the states through the Environmental Council of States (ECOS) to establish the initial phase of that effort. And there will be a lot more to come. We'll share our progress as we continue deployment of this new management system. The LGAC will likely hear more from our national programs on some of the policy issues that you might be interested in.

Acting Deputy Administrator Darwin acknowledged the service of Chairman Dixson and other outgoing members of the LGAC: Commissioner Dr. Robert Cope, Mayor Elizabeth Kautz, Miss Susan Hann, Dr. Hector Gonzalez and Representative Tom Sloan.

Mayor Elizabeth Kautz asked whether the delay in the permitting process has to do with environmental impact statements and other reports necessary for permitting. He responded by saying that the goal is to see where the responsibility lies for the permitting process and to identify the problem. The first reason we saw that permit applications were delayed is because permitting packages were incomplete. There is a going back and forth with the applicant to try to get the information that is needed. If we don't get the information needed, we're going to have to deny the application. There is a choice for the Permittee, to either give the information needed, or withdraw the application voluntarily or reapply once the information is in order. Another thing we did, unlike the states, when EPA issues a permit, we must do a consultation with our federal partners on endangered species and the National Historic Preservation Act. This can delay permits unlike the states who are not subject to that same requirement. We established an internal working group to gather additional permitting information. We'll work with our federal partners to see how we could work together to get that process done more quickly without sacrificing any quality associated with that consultation. So those two issues alone will probably account for upwards of 80 percent of the reasons why we're not as timely as maybe we could be.

Mayor Kautz asked is risk communication EPA policy? How can we change risk communication, so it is not as emotive paragraph and we have another Napa experience? At the local level we use EPA information. If it turns into fear we're in trouble. When there really isn't a health risk problem, by the time they get the facts they have already decided. So please change the format. I like the LEAN management system.

Acting Administrator Darwin said that he takes lessons from our journalist friends about correct messaging. Mayor Kautz said that "the purpose of risk communication is to let people but not put fear that they're going to die."

Bill Youngblood said that in Pennsylvania one of the state legislators is talking to his counterpart by phone, and sometimes risk communication doesn't work well.

Commissioner Reinhardt recounted the great involvement of the state of Minnesota in regard to Section 404 permits. Initially, the Core of Engineers made it so that it wasn't worth it to assume the program. In Minnesota it would involve about 10 percent of the lands, now it is more like 90 percent. Our state legislature must take action on. They're trying to pass it so that we don't lose anything in the regulatory process. With this change, the state will work closely with county officials to implement it and it is going to save time. If other states haven't looked at assumption of Section 404, they really should because there's a real possibility of doing it well.

Acting Administrator Henry Darwin said that there's only two states in the country that currently have delegation of Section 404 responsibilities -Michigan and New Jersey. We are encouraging other states. There are a number of states expressing interest such as Florida and Arizona and getting ready to submit applications to get delegated authority of the Section 404 program.

VII. Assistant Administrator Panel

A. Clint Woods, Deputy Assistant Administrator, Office of Air and Radiation,

The Air Office has an aggressive calendar for the summer. There are historic levels of involvement from the advisory committees that provide us advice on the Clean Air Act, the Clean Air Scientific Advisory Committee, our Science Advisory Board. We have by far the largest percentage of state, local, and tribal experts on those panels. It benefits EPA greatly to have LGAC feedback early in the Clean Air Act regulatory process. The LGAC has been actively engaged on a number of these issues over the years. There is a need for regulatory certainly and common-sense regulations. This means regulatory reform where necessary. It also means speaking with one voice and engaging with our state partners. It also means doing things that are legally defensible so that Clean Air Act regulations are aligned with the law. There are a number of actions underway either proposed as an action, or soon to be finalized. He emphasized the priority for the agency to speak as one voice about risks, including uncertainties, including where we're at in progress. We're also proud to build upon those short term and long-term air quality progress in this country. Since 1970, the six criteria pollutants, we regulate over the National Ambient Air Quality Standards program, have dropped by over 70 percent. On EPA's website there is a map showing the reduction in air pollution but significant increases in population, in economic growths, in vehicle miles travelled, in energy consumes over that same period. There are similar trends in greenhouse gasses over the last decade or two, as well as air toxics. On benzene and formaldehyde, there are also significant reductions in recent years. We're about to certify all the data for the country for last year, 2018. The U.S has over multiple decades and especially in the last 10 years, tremendous progress. There has been progress in energy related CO2 emissions since 2005 of over 14 percent reductions, while global numbers went up over 20 percent. Similarly, population weighted fine particulate matter which is a pretty good surrogate for air pollution overall. We have among the lowest levels in the world. We're about 1/6 of the global mean when it comes to concentrations of particulate matter in the outdoor air.

Still a lot of work to be done. There has been great work at the local level government that has been achieved over the last few years. The National Ambient Air Quality Standards program is setting another level that is requisite to protect public health with an adequate margin of safety. This includes pollutants like lead, ozone, carbon monoxide and particulate matter. One of the agency priority goals, is to reduce the number of areas that don't meet those standards or non-attainment areas. In 2017 there were 166, it will be down to just over 100 by 2022. Many of those are ozone and particulate matter. You may live in areas that have gone through non-attainment and seen the consequences in terms of economic development, in terms of permitting complications, in terms of resources from state and local governments. We want to build on the trends of reduced emissions, and reduced concentrations of those pollutants.

There are multiple phases when it comes to setting these standards. The Administrator bases his decision on the advice of the key committee here at the agency which gives advice not based on the cost but based on public health. We're on the front end of a process right now to review and potentially revise the standards for ozone and particulate matter. Last year, the administrator's office committed to finishing that process by the end of 2020.

The Clean Air Act, we're supposed to do every five years. We've been a little delinquent. We've averaged about every 10 years. A lot of that has to do with the amount of science, the number of studies, the amount of exposure work that we must do to really figure out what impacts public health and how does that relate to the standard setting process. Usually it is a controversial decision.

There is a lot of work underway with our research office to revise those standards that were last set for particulate matter in 2012, and for ozone in 2015. And then once those standards are set, states take over and your colleagues in state agencies, state and local air agencies develop implementation plans. And we've got a lot of work underway there for previously set standards.

One of our other goals is to reduce the backlog of SIPs, of state implementation plans have been submitted to us. We're getting very creative and trying to reduce that backlog under the Clean Air Act. We're supposed to act on those plans within 18 months, and often we've exceeded that number. It is complicated by a few adverse court decisions, but ultimately that's a real goal of the administration.

Another key area is greenhouse gas regulations that we have underway. This was recently sent to the White House for the inter-agency review process called the Affordable Clean Energy rule (ACE). This is the final rule that would replace the Clean Power Plan which has established greenhouse gas regulations for existing coal fired power plants. The rule from the previous administration was stayed in early 2016 in an unprecedented way by the U.S. Supreme Court. Subsequently we proposed to repeal and replace that Clean Power Plan. Last year we established regulations to reduce greenhouse gasses of coal fired power plants, that look at heat rate improvements for efficiency at the plant.

The proposal when finalized would achieve significant reductions not only in carbon dioxide emitted at power plants, but also in other pollutants that contribute to those criteria of pollutants. The final rule could be out in early to mid-June once we get through the interagency process, but a very high priority for us in our office, and I think for the administration more broadly.

There is work underway for greenhouse gas standards that apply to new oil and natural gas sources that regulate methane and volatile organic compounds from new oil and natural gas production, processing, transmission and storage. We proposed some technical changes in terms of monitoring frequency and low producing wells, as well as a few other items related to state equivalency. They're very important. We're expecting to propose more policy-oriented action in the next month or so that look at whether we should be focusing on methane and or the source category or whether it's better to focus on production and processing near the well head, or to look at transmission and storage. So, for those of you who are in oil and gas producing areas, those decisions will be very important.

There is also work underway regarding mobile sources. We developed jointly with our colleagues at Department of Transportation a proposal last year that we call the SAFE rule, the Safer, Affordable, Fuel-Efficient vehicle rule that would replace the model year 2021 to 2026 greenhouse gas standards for light duty vehicles and propose locking in to 2020 model year standards over that period. We looked at a number of different scenarios and concluded that the proposal could have significant consequences in terms of consumer choice, cost, as well as vehicle safety. We've received a lot of comments on that and they're looking to take action later this year along with the Department of Transportation.

Last year the Cleaner Trucks Initiative was announced which would update standards for heavy duty vehicles, for trucks in terms of nitrogen oxides that are key contributor to ozone non-attainment and got a number of petitions from state and local governments on that front. A diverse cross-section of state and local agencies, environmental NGOs, engine manufacturers will be at the table to talk through those standards that haven't been updated in over a decade.

Similarly, work is underway on several other issues including specific source category air toxic standards. And we got (quarter) deadlines for more than 40, what we call residual risk and technology reviews that go back and look at existing standards, for everything from boat manufacturing, to commercial sterilizers, to everything else under the sun that's out there that emits any kind of air toxic. There is a lot of work with the states on the frontend related to regional haze to try to address visibility at Class 1 areas like national parks. States are to submit plans for the next step of the regional haze program in 2021. There is a lot of engagement with state agencies around the country with interest in areas located near those Class 1 areas. There is a lot work on mobile sources and renewable fuel standard.

Commissioner Libby Szabo stated that Jefferson County, Colorado, that she represents is located 15 miles west of Denver. It sits in a valley of foothills which causes air quality problems. Seventy-five percent of air quality problems are not generated in our county. She asked whether there was any action intended on background ozone? She said that currently the exceptional events rule "is an administrative nightmare". She also said that no matter what actions her county took they would still be in non-attainment. She asked if EPA could help with that?

The ozone standard in 2015 is 70 parts per billion. EPA acknowledged that background ozone is an issue. As our standards have gotten more stringent, emissions have gone down. Ozone is a complex pollutant that is a result of a lot of different aspects of atmospheric chemistry and different precursors, some of which are from background sources. What EPA has learned in the last decade, is that in the Western United States a significant portion of the ozone problem and in particulate matter is from non-U.S. and non-human sources. And we see that particularly in the Intermountain West. There are a few tools that EPA is looking into to. He said that he was hopeful that in a not too distant future, that there would be a different report about the exceptional events rules and how it is being applied. Under Section 319 of the Clean Air Act for natural events or human activities unlikely to recur, state and local air agencies can exclude data from those events for compliance purposes under the National Ambient Air Quality Standards. That tool has been used, and since we updated the rules in 2016 to (carry grade) effect to address things like wildfires, dust storms, prescribed fires which is an area that we're – we've got a lot of work underway. We dealt with a series of guidance documents for that. But there is also potentially a way to exclude data for these types of events. There's another provision in the act that allows for states to seek regulatory relief if they proved that they could have attained the standard but for international contributions that we are looking to develop where we are developing guidance document that will be out in the next couple of months to hopefully provide the tools that state and local agencies can use to demonstrate that they would have met our national standards if it wasn't for those international contributions. There is also an evaluation of the role within the standard setting process. Because EPA's view in the past this has been a secondary consideration the administrator may want to consider whether the standards are getting close to background or relative proximity to background concentrations. So that's a very important consideration as we look at both particulate matter and ozone standards in the future. EPA is cognizant of this problem and understands the unique

nature. The state of Arizona also has a similar problem. They suffer from a very interesting exceptional lens. We've actually approved for Wyoming what we call a stratospheric ozone intrusion, where the good ozone from the ozone layer at high elevations becomes bad at tropospheric ozone, and we've said that's an exceptional event, and here's how we think you can do this in the future. There's a lot of tools and a lot of work being done on this. But I think we're all ears about additional ideas to ensure that we're not holding state and local agencies accountable for emissions or concentrations outside of their control.

Commissioner Libby Szabo commented that this approach would be of great assistance and make it less arduous. She also added that 'one size doesn't fit all'. She suggested a regional and topographic approach is needed.

There was a question regarding E15 year-round? Clint Woods replied that it will be finalized soon. The comment period ended on Monday, April 29th. We proposed a waiver for Reid Vapor Pressure to facilitate the sale of E15, or 15 percent ethanol in the gasoline supply. EPA will finalize that action along with some reforms in terms of transparency and renewal identification number market, they're in market by summer driving season.

B. Alexandra Dunn, Assistant Administrator for Office of Chemical Safety and Pollution Prevention.

The chemicals and pesticides program here at EPA has a huge impact on local government in many ways. Every chemical or pesticide that's put out into the earth and into our communities has raised questions and concerns. People have concerns about pesticide drift and health impacts, especially about the cumulative effects of chemicals on them and their families.

EPA has a new chemicals law that was passed in 2016. It is the Lautenberg Amendment which overhauled the chemical regulation structure for the U.S. for the first time since 1976. In 2019, we are completing the evaluation of 10 chemicals. All that information will be available on EPA's website. Those chemicals are what are known as a category of existing chemicals. They're in commerce today. One of those is asbestos. Some of them are household chemicals. One of them is like N-Methylpyrrolidone (NMP) used as a paint stripper alternative and 1,4-dioxane (TCE). These are not simple chemical compounds. There is a reason we picked 10 of them to address early on. We have been developing full evaluations of these chemicals and they will go to a science review board this summer. This will all be open for public comments. Our science review board will give us some reports. And at the end of 2019, we will finish with 400-page evaluations of these chemicals. We're going to identify what risks what might be present, and the types of people that we must look at are not only the public but particularly workers and sensitive subpopulations. Workers are important because because of exposure levels. We are concerned with those who might be exposed in the workplace situation where chemicals are being made, manufactured, moved, or used might be exposed to these chemicals. There is another group we call the 20 high, 20 lows. We listed 20 chemicals on the EPA website that we're calling high priority. Among them are also some household name chemicals like formaldehyde, and others. We also picked low priority chemicals. These are chemicals that we expect are generally safe. Congress asked us to try to rule out some for needing a full evaluation. We are asking the public; did we get it right. We're doing the 20 highs and 20 lows. That work is set for the next year.

Important action was taken a couple of weeks ago to ban asbestos uses that could have come back into the United States. This includes asbestos floor tiles, any kind of pipe insulation and braking materials. They are essentially banned and cannot come into the U.S. No one is mining asbestos in the United States right now. EPA is making sure that no one is getting back into the business of asbestos. There are some limited uses of asbestos such as gaskets. In the chlor-alkali industry, and about three or four other ongoing uses in the manufacturing setting. The asbestos used in the U.S. is all imported, and we are working to look at the risks of that.

The chemical reporting rule is revised. An inventory is complete on how many chemicals are currently active in the United States which is about 80,000. We've cut that in half. In the past 10 years, we asked companies, what are you making, what are you distributing, what are you importing, because importing is the same as 'making' in this law. We learned that 43,000 is the universe of chemicals. We're proposing a regulation to manage five PBT chemicals. These are persistent bioaccumulative and toxic chemicals. Congress gave us some very specific instructions around certain chemicals that they were particularly worried about. We'll be proposing a regulation to manage those.

PFAS and its many compounds have been a concern. New chemical must be reviewed before it goes on the market. We may put restrictions on it, and then give it a red, yellow, or green light. That is a very significant job that we have. We're also looking at innovation in the chemical marketplace. EPA typically receives around a thousand new chemical submissions a year. Newer and greener chemicals are coming online. Their half lives in the environment are shorter. Not every new chemical is automatically better than any existing chemical. But we do want to move them through to the extent that some of them can replace more toxic chemistries that are out there.

Pesticides are used in your communities every day, such as golf courses. They are used in agriculture. They are required under the Federal Insecticide, Fungicide, and Rodenticide Act, more happily said as FIFRA, to re-register every pesticide every 15 years. We have just announced a preliminary re-registration of glyphosate or Roundup. EPA believes that glyphosate does not cause cancer if safely applied under the label restriction. It's very important to always say on the label restriction. These label restrictions include things of like: what time of day you can apply it, what the concentration is, what the wind speed is. If someone is spraying pesticides on a golf course for example, neighbors don't want pesticides drifting into their backyard barbecue, or the neighboring (farmer) does not want something coming on to his or her land that they didn't choose to use. We are looking very closely at all sorts of things around the use of these chemistries in the environment.

There are over a thousand active ingredients registered with the EPA, and we are re-reviewing 725 of them. We must finish by 2022. Glyphosate and chlorpyrifos are high profile pesticides and they are nerve agents. That's how many insects are rendered ineffective is by them being – by having their neurological system affected. That means that those products can have effect on people too. We're always looking at effects on the environment, effects on animals, fish, plants, and humans. Another chemical is Dicamba. We just gave it a two-year re-registration. We didn't give it 15 years because there's a lot of controversy around it. We gave it two years and we asked the manufacturer to do some field testing.

Dr. Hector Gonzalez asked about integrated cumulative risk in looking at health impacts of pesticides whether it would be the same model used for new and emerging chemicals and other

contaminants? He also stated that multi-acute and cumulative risks as well as social determinants need to be considered.

Assistant Administrator Dunn answered by saying that in the pesticides program, we do more cumulative assessment around families of chemicals and how they react with one another. We know more there than we do on the sort of industrial chemical side. The statute does not require cumulative assessments. Dr. Gonzalez encouraged EPA to consider it which is a model proven to be useful on new and emerging contaminants as well.

Jai Templeton spoke as a former Commissioner of Agriculture, you mentioned Dicamba. He thanked EPA for their work over the last couple of years for the “very cautious approach.” In the common-sense approach that EPA used it allowed for this new chemical to be used in the world of agriculture. Secondly, there is an issue particularly in Tennessee as it relates to certain counties with endangered plants species which requires a buffer zone for application. He said from an agricultural standpoint “it doesn’t make good sense in how it was zone devised.” He asked that EPA look at that. He said he thought it only impacted 10-12 counties.

Assistant Administrator Dunn said that she appreciated the comments. She said it is important to know that when we write a pesticide label, think of it as like the instructions that come with bottle of medication, right, what time do you take it, when do you take it, under what conditions. Applying pesticides is an art. Pesticide applicators must be certified. States can seek expansions of our labels to do different things. We approved the pesticide for use on corn, and a state would like to use it on soybean to address the different type of pest. The state can come to us with those requests. We do generally grant them. What we don’t want the states doing is restricting our label. We set the base rules and the states want to go further, they can go further. But we don’t want them cutting back. If we say there’s a six-week application period, we don’t want the states saying there’s only four weeks.

Secretary Jeff Witte made a comment that the glyphosate challenge is out there. In Albuquerque, New Mexico news stations were giving advice on how to make a non-pesticide product by mixing salt and water and whisky. These are the kind of challenges that we face is that we regulate pesticides in New Mexico. Then you have others putting out their own formulas, no risk assessment, no impacts to the environment assessment. And those are some of the challenges that we’ve got to face. When we’re dealing with glyphosate, Dicamba and chlorpyrifos, those are the big issues over the last year and a half or two years. We really must get ahead of that communication stream.

Assistant Administrator Alexandra Dunn responded affirmatively. She said that she conducted an interview with a major newspaper saying that glyphosate is safe. While there’s been lots of stories saying that there’s trace elements of glyphosate are in cereal, used on oats, and little bits left when it gets into Cheerios. We also set the food tolerances in my office. We set the amount of pesticide residue that can be on food. We assume that people eat a diverse diet that they don’t eat Cheerios every meal for their whole life. But everything we do is very controversial. Just because you find it, doesn’t necessarily mean it’s a risk.

The detection limits have also changed. When they are written, we could detect it at .01 level, now we’re going into parts per trillion. When our laws say ‘detection’ that really sends up a red flag to those who don’t understand what they’re looking at.

Assistant Administrator Dunn said that it's important for EPA to work hard on our credibility as an independent scientific agency. In political times, there is this view that EPA is in favor of the business community under one type of administration and in favor of environmental groups under another type of administration. We have 900 staff in our office. Those people work beyond the political tides. They are chemists, and they are scientists. The glyphosate work was not done by a political team of appointees. It is done by our career staff who are experts and who have been – most of them have more than 20 years of experience working here, looking at these chemistries.

C. Barry Breen, Acting Assistant Administrator of EPA's Office of Land and Emergency Management (OLEM).

Barry Breen introduced Peter Wright as the nominee to be Assistant Administrator, and that nomination is waiting for confirmation on the Senate floor. Peter Wright said he would like to cover three topics of interest to state and local governments. The first two topics are in the waste management area, more specifically recycling and food waste. The third topic is the PFAS action plan. In November, the Administrator sponsored a American Recycles Summit. The Summit brought together a broad group of stakeholders from kind of across the recycling spectrum, anywhere from governmental agencies, states, cities and waste management firms. Key investor stakeholders signed a recycling pledge for the America Recycling Pledge.

The disruptions in the recycling markets are due to international issues. It's been a longer-term phenomenon in the United States, that we just haven't really investment in the infrastructure that we need to recycle domestically the different products that are in use. We have a lot of recycling capability and infrastructure for paper. But for the array of plastics, plastic wrap, all of that, not so much. When the Chinese markets disrupted the recycling market, it created a problem and, in some cases, a crisis.

On the industrial side, there's a lot of recycling that's going on and not interrupted, but certainly on the municipal side a lot of disruption. The expected outcome is bringing people together we have their commitment on a recycling approach to report out in terms of concrete action steps and recommendations by next America Recycles Day. There are four different focus areas; education and outreach; materials management and infrastructure; secondary markets; and measurement. These are key components to really bring together a much more robust and comprehensive recycling system in the United States. We've been working with state and local governments, The Conference of Mayors, The Association State and Tutorial, Waste Management Association, The National Association of Cities, (ECOS). A lot of progress is happening with these concrete solutions or concrete plans and proposals. There is room for more people to become involved in any of those efforts.

Food waste is the biggest single source of waste to landfills. In the United States, we estimate that's about 75 billion pounds of food that goes to landfills or 22 percent of the municipal waste stream. There are so many options for food waste. There is an acceleration to do something about food waste. Since 2015, EPA and USDA announced an ambitious goal of reducing food loss and waste by 50 percent by 2030. In April, the President had a message declaring it as a winning on reducing food waste. Last fall, the USDA, EPA and FDA committed to working together on winning the food waste initiative, to try to better align the three principal federal agencies that have a role with respect to food waste. Reducing food waste makes better use of the food that is grown is something that we can all agree on. EPA announced three projects; one in Madison, Wisconsin, one with the Vermont Department of Conservation, and another one with the Washington State Energy Program to fund anaerobic digastric

capability in the United States. We may have more grants to spur emerging technologies to address food waste and to recover the energy value from that food. EPA will continue to work with our partners across the federal government, as well as state and local communities, and various groups to do what we can to reduce food waste.

In February, EPA put out its PFAS management plan. Important components of that are in our cleanup programs. EPA just put out for public comment the groundwater memorandum which is accepting comments until June 10th. For clean-up sites, EPA is using in the draft interim guidance for cleanup sites a limit of 70 parts per trillion for PFAS. Another activity that we're undertaking with respect to PFAS is to identify two main PFAS compounds as hazardous substances under CERCLA. We hope to have that done by October, certainly hopefully this year.

Barry Breen updated the committee on EPA's emergency management work. EPA has a core of about 230 on the scene coordinators. These are the men and women who are trained to go directly into the hot zone of a chemical or oil spill. We share responsibility with the Coast Guard for responding to these spills nationwide. EPA has detailed maps showing spills. If the spill was on land or in a place that has just shallow water, then our expertise is needed, and we'll take the lead. If there is a spill over a reportable quantity of a chemical or oil, that spill was required to be reported to the National Response Center. The Coast Guard has a group of watch officers who staff the National Response Center 24 hours a day every day. On an average, there are about 30,000 calls a year of spills. There is a network of state and tribal and local emergency responders that we also stay in touch with. They let the applicable state, tribal and local responders know about spills applicable to their jurisdictions. Ninety-nine percent of those 30,000 calls are handled without EPA. Most of the time when there's a truck on the highway that crashes and there's a spill, it's extremely serious, but within the capabilities of local responders. About 1 percent of the time, local responders request for EPA national assets. That's where the 230 on-scene coordinators are called to the job. They are backed up with headquarters-based response teams. We have an airplane, we have mobile labs, and we have a number of assets that can back up to back up. On a typical day, it is more likely than not that one or more of those on-scene coordinators are in the field deployed, protecting one community or another. It's not completely true that every single day, somebody is deployed somewhere. But statistically, on most days, somebody is deployed somewhere. At EPA we are proud of that work and assistance, if there are ways we can do it better, we would like to improve on that service.

Mr. **Tom Sloan** said that he met with the two largest recyclers in the Kansas. He said that cleanliness of the product is important for the market for it, or how much of it conversely goes back into a landfill. One of your four objectives is education. I'd encourage EPA to focus at the consumer level in partnership with all the locals. Because that's making a difference in terms of where the market is, notwithstanding China no longer is acquiring.

Barry Breen agreed that education is an important component, so the consumers can understand how best to recycle materials, what they can recycle is critical, because again that's sort of the frontend feat. It's very complicated depending on your jurisdiction what is recyclable. Education is critical. There's also hope that technology can be developed as well, maybe to make up for the limitations.

Secretary Jeff Witte added that he's looking at the food quality standard as well. I applaud EPA and USDA and FDA to look at this. Some food that can be reused within a 24-hour period back and placed in food pantries and food banks.

Barry Breen agreed saying that it is often a localized issue. Some communities are very effective at very quickly reusing food. There was signing of an MOU to look at some of these issues. One of the education pieces could be share information so that whenever possible, that's the hierarchy is that the best use for food is to feed people. To do that, certainly one of the reasons to work with the FDA is in dating and describing expiration dates. People throw things out because they think it can't be consumed. This is not a simple problem, but it's very important.

E. Susan Bodine is the Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance (OECA)

OECA is the national program compliance and assurance. We provide the guidance for inspectors and guidance to comply and provide compliance assistance. It's enforcement and compliance assurance. Most of the employees doing enforcement are in the regions where the day to day interaction occurs with communities, with facilities, where that goes on. At headquarters, we provide national guidance.

OECA's top priority is to engage with authorized states and some local governments. There are a couple of statutory changes, as well as some policy changes. EPA directs enforcement resources by establishing national priorities which is now the National Compliance Initiative (NCI). We do both enforcement and we do compliance assistance. We have out for public comment in February, proposed changes to these national compliance initiatives for 2020 to 2023. We're expanding it to four years. We're trying to align it more closely with the agency's Strategic Plan. There's a philosophical change focused our enforcement and our compliance assistance resources on environmental problems rather than specific industry sectors. We want to align and deal with issues that are either causing (interacting pair) of non-attainment problems, or issues that are causing health concerns in a community, and as well as dealing with water quality issues. The NCI will probably go out in June. For example, instead of oil and gas extraction activities as a priority, air toxics in vulnerable communities may be a priority.

EPA is continuing the initiatives to focus on the risk management program because of concerns about health effects, potential health effects in local communities. This applies to facilities who have very large volumes of toxic chemicals and they're required to have risk management plans. There is a lot of engagement with the local emergency responders on those plans and making sure that there's a worst-case scenario in place and that the facilities themselves are doing everything they need to do to operate a safe facility. One of the proposed discontinued areas is the National Enforcement Initiative which dealt with combined sewer overflows, sanitary sewer overflows, and (initial stored water) systems. The reason is that every large system in the country is either under a decree already or is getting under a decree. The work is by no means done. It doesn't mean we won't be devoting resources towards the municipal water problems. It just means that we're not making it a priority to go out and start new cases. Communities are coming in to modify old consent decrees. They are seeking EPA assistance for not only monitoring compliance with the decrees, but also for communities seeking to modernize their decrees and reflect more current policies like EPA's integrated planning policy. The Water Infrastructure Improvement Act which was passed in statute that directs EPA to not only tell communities that we're working on in enforcement context, but also to offer the opportunity to develop

an integrated plan for compliance. EPA is also proposing two new compliance initiatives. One is drinking water. Every state except Wyoming has primacy for drinking water. It is an area compliance is essential. We want to get more inspectors out there and develop more tools. EPA got funding for a circuit rider \$1.9 million, to assist small communities.

The other proposed initiative is children's exposure to lead. This is a cross-program multimedia initiative. We are looking to develop a targeting tool to get information from local governments, county to help officials concerning lead levels. This would help target where problem areas are, be it soil, be it air emissions, be it lead paint, and then help align resources to try to solve the problem.

We also put out guidance in January 2018, on how we work with authorized states to review and update it. There is a draft update which is posted on EPA's website. It will also be in the Federal Register. There's an opportunity for the public comment on "Enhancing Planning and Communication Between EPA and the States in Civil Enforcement and Applying to Assurance Work." It applies to states and tribes that have authorization for programs, as well as local governments that have authorization for programs. The guidance has two parts. Part 1 emphasizes joint work planning and sharing targeted information. For example, if EPA Region 1 wants to inspect facilities, engage with whoever the authorized entity is, we want to make sure that there's no duplicate efforts, no overlaps, and there's general agreement on what the highest priorities are. The same is true for enforcement. Expect no surprises in enforcement. We're hopefully working collaboratively if there's a direct EPA enforcement, or capacity building in helping states as well.

The second part of the guidance talks about when it might be appropriate for EPA to step in and take direct federal action where there is no primacy program. It states nine categories such as facilities in multiple states, whether it's significant risk that hasn't been addressed, and whether it's a situation that's not addressed in a timely way. Criminal actions are their own separate category. In an emergency situation, we would expect there to be a conversation with the authorized entity before EPA stepped in and takes unilateral action -the exception rather than the rule. By having EPA resources and resources of the authorized entity, we'll be able to cover more areas of enforcement and compliance assurance space, cover more facilities, and get more compliance which of course the goal is.

Another important legislative piece that Congress passed was the BUILD Act, which amended the Brownfields program. EPA has or had, has an enforcement discretion guidance for local governments where in the Brownfields and the (FPP). The language of the statute isn't particularly clear, so we're taking a position to interpret it whether our local government is taking over control of property, and whether it's a voluntary, involuntary action. Because the way the statute used to read, you couldn't be a (BFPP) unless you are taking over property (BFPP). You weren't considered an owner, unless your acquisition was involuntary. The legislation drops the word "involuntary". It makes it a lot clearer that local governments can take over property and not become owners, and then automatically liable under the Superfund Law. It helps clarify somewhat uncertain liability situation for local governments.

And then the last thing I wanted to talk about is the Former Attorney General's memo from last November. It outlines the principles and procedures for civil consent decrees and settlement agreements with state and local governmental entities. On November 7th, 2018, it was issued by the former Attorney General Sessions. This document states that there "is respect state and local governments as governmental entities, that there's a principle of federalism where local governments

and states are accountable to their constituencies and their elected officials.” It is something that the LGAC should be aware of, and it’s something that we of course are holding to. The Department of Justice litigates all of EPA’s cases, and so they represent us in matters.

Bill Youngblood asked about the Brownfield policy changing where the government isn’t the owner. Susan Bodine commented that the BUILD Act was enacted last Congress. There’s so many Brownfields out in the State of Pennsylvania, nobody wanted to touch them because we would have been held liable for everything.

Susan Bodine said that the statute has a definition of “owner” and there is an exception for local governments that acquired property involuntarily. And so now it doesn’t say involuntarily, it says you’re acquiring property as acting as in your sovereign capacity as a local government.

Bill Youngblood asked whether there is still liability for lawsuits? Susan Bodine answered, “not under CERCLA”. But after the date of acquisition? Susan Bodine answered you wouldn’t be liable as an owner. You would only be liable if you made things worse.

E. David Ross, Assistant Administrator, Office of Water

Assistant Administrator David Ross stated that one priority for the Office of Water is looking at the water workforce sector such as wastewater treatment operators. This group of people are our true environmental heroes, the people who protect us every single day. These are folks protect our water resources every single day and implement environmental regulations. He stated that this sector of the workforce is being hit hardest by retirements over the next 10 years and losing about 40 percent of employees according to Brookings Institute. About half of the water sector will be retirement eligible over the next decade. Training for backfills are not there. It’s not just drinking water and the wastewater operators, but also the engineers, and lab technicians. It also is hitting state and local agencies.

Technology is also advancing in the field of water and wastewater treatment sectors. However, certification programs are not keeping up to date. In addition to the workforce shortage, they may not be sufficiently trained workforce. EPA’s Office of Water is working to assist the water sector workforce with our federal partners, on our water and wastewater drinking programs. Several work sessions have been held with a lot of our stakeholders along with the federal family here at EPA and the Department of Veterans Affairs, Department of Agriculture, Department of Education, Department of Labor, and Department of Interior, particularly the Bureau of Indian Affairs, and Indian Health Services.

We need local leaders to talk about the importance of the water sector workforce. The human asset component of the water sector workforce is important for long term plans. He strongly encouraged the LGAC to have a discussion on the need for the water sector to grow. There was a session held at Howard University to help diversify the water sector workforce. This has also gained the White House’s attention. This is a significant issue for the country over the next decade. The human capital side is as important as the brick and mortar on the capital side of asset management. There is also ageing infrastructure throughout the country. The projected need is estimated at \$ 740 billion for water infrastructure reported in the water and wastewater (Clean Water Needs Survey). The Drinking Water Revolving loan program has funds to address this with more flexibility. The Water Infrastructure Finance Innovation Act (WIFIA) is a new loan program (in third funding cycle). There has been \$2 billion spent

on eight projects. And we'll leverage another \$2 billion. There is an Invitation for another 39 projects last year and another round of funding where we can tap about \$5 billion of the Treasury which we think will leverage another \$5 billion. Another \$6 billion out has been tapped out of the Treasury which will leverage about six or seven more in outside matching. About \$25 billion that will be playing into local infrastructure through this WIFIA loan program. There is maximum flexibility in loan terms and the way the repayment is structured. It's very cheap capital for municipalities. You save hundreds of millions of dollars rather than going out for the bond markets.

Communities are starting to think about asset management and whether you need wastewater treatment upgrades, or you have lead service lines, and ageing infrastructure. Congress initiated an interesting new funding program that may come forward in the last six months. It's still subject to annual appropriations but it could be an interesting program that creates maximum flexibility for infrastructure. He encouraged everyone to get the word out and learn about the WIFIA loan program.

Two new grant programs were announced. One for lead in schools, and another involving kind of repairing drinking water systems in disadvantaged communities. About \$80 million will go out to the states. It is a new source of funding for compliance of water systems.

There are at least nine rulemakings in the pipeline. One of those is the lead and copper rule. This rule was developed in 1991. There have been a few minor enhancements over the years. It has been remarkably successful in reducing the level of lead in our children's blood, in addition to all the great work that we're collectively doing in lead and paint, in lead dust in homes and things like that. But we're not where we need to be as far as protecting our children's health. There are some modernizations in the Lead and Copper Rule that we are working on. It's a very significant issue because we've got probably 6 to 10 million lead service lines in this country, and they're expensive to take out. Some parts of the country such as the older cities have more. We have spent time engaging with communities to listen to concerns. We are very close to being able to send a draft rule over to the Office of Management Budget. A proposed rule is expected out this summer. We have heard loud and clear from lots communities, the U.S. Conference of Mayors, that it is a balancing to protect children's health but at the same time we must recognize we have finite resources and how to grapple with this. The team is taking that all in and has a balanced rule coming out. He encouraged the LGAC to take a long hard look at it.

The Office of Water is working on a revised Waters in the United States rule. We're also addressing PFAS.

Terri Goodmann thanked him for recognizing the need for education around water sector workforce. In Iowa, she said that they are acutely aware of the issue. There are over 490 small towns in Iowa and many of them have no way to provide drinking water. We raised a flag in Des Moines that perhaps a federal working group in partnership with the state and the local governments could really bring attention to the needs of this workforce development especially within our community college system. We already borrow money for this but there are additional needs.

A question came up about the name of the grant for lead in schools. David Ross said that he did not know but would get information out on that. She indicated that her city of Dubuque, Iowa was a pilot project for Wisconsin on nutrient trading. Assistant Administrator Ross said that the Iowa Pay for Success folks were in the office a couple of weeks ago. He said it was a creative group of venture

capitalists in with city drinking water officials and Iowa Soybean folks. They're coming up with a cool kind of financing model of trying to blend U.S. Department of Agriculture, EPA, and then private sector funds. The Hypoxia Task Force is meeting in a couple of weeks, and we're really interested in creative market mechanisms. Constructed wetlands and tile drains in Iowa is a good place to make some major improvements.

Susan Hann said that she was excited to hear of the priority for development of the water workforce sector. She said in her community in Palm Bay, Florida that are small but significant projects partnering with the local school district and one of our municipalities where training for water treatment plant operators is happening at the high school level as a career track. This program is designed for them to go directly in the workforce upon graduation. It's small but has been successful. He requested that she provide information to Andrew Sawyer on that program. They would like to try to figure out how to replicate that program.

Lisa Lonefight (for Chairman Fox) thanked him for the work with Howard University on recruitment. She asked if similar outreach could be done with tribal colleges. She mentioned that the American Indian Science and Engineering is a good organization to work on that. Assistant Administrator Ross said that he appreciated that. He is working with Tribal Water Council Chair Ken Norton and he keeps hearing the same from tribes rural America that training is important for communities. He said that talent is lost to bigger cities. We're trying to figure out how to solve that problem. Visiting with schools and universities will be important.

Dr. Hector Gonzales commented that education about lead in the schools is critically important especially looking at risk communication. On the lead and copper rule, are there monies going to be available for infrastructure for residential homes in our communities? Because lead and copper will need to be addressed, but how do we help especially the residential homes. Assistant Administrator Ross acknowledged that this is a major challenge. These lines are on private property, but there is lead exposure potentially the lead lines going into homes. We are looking into ways to tap new grant programs for this. We're trying to figure out how to get them into the school systems but for residential homes it's difficult.

Chairman Dixson recessed the LGAC meeting for the startup of the Workgroup meetings.

VIII. Water Workgroup

Chair Susan Hann opened the Water Workgroup. She thanked the Workgroup for all of their work on the Waters of the U.S. charge and contributing to the harmful algal bloom letter (HABs). She thanked Chairman Dixson for his leadership and participation with us as well as our partners and workgroups. She especially acknowledged Dr. Cope, Chairman of SCAS, and Vice-Chair Brian Fulton for their contributions, as well as Dr. Gonzalez. She also thanked Mayor Kautz, Co-chair of the Water Workgroup. We've been working together for several years now and have produced an enormous amount of work with the help of our friends and staff at EPA and especially the circle who's done a tremendous job working with us.

Mayor Elizabeth Kautz thanked Susan Hann and echoed the gratitude to everyone and especially Fran Eargle for all the work to support the Committee's work. She said that they have done

listening session around the country. The work products of the Committee have been discussed and improved throughout the process. She said that she is excited about the Waters of the U.S. Report that we are bringing forward. Mayor Kautz also thanked NACo, USCM and NLC for all of their input. The partnership with these groups and their contributions are immediately seen in our work.

A. Bee Branch Project

Teri Goodman presented the City Dubuque, Iowa's Bee Branch Flood Mitigation Project. Bee Branch has confluence with the Mississippi River. Extreme rain events started in 1999 in a creek that was buried 100 years ago in 1899 underground in Dubuque, Iowa. The city is on the Mississippi River (at the corner of Illinois, Wisconsin and Iowa). It is in the old part of the city where the creek ran through the North end of Dubuque. It the German end of town and was very prosperous. The creek was buried by a 12 by 8 foot storm sewer. After World War II, there was westward movement settlement of our community, west of the Mississippi River. It is primarily dairy farms. It is at high risk for flooding. Bee Branch Creek flooded in 1999 and then six more times in 11 years presidential disaster declarations for the Bee Branch. There were five storm sewers the size of the 12 by 8 just got down here. The cost was astronomical. There was an obligation to the health and safety of our citizens, the city didn't know what to do. Engineers said to create a floodplain. This project is really a story of a very comprehensive plan to protect the most vulnerable at a \$236 million project cost. State Revolving Funds (SRF) at the time did not cover Green Infrastructure. It wasn't until the Stimulus Act that Green Infrastructure could be paid for like SRF funds. We were fortunate in that regard. And we also wrote some innovative legislation in the State of Iowa that would help us to match federal funds with local stormwater fees. Twelve hundred homes at one time were flooded. The plan developed a watershed management plan. This is part of the Western Dubuque where we took about two pastures the size of two football fields and built this berm about 40-feet high for water storage. Upland detention basins also help maintain a flow of water downstream which connect downstream to another detention area on the North end of Dubuque. In addition, we have 320 green alleys that were part of the project. And these green alleys also slow the water down and hold it back in their critical component of the Bee Branch Creek Project, not to mention the fact that they beautify this old part of the town, so there's been significant investment in that regard. The citizens were not happy at all when they heard that we were considering putting a culvert through their neighborhood. It doesn't matter how old or what income you are. You don't want somebody coming in and putting a culvert through. So, we explained that they would design the path of the creek. There was public engagement all the way through the development. A linear park was developed with public orchards, public garden, play areas, an amphitheater by the school that is in the neighborhood. The residents designed the floodplain area. We're at the fifth highest flood elevation we've ever been behind the floodwall. It's working, it fills up and that's why we had the floodplain. There are flashfloods. Most of these homes experienced between 4 and 5 feet of water in their basements every time it flooded. Elderly people had floodwaters in their basements creating molds and mildew. The asthma rate of our children in the three schools in this downtown area skyrocketed over the last 10 years. So, we had multiple problems. Rain events are now more intense. We had to negotiate with the Canadian Pacific now since '99 and 2000 and sign an agreement with them on culverts under the tracks. There are big drills to come in and they should push the culvert through. At the end of the day, if we're not through the SRF program, we could not have accomplished this. The other lesson learned through the Green Infrastructure it has multiple benefits. The benefits are not just flood control but neighborhood beautification and reinvestment in the neighborhoods. Jobs are coming

back, and people are back at work. A HUD National Disaster Resiliency Competition Award was awarded and \$8 million is going into low income homes. Furnaces, hot water heaters, electrical service, downspouts and other parts of the home that can be restored and made more resilient. In addition, contractors were hired to inspect homes and interview residents about their needs such as for babysitting, transportation, job training, substance abuse, health care, and a number of things. We are working with a volunteer nonprofit organization in the community to help rebuild.

Susan Hann congratulated Terri Goodmann on their community project that spans many different aspects of life basically. It's important that something like a flooding issue can turn into a superb community outset and work through all sorts of challenges.

B. Dr. McDonough, EPA's Office of Water and Brad Guarisco from the U.S. Army Corps of Engineers

Dr. McDonough, Senior Science Advisor with EPA's Office of Water introduced Brad Guarisco from the Corps of Engineers to speak. Dr. McDonough thanked the LGAC on behalf of both EPA and the Army, for their work on Waters of the United States. WOTUS is an issue that has continued to unfold in various ways, and oftentimes, those ways are at the direction of various courts across the country. The agencies have sought to propose a rule here directed by the President under an executive order issued in February 2017. The rule provides certainty and clarity but also is legally defensible. The rule is grounded in the authorities that the agency has under the Clean Water Act that respects the decision of the Supreme Court in three primary cases, namely Riverside Bayview homes, SWANCC and Rapanos. This is the defensibility for the definition at Waters of the United States that survives the inevitable legal challenges that it will face. Currently, there are two different definitions of what is the scope of Clean Water Act authority because of legal challenges facing the 2015 rule, so in 22 states, the 2015 rules in effect and in 28 states, the 1980s regulations are in effect. We believe that there's really no way to run a program as important as the Clean Water Act, so we think it's critically that we get this definition right in terms of its clarity and certainty, but equally as important as legal defensibility.

In Step 2 of the of the process to revisit and repeal the 2015 rule and in Step 2 to propose a revised definition of Waters of the United States, the agencies have put forth a proposal that was signed in this room by Administrator Wheeler and Mr. James, Assistant Secretary of the Army for Civil Works on December 11th. As part of that proposal, the agencies have defined six categories that would be Waters of the United States and under federal jurisdiction. I will outline those categories very quickly. The first is traditional navigable waters, so these are the waters use in the interstate or foreign commerce to transport goods across those lines. This is unchanged from 1980s regulations and 2015 regulations. These are ones that – waters that are unquestionably within the federal government's control to regulate.

The second category is tributaries of those traditional navigable waters. Importantly, the agencies have proposed to define tributaries as any river, stream or other naturally occurring surface water channel that contributes perennial or intermittent flow to those traditional navigable waters in a typical year. In other words, it needs to even be flowing year-round or at least more than in response to rainfall or snowmelt. And that flow needs to be sustained as such in a "typical year". This typically year concept, the agencies have proposed not only to take into consideration spatial differences across the country's diverse surface waters but also temporal differences.

And the concept of 'typical year' is essentially the 30-year average precipitation that is typical in a geographic region over a 30-year period. The third category is ditches. This would include ditches that are either themselves traditional navigable waters or connected to navigable waters. For example, the Erie Canal, the second type of ditches proposed to be jurisdictional would be if a ditch is constructed in a tributary, this is to protect against defederalizing and otherwise jurisdictional Waters of the United States by modifying it in some way. The third type of ditches are those constructed in an adjacent wetland and provide either perennial or intermittent flow directly or indirectly to those traditional navigable waters. Any other ditch that doesn't satisfy one of those three conditions would not be under the federal government's authority to regulate.

The fourth category is lakes and ponds. Like the ditch category, there are three types of lakes and ponds that the proposal would cover. The first is a traditional navigable water such as the Great Salt Lake, the Great Lakes, Lake Champlain. The second type of lakes and ponds are those that function as part of the tributary system so the contributing perennial or intermittent flow downstream in a typical year to a traditional navigable water are covered. The third category of lakes and ponds are those inundated or flooded by other jurisdictional waters in a typical year. Certain lakes and ponds are located on the margins of nearby large river systems that maybe flooded a typical year such as oxbow lakes, they are covered. The fifth category are impoundments of other jurisdictional waters. This is an unchanged category relative to previous regulations. You can't defederalize a Waters of the United States simply by impounding it or holding the water.

The sixth category are adjacent wetlands. These areas have been most litigious. The agencies propose to define wetlands is the longstanding federal definition of wetland that's been on the books of having the hydrology, soils and vegetation. That remains the same. The agencies are approaching the concept of adjacency with a different definition than previous rules. Under the new proposal, 'adjacent' would mean either abutting, physically touching another jurisdictional Waters of the United States or a wetland to be considered adjacent if it has a direct hydrologic surface connection to another jurisdictional water in a typical year. And the concept here is that a wetland need not physically touch a jurisdictional water in all circumstances to be considered adjacent and be federally regulated. There are instances in which wetlands may be in the – in very close proximity to other jurisdictional waters, and at certain times in a typical year, they are inseparably bound up with those jurisdictional waters. An example would be like the bottomland hardwoods in the Mississippi Delta where those wetlands are essentially an integral component of that Waters of the United States, so they're for themselves, would be the Waters of the United States. Beyond those six categories, the agencies have proposed that if waters or features do not meet one or more of those categories, they would be excluded from federal regulation. I would also like to mention the proposal does not include a significant nexus analysis. The new proposal does not include as a separate category for interstate waters. An ephemeral stream, for example, that crosses state boundaries, would not be enough to regulate that feature under the federal laws. It would have to meet one of those other six categories described in order to be regulated. With that as background, I'll cover very quickly exclusions. Any water body that doesn't meet one of those six is not covered under this proposal. There are 10 other specific exclusions that the agencies have listed within the proposed rule to name just a couple of groundwater would be excluded, it's unchanged from other regulations. Prior converted cropland would remain an exclusion. That's been on the books since the 1980s. Waste treatment systems, ephemeral streams, those are other examples of excluded features.

Mr. McDonough answered a question about regulatory enforcement actions have been taken or not in the 22 states since 2015. The enforcement regulations located at 33 CFR 326 are unchanged regardless of the definition of Waters of the United States. What does change is obviously, the scope of those waters. So, we do have enforcement actions in those 22 states where unauthorized activities have occurred in Waters of the United States and we do take enforcement action. How many, I couldn't tell you just off the cuff here, but we do have that data in our database.

Commissioner Libby Szabo from Colorado said that the definition in is state water regulation, but it only includes waters that are under federal jurisdiction. The federal definition of WOTUS is very important to the state of Colorado and what would be considered "waters of the state" Mr. McDonough replied that now the Clean Water Act has controls for the Waters of the United States are for navigable waters. It also envisions under the objective of the Act that recognizing and preserving the primacy and rights and responsibilities of the states to regulate or manage their land and water resources. Part of the rule and a main driver in how the agencies landed on the definitions that we have is with respect to that policy of Congress. To that effect, part of the analysis, particularly the economic analysis for the agencies have developed supporting the proposal, which is online on the same landing page. The proposal rule includes as part of that analysis a kind of federalism look at to what degree the states either today or upon perhaps finalization of this rule, what role they play or will be ready to play in protecting their land and water resources. The analysis looks at and takes into consideration, for example, whether the state already has an inland discharge of dredging fill permit program. And if so, the agencies can put that through an analysis within the economic analysis that expects that it could be reasonable for the states then to protect those waters using its existing state laws and regulatory program. The agencies took care to recognize the intent of the Congress to preserve and protect the primary role of the states and tribes in collectively meeting the objective of the Clean Water Act.

Sue Hann stated that much of the report addresses the similar themes of your question.

Dr. Robert Cope stated that five years ago a definition came out of WOTUS. Mr. Guarisco said that it is now a clearer definition of what's in and what's out. It makes the process more expedient if you are asking for an approved jurisdictional determination for instance because you have a clear definition of what is clearly a jurisdictional water and what would not be or what is excluded. One of the aspects that would increase the timeliness of permitting, you don't have to request and approve your jurisdictional determination or a jurisdictional determination of any kind to go through that permit process. This rule does not – does not affect the permitting timeframes or the timelines associated with those at this time, but the Corps is always looking for efficiencies when it comes to the permitting process. For instance, we are looking at standard operating procedures developed for the synchronization of Section 404 permitting and Section 408 authorizations to try and streamline that process.

Dr. Cope said that sometimes those permitting processes run into years and we put public health and public safety at risk just because somebody can't seem to decide. That's why a timeframe on a permit is important. Mr. McDonough stated that as soon as we receive a complete application, that the clock starts, and public notice can move forward in the permitting process. The agencies are bound by certain regulations and laws on this unassociated with the definition of Waters of the United States, but there is a keen interest in finding efficiencies and are given directions from our higher-ups on how to get to those efficiencies.

Mr. Brian Fulton said that in Jackson County, Mississippi on the Gulf Coast we have all of six categories in our county. In fact, over 50 percent of our county would be considered Waters of the United States based on what we have now. And so, we deal with this agency a lot. He asked whether the new rule would be clearer than the 2015 rule that was in place? Do you see it as a deregulation or just a clarification for the Corps and EPA to use going forward? And how is the new rule going to help us improve the permitting process with a better definition? Does that help us in the permitting process and getting approved faster, gaining quicker answers on what we're dealing with on a day-to-day basis?

Mr. McDonough gave two examples in which it could mean to be a narrower definition that it does away with a significant nexus. That provision, which came out in the – even under the 1980s regs that's implemented under the 2008 guidance, that incorporated significant nexus. The 2015 rule went beyond its categorical jurisdictional by rule categories have two provisions for significant nexus. Because this rule does not have those, we believe that it will provide greater certainty. There are many waters that will remain unchanged in that region by the virtue of the region. But what is in and what is out is much clearer which will help with the timeliness of the permitting process. A case-specific jurisdictional determination or significant nexus for jurisdictional determination can take some time and that always adds to the permitting timeframes.

Susan Hann asked for a motion to approve the WOTUS Report. It was approved.

Susan Hann asked for a motion to approve the transmittal letter. Commissioner Szabo seconded. It was approved.

C. Eric Burneson, Office of Groundwater and Drinking Water

Eric Burneson thanked the Workgroup for their work on PFAS. PFAS is the group of chemicals, including perfluorooctanoic acid, PFOA and perfluorooctane sulfonate, PFOS, and some newer chemicals, including GenX, and these are the chemicals that have been in commerce for quite some time. They were first introduced right after World War II. They're in many of the products that we used to prevent stains and materials to make our outdoor gear waterproof and in a number of other applications. Due to their strong carbon bond they are persistent in the environment with degradation over periods of decades and or at least years under natural conditions. EPA has been working with states and local communities to monitor for PFAS under the unregulated contaminant drinking water – unregulated drinking water contaminant rule monitoring and to understand what the nationwide occurrences of about six PFAS compounds. In 2016, the agency issued health advisory for two PFAS compounds, PFOA and PFOS. We collected data for six PFAS under the UCMR3 from 2013 through – from 2012 to 2016. What we found was about 1.3 percent of the public water supply systems measured PFOA and PFOS at levels exceeding our health advisory for PFOA and PFOS and about 4 percent of all systems. This is among 5,000 systems that collected this monitoring data, about 4 percent of those systems measured at least one of the PFAS compound, and one of the six PFAS compounds that we require them to monitor for. EPA committed in the Action Plan to continue to develop new analytical methods to measure PFAS. There are potentially hundreds, if not thousands of PFAS compounds. We're working to develop analytical methods that will enable us to detect many of these other PFAS compounds. We will consider those additional methods as we develop our future unregulated contaminant monitoring rules. EPA has committed to including additional PFAS compounds in the next cycle of the UCMR, what we refer to as the UCMR5. We would propose those – that additional monitoring in the 2020 timeframe. Commitments to address PFAS in drinking water is under the Safe

Drinking Water Act to evaluate the PFAS compounds. We are committed to making a regulatory determination and decision whether to or not to do the rulemaking for PFOA and PFOS by December of this year, 2019. We will solicit information from the LGAC and other stakeholders about what additional PFAS compounds we might consider for making such a regulatory determination at that point in time.

Dr. Hector Gonzalez' asked is there more health and science data available in developing the standard for maximum contaminant level? Mr. Burneson answered that the health advisories that were put out for PFOA and PFOS also published draft toxicity values for two additional PFAS. One, GenX, which is a shorter-chain compounds, and then PFBS. The agency published that at the end of 2018. We're considering comments we received on those to help with understanding the toxicity and the levels of health concerns for those contaminants. The Office of Research & Development has identified an additional five other PFAS compounds. They are also in the action plan and we have committed to developing toxicity values for those additional five compounds. In the short-term actions, given the broad class of contaminants there needs to be better ways to more efficiently and more effectively evaluate the risks of these contaminants. EPA is looking at faster methodologies that could more quickly assess the risks of either these contaminants either individually or consider the risks of them as a group. This is probably a longer-term action.

Secretary Jeff Witte stated that in the state of New Mexico that PFAS has been an issue. He thanked EPA for taking action on this. He appreciates the Administrator's directive to dedicate resources for getting at the MCL. At the end of the day, we need to hold those who contaminated accountable. Right now, it is the Air Force. The Air Force states that it will take eight to 10 years before an engineering design can successfully clean up the groundwater. It will likely be a 20 to 40-year cleanup. That's not acceptable. In the agricultural sector, we are in the line of fire. One of local dairies was shut down because of PFAS contamination. This is the economic fall-out which is something for EPA to keep in mind in going forward. At the ECOS meeting, we learned that states are having to establish their own thresholds. That's going to be a nightmare. You've got one state that had four and another state that had 20. Other states are looking at that trend to figure out where we're at and the potential impact on interstate commerce and everything else. We need to have a national threshold on PFAS.

Mr. Bill Youngblood raised that in the State of Pennsylvania, the state has decided on what they want to do. The State of New Jersey is using six parts per trillion. EPA's standard is different. Mr. Burneson said that EPA health advisories are 70 parts per trillion for PFOA and PFOS combined.

Mr. Bill Youngblood said that he understands that. Has there been an approved method that everybody is using the same method they do for testing? The FDA will they come out with a PFAS food limit?

Mr. Burneson said that there are a couple of different ways to parse out the question. For analytical methods for drinking water, there is a method that happens to be 537.1. This method you test the water to figure out what the concentration is. But if you are referencing health thresholds of concern then there are differences between the state values and others. What's the concentration that represents a level of concern that we should compare those results to? EPA has some set of methodologies that it uses to drive health advisories, toxicity values and reference values. States may have their own different ways of approaching a science and driving different values as is the case of New Jersey. Their value is 14. They've looked at the science differently. Within their own authority decided that there is a different concentration which raises the issue of risk communication. Herein lies the

federal rule that we can identify and provide some guidance to states but the degree to which we can mandate that states adopt our values is another issue.

Mr. Youngblood stated that the reason he asked the question is that there are major military bases in the Philadelphia area and we've had major contaminant issues down there and there are many newspaper articles written about it. In Western Pennsylvania, the problem is maybe in firefighting foam. We have 65 fire training facilities throughout the state. I've got one about half a mile from my house. T

Mr. Burneson confirmed that firefighting foam has traditionally been a source of PFAS compounds.

Ms. Susan Hann stated that there is a strong concern of PFAS. She invited Mr. Burneson back to the Workgroup for a longer conversation about this issue.

D. Water Workgroup Business

Dr. Gonzalez made a motion to introduce the harmful algal bloom letter to move it forward to the LGAC and the Waters of the U.S. Report and letter. Commissioner Ron Poltak seconded the motion. It was approved. Ms. Hann asked whether there were any opposed. [None came forward]

Ms. Hann thanked everyone for the work of many years and that it's been a pleasure working with all of you and I feel very confident that we've done some great work on behalf our communities and representing our interest to the united – or to the EPA. Sue Hann adjourned the Water Workgroup.

IX. Revitalizing Communities Workgroup

Dr. Hector Gonzalez called the Revitalizing Communities Workgroup to order. He stated that Mayor Karen Freeman-Wilson, Chair, was unable to make the meeting. He thanked everyone for the cross-section of work together. The Revitalizing Communities Workgroup made comments on the WOTUS letter and the Report, as well as the algal bloom letter. He thanked the Water Workgroup for addressing the concerns and the sustainability issues and health impacts as well.

A. Veronica Darwin, Senior Advisor, Office of the Administrator

Veronica Darwin said that she was her to present an update on the Superfund Taskforce. She said that Superfund clean-up is near and very dear to many. She said that she has spent a lot of time for the last couple of years, on the Superfund Taskforce progress and accomplishments. The LGAC has a charge that you will be working on to help us to give us ongoing feedback and input on redevelopment and reuse of site as well as communication issues. As background, the Administrator, established the Superfund Taskforce as a priority for this administration. It was created two years ago and there were 42 recommendations from remedy selection, remedy implementation, site reuse, and coordination. Quarterly updates are made of the progress of the Superfund Task Force. The agency has made a priority to be transparent with the progress and posted updates on EPA's website. The report is a living document so that EPA "can be nimble and adjust if needed." In FY2018, we deleted all or part of 22 Superfund sites, which is highest since 2013. We're still very much devoted to protecting human health in the environment. EPA is looking at processes to make sure that they are as efficient in moving the sites towards completion and to be considered for reuse and redevelopment opportunities. In FY18, 51

sites were identified as ready for anticipated use. And that's the highest annual result since 2013. These are sites that basically have the necessary long-term protections in place but they're ready for anticipated use, ready for your communities to decide how to best redevelop, reuse them. That is a huge accomplishment. Today, the Superfund program has returned more than 520 sites back to communities for productive use. These sites are now home to more than 8,600 business, more than 195,000 employees and generate more than \$13 million in annual employment income.

In terms of redevelopment, the priority is protecting human health and the environment, but we also want to make sure that these sites don't sit idle once they're cleaned up. We want to make sure that the community can take advantage of these site and can develop them into what you, all, believe is the right purpose for these sites. EPA is encouraging third-party cleanup. One of the biggest barriers too that we need to overcome is the reluctance to invest in Superfund sites. The task force is looking at various mechanisms such as the comfort letters and the bona fide purchase. We give comfort letters to communities especially for lenders so that they want to invest in these communities. We have heard that there is a concern that the comfort does not do as intended. There is this renewed interest in trying to work with prospective developers and prospective lenders to make sure that they're more comfortable investing on these sites. As we reach out to stakeholders, we have heard from multiple sources that it is – there is very little incentive when it comes to redevelopment of some of these sites. Comfort letters are not meeting the needs of the prospective purchaser. There is work going on to make sure that the policy is revised so that there is more comfort provided to prospective purchasers. We want to make sure that if there is an institutional control in place that that is honored, that is no one is going to be messing with it and that there are certain precautions in play so that the institutional control continues to do what's it is intended to do. It's working through those relationships, having the right working relationships and having a mechanism and a policy that encourages those effective working relationships. The goal is to make sure that the prospective purchaser is comfortable moving forward in investing on these sites. We now have a national workgroup looking at redevelopment efforts within EPA and DOJ. The sole purpose is to make sure that these cases move to the legal system and that address liability concerns. We have a number of groups and people involved to focus on identifying these cases where there is interest in developing the site and identifying barriers. The sole purpose of the national workgroup is to identify these cases and address the liability concerns. It's very important to make sure that there's ownership. EPA and DOI are working together on this. The two agencies are empowered and accountable to make sure that these things are moving forward, that these cases are moving and not getting stagnant.

Dr. Hector Gonzalez said that our charge is to support this effort and help to identify redevelopment issues. A workgroup member stated that there was a contaminated airport which was not a Superfund site. The comfort letter did make a difference, but the letter was done in cooperation with locals, with our input because people wanted to know that there was no liability and that they could sell their homes.

Dr. Hector Gonzalez said that the value of their homes who were near or around the Air Force space had similar experience with brownfields. Ms. Darwin said that EPA has tried very hard to get input and learn about what are the barriers and what's keeping us from redeveloping these sites. We look forward to your input to make sure that we understand what you're dealing with and that we can – and especially if you have suggestion for how we can solve these or overcome these barriers.

B. Ms. Ellen Manges, Acting Deputy Director. Office of Communications, Partnerships and Analysis the Office of Land and Emergency Response

Ellen Manges thanked the Workgroup. The last goal of the Superfund Taskforce is to engage stakeholders. The key to improving the Superfund program and getting sites redeveloped is to effectively engage the communities and the folks who have a stake in the Superfund site. The final year of the Taskforce is to initiate a risk communication effort around how we talk about the risk at Superfund sites. Risk communication usually is at the end of the process of cleanup. We would like risk communication to be considered earlier. Clean up takes a long time. In the post-construction phase, there are a lot of requirements to protect people longer-term whether it's keeping the cap on the landfill, groundwater monitoring, or making sure that the groundwater continues to be clean. Then there are institutional controls to keep people from building on the landfill or the drilling in the groundwater to – and drinking it. What typically happens is when EPA is done with that, we then turn it over to the states or to the local government or to the responsible parties to make sure that your institutional controls are enforced, to make sure there's property zoning or that the residents don't get into contact with that. What EPA does is overseas through five- year reviews. Every five years a review is done. We have talked with the states and all of the folks about this. The task force is working internally to look at the issues around communicating risks at those sites to make sure they remain protective. It's challenging. We want to get a better idea and hear from all of our stakeholders around Superfund sites about how to do it better. For the final task force report later, this summer we would like to have an action plan for how we're going to work on this further in years to come. And we're going to try to come up with a strategy that will let us figure out what are the worst-case sites that we really need to go in and pay closer attention to. Some of these are old landfill sites. They've got requirements that go for 30-plus years. One example, the site was completed, everything was rolled out, the record of decision was done, it got turned over to the states, and everybody is very happy. The mayor of the community was glad, and they forgot about it. They don't have to worry about the Superfund stigma anymore. Thirty years go by and now, a new contaminant is showing up in the monitoring. What is it? P5, something we hadn't contemplated 30 years ago. In the meantime, that community didn't even know they were living near a Superfund site anymore. The new mayor was outraged. In the 30 years it didn't intervene, we might have been out there a few times doing five-year reviews. We're looking at how to work better for more than a five-year review. Maybe there's more systems in place that we can do that would automatically trigger when something happens, when some residents build. There is a lot of outreach going on. We're talking to states. Forty states recently came together for a great discussion on this. We're talking to EJ communities. We're working with NEJAC. We're going to have a report and an action plan and we really want to engage with you and not just by the end of July but going on and moving forward.

Commissioner Libby Szabo stated that she lives in Jefferson County, Colorado. Is it possible there are Superfund sites, and no one is aware? Three federal agencies are involved: EPA, Department of Interior and Department of Energy. There have been claims that they are going to pull permit to oil and gas for hydraulic fracturing (fracking). Who has the authority there?

Ms. Manges said that she would have to go back and check with our program folks to see if we've done it before. I do know that if we were to do that, you would really have to be careful that you're maintaining, protecting the integrity of the Superfund site that it remains protective. I don't know

enough details about Rocky Mountain Flats right now, but I don't know that it's been done before. We'd have to go back and check with the program. But we would be very careful, that's for sure.

Commissioner Libby Szabo said that something probably should be done. She said that she would like to take back quantitative information to her community. Typically, the federal government doesn't allow that.

Dr. Hector Gonzalez said that he hopes that in redevelopment of local communities that brownfields can be beneficial to communities such as what happened in Laredo, TX where a private partnership turned a brownfields into one of our newest parks and a special needs park. It's part of our new urban plan to connect our parks with hikes and bike trails. When we tell people what it was dumpsite, they feel – even now that they see what we're using it for, and so, going back and doing the comfort letters is reminding them, "We told you that there were issues." Some didn't read it but by working together with us locally to develop those letters to assure them that it is safe.

C. Aimee Storm, Land Revitalization Coordinator with the Office of Brownfields.

Brownfields funding offers a variety of grants and technical assistance programs. We provide assistance to states and tribes every year that help support their response program. It is part of the Superfund law, CERCLA. So, it was in 2002 that our program was established with the amendments to CERCLA at that time. Last year, we got new legislation through the BUILD Act which reauthorized the program and made some important changes. In 2003, the program was established to grant authority and technical assistance authority. It also clarifies some of the liability questions about brownfield sites. The BUILD Act opened a great opportunity for nonprofits. Prior to this, only cleanup grants were limited. It gave us a new grant called the Multipurpose Grant. There were increased funding levels that gave two new criteria for grant applications: renewable energy and energy efficiency of proposed project. And the second one was to look at waterfront development projects. We had the ability now to use up to 5 percent of the administrative cost for the grants, can now be charged to the grant, which was previously prohibited. There's the new small communities grant program as part of the state and tribal response program. We had some clarifications to state and local liability and it sort of asked to remove the word involuntary. This allows government entities that acquire properties with more flexibilities for local government. We're still working on the details and what that exactly means. There is a grant liability exemption for publicly-owned sites that were acquired prior to January 11, 2002, which was the start of our program. Those sites can now be eligible if there is no local government causing or contributing to the contamination. We're also working to incorporate equitable development and environmental justice approaches into redevelopment of brownfields. Primarily it is done through direct technical assistance. There have been a lot of tools developed and could be replicated in other communities. One of online tools is a real estate development process map. The map shows how real estate redevelopment happens and technical assistance on that. There is also a grant with the Council of Development Finance agencies which is a funding and financing organization that really help communities understand how bonds work, what tax increment financing looks like, and what tools are available. There is a grant called the Hazardous Materials Training & Research Institute. They support the Environmental Workforce Development and Job Training Grants grantees. The brownfield job training grants can help bring support to clean up efforts. There will be a Brownfields Conference in Los Angeles in December 2019. EPA is still trying to figure out opportunity zones insofar as what the draft IRS guidelines allow for brownfield sites. There are already special preferences for sites and opportunity

zones in the competition. Opportunity zones can be used as a tiebreaker criterion in our annual grant competitions. EPA is looking at the draft IRS guidelines. It's not completely clear to us if the extent to which brownfields assessment and remediation activities are going to be considered as eligible investments for the tax advantages of that program. It appears that it could happen if that work was considered predevelopment and tied to a vertical development on-site. It appears so far that the IRS opportunity zones are interested in generating business activity in distressed communities. The actions around cleaning up lands isn't included. They're looking for investment that's going to lead to economic development, not just site preparation.

D. Revitalizing Communities Business

Dr. Gonzalez asked for a motion to accept the charges. Each one of workgroup and LGAC Members have best practices to share in the partnership with EPA. How do we tell folks that our Superfund site is OK to redevelop, working very closely with EPA because we want to make sure that it is safe?

The motion was made, seconded and accepted.

Dr. Gonzalez thanked the workgroup. We look forward to working with EPA on this. It is a partnership, and personally, I want to thank you over the last six years working with the LGAC that every year, the partnership with you, all, does get better. We appreciate all that you do consider local input, because at the end, what – we're the ones getting to establish it.

E. Executive Committee Workgroup

Chairman Dixon said that he wanted to review the actions coming before the LGAC at for the business meeting. Sue Hann said that the Water Workgroup recommended approval of the WOTUS letter and report as written. The Executive Committee approved.

Chairman Dixon asked about the harmful algal blooms letter. Sue Hann asked Mayor Kautz to weigh in. The Executive Committee approved it. He asked about the risk communications charge, Superfund charge and the Sustainability charge, are we ready to move forward with that, Dr. Gonzalez. Dr. Gonzalez said that it was approved.

Britt Carter raised an issue brought up by the Office of Water that there was a lack of communication on the HABs letter and a request for technical assistance from our Office of Water for your letter. They were unable to look at it and we apologize for that part. I know you all are happy with it. The Office of Water would be more comfortable with their scientists looking over the issue before the letter moves forward. I just want to bring that to the table. It's up to the committee to decide.

Sue Hann said that this issue came forward on several occasions and that she felt comfortable with the content of the letter. There are a number of good local examples that are contained in the letter. And I think we'd like to move it forward. The Water Workgroup recommended to move it forward. I do think certainly, there are opportunities for additional dialog and certainly if there is a response to the letter, we can, again, continue to do our collaborative work with the EPA staff.

Mayor Elizabeth Kautz said that it looks great. And we look forward to it. And the other thing is that we've already voted. We've taken the votes and it looked unanimous. And as our Chairman spoke to the issue that it has gone through different workgroups, so – and there is a solution. If you want to respond, we can look at your response.

Chairman Bob Dixon said that he was hearing consensus to go ahead and move the harmful algal bloom letter to the full LGAC tomorrow. Mayor Elizabeth Kautz said “yes”.

X. Small Community Advisory Subcommittee (SCAS)

The Small Community Advisory Subcommittee met on Friday, May 3rd, 8:00 a.m.-9:30 a.m. (See SCAS Meeting Summary).

XI. Air Workgroup

Commissioner Kitty Barnes, Chair, Air Workgroup, called the meeting to order. Commissioner Barnes began by stating that Commissioner Libby Szabo is Vice-Chair. She stated that the Workgroup is small and looking for more LGAC Members interested in air issues to join. Air issues all communities. She also stated that Clint Woods addressed the Full Committee the day prior.

A. Margaret Walter, Office of Program Management Operations, Office of Air and Radiation

Margaret Walters thanked the Chair and Vice-Chair. She also introduced Courtney Hyde, Office Director. The national program guidance is office-wide program guidance. The Air Workgroup has given input and recommendations over the past few iterations in the development of that guidance.

One of the things that has been particularly rewarding is to hear from the committee what's going on 'on the ground' in local communities, states and tribes. It is very impactful to hear different perspectives from communities and bring that into discussion of the Office of Air and Radiation's budget and planning.

She highlighted some of the implementation activities expected over the next couple of fiscal years aimed at EPA regional offices, the states locals, and the tribes. She noted that the President's budget was released several months ago. The budget request for the air program is largely the same as it was for FY 19. The House and Senate Appropriations Committees started their proceedings and hearings on the agency's request, work has begun on the appropriations. Like other years, the final appropriation bills will likely differ from the President's budget request.

The guidance covers two years to allow for some out- year planning. It was streamlined a couple of years ago. The purpose of adding back portions was to provide a line of sight of the Strategic Plan as the overarching document to highlight the key headquarters, activities regional activities, state and local, and tribal activities. Adding back in some of those activities it is helpful to the implementing air agencies. The draft guidance is consistent with the President's budget request for 2020. There are some activities that state and local agencies are used for implementation but may not be reflected in that draft guidance. The guidance focuses on the core air programs to meet statutory, regulatory, and court-ordered air requirements. The guidance is just a guide. Flexibility is important for the EPA Regions work

with state and local area agencies to negotiate the grant work plans to provide the funding to get the on-the-ground work done. There are not enough resources to do everything. Not all requirements apply in the same way to different parts of the different parts of the country. It is intended for EPA regions, and the recipients of the federal funding can work together to find that common ground to meet the needs. The Air office received the draft recommendation in late Fall. In your letter you raise real things happening in your communities that EPA took note of. Several of those recommendations that you provided noted concern about the economic impacts of non-attainment areas especially noted in North Carolina. The unique topography around Jefferson County in Colorado, and the way EPA treats prescribed burns versus wildfires, and the inconsistencies there was also noted. One thing the LGAC raised is wood stoves, and the efficiency of wood stoves and the impact to public health in communities. We also noted that LGAC encouraged EPA to collaborate more with manufacturers and utilities. And lastly, that the agency's (PFAS) efforts should also include attention to (PFAS) in the air. When we receive comments from states interested parties, we share those back out to the program offices and with EPA regional offices so that your concerns are heard. Your comments and recommendations may not always be reflected in the guidance. However, as good stewards of your time and effort, we make sure that your comments are raised to the right people.

A few more specifics about OUR's national program guidance. It a priority to ensure that the draft guidance aligns with the 2018 through 2022 EPA strategic plan. All of our work is covered under one objective, improve air quality. The focus of that is through a strategic measure is to reduce the number of non-attainment areas. The guidance is logically and heavily focused on activities around implementation. SIP implementation is mentioned. We've tried to lean those efforts and streamline the (SIP) review process, and the timeliness of our response there. Regional permitting, monitoring for criteria, pollutants, air toxics program implementation are all in the guidance. There's information also about allowance trading programs, and some of the other stationary source programs. And then, of course, our mobile source programs are reflected there. Grant programs are also in the guidance, and specifically, grants to reduce some of those mobile source submissions around ports and rail yards. Other sections of the national program guidance play out expected air quality activities as they relate to tribes, tribal lands, and Alaskan native villagers. there's also mention of implementation activities for our regional offices as they relate to the Greenhouse Gas Reporting Program, the Energy Star Program, radiation protection, and then, emergency response and preparedness.

The National Environmental Performance partnerships system allows state and local area agencies to take advantage of performance partnership grants, performance partnership agreements that provide additional flexibility to states across the media. There is also a section of high-level measures that the air offices are working towards that cascade from our strategic objective.

Commissioner Barnes thanked Margaret Walters for her presentation. Commissioner Libby Szabo stated that there is one issue common issue 'one size does not fit all.' We pride ourselves in America on being diverse, and vast, and different. But, when rules and laws are made, everybody's the same. A new mindset is needed so that regionally standards could be flexible to those conditions. For example, if you live in another topography there are different kinds of standards, because if everyone in my county gave up their cars and rode their bikes, I still could not reach attainment, because 75 percent of the air that comes in, sits in my county from outside my county. I's hard to meet attainability with downstream sources as the problem. In working together, and having advisers like the LGAC, and EPA listening to what we must deal with it day in and day out trying to serve their communities, it makes for

a better understanding. We appreciate your work. Whatever you need from us, let the Workgroup know.

Margaret Walters said the guidance would be provided with a couple of different links for folks to reach out to us. The regional offices, that's an area of emphasis to make sure that folks know about the flexibilities available through performance partnership grants and agreements.

Commissioner Barnes asked whether SIPs are behind in terms of states knowing whether their plans been accepted or not. Margaret Walters said that she could not answer that question specifically. However, she said that the SIP review process is a targeted focus of this Administration is to reduce the backlog and increase the timeliness of the review. There are a lot of people working on this to streamline these processes and implement some innovative ways of looking at SIPs.

Bill Youngblood said that he sits on the Allegheny County Health Board. He said that a change had to be made on gasoline for their SIP. Because of the delay that's happening in Washington, we're about to get a 30 to 40 cents a gallon extra charge compared to all the counties around us. When that happens, you're going to hear complaints from our residents. If there is anything EPA can do to move that (SIP) through by the end of May, would be great.

Brian Holter noted that in Alaska there are air quality issues coming from cruise ship emissions, wildfires, and road dust that impact the communities and schools. Region to region, we're are very diverse, so it's hard to have a fix all solution for these problems.

Secretary Michael Scuse pointed out that non-attainment for air quality is also an issue for Delaware. EPA has known that for quite some time that it is cities to the west that are causing us serious air quality problems. So, we're very much looking forward to having some sort of relief for something that we have absolutely no control over whatsoever.

Commissioner Barnes thanked everyone for their comments and participation. The Workgroup is very concerned about how we can improve air quality. She stated that personally she has observed how air scrubbers on coal fired plants have made a huge improvement in North Carolina. She said that coal ash is yet a bigger problem.

Margaret Walters thanked the Workgroup for their time and efforts. She said that the LGAC is a very dedicated group. She said that the Air Office has really appreciated the engagement and input.

Bill Youngblood commented that in the past in Washington, D.C. that you could not see the Capitol due to air quality concerns. We need to celebrate our successes that we've had in the past. We still have issues with water, air, and chemicals, but tremendous progress has

XII. LGAC Business Meeting

Dr. Gonzalez thanked everyone for the experience in serving. He thanked Chairman Dixson for his leadership. We do have a diverse country, and that diversity enriches our communities.

Chairman Dixson said that the discussion has been great. He said that when he joined the LGAC a decade ago, there were Members lamenting who were leaving. The LGAC went on, because of good people like you all that volunteer your time, because you care about your communities, and you care

about the future generations. One thing that will sustain the LGAC more than anything is that, not only do you care about your communities, but at the same time, you need to leave your personal agendas at the door. Because when we talk about air, and we talk about water, they're all very important. It's about our relationships with each other, and the Committee works together collaboratively to solve problems is what makes our work and recommendations to the Administrator valuable.

EPA has a fine staff here that you work with in intergovernmental affairs. He thanked Fran Eargle for her service and the continued work of Jack Bowles. And I also want to thank Britt Carter. Long story short, you guys are still on the LGAC committee. What a talented group that you have real expertise from your states, from your communities, from your counties. There are real concerns for all of us in the United States, and I encourage you to be informed, involved, and engaged in that whole process. Blessings on you all for the future.

XII. Public comment Period

Chairman Dixson opened the public comment period. Chairman Dixson said that there were two sets of written comments provided by the Association of State Wetland Managers and Chairman Shawn Yanity's Stillaguamish Tribe comments both on Waters of the U.S.

Julie Ufner, National Association of Counties, stated that she wanted to reiterate the comments about the importance of local government, and the powerful voices of the LGAC. I have worked with the LGAC a number of years. Commissioner Barnes and Reinhardt, and Commissioner Cope. They have served as chairs of NACo's Environment Energy and Land Use Steering Committee, and I also have worked with Judge Branick for the Gulf Coast Caucus within NACo. I look forward to continuing relationships, and building new ones, and working with all of you. I know it's a lot of time that you put into this. I've seen schedules of your products, and you not only represent yourself, you represent every community out there, and that's a powerful voice that you have. Thank you.

A. SCAS Report Out

Dr. Robert Cope reported that there was extensive discussion on the harmful algal blooms letter. It was consensus that though the agency was unsure of the letter moving forward, the Water Workgroup and SCAS are ready to move forward. It was unanimous among SCAS that we would worked hard on this letter. For two years, we had scientists present to us. We understand there may be parts of it that the science may be outdated. Science changes as new information is added. Much of it came from our Members and their examples. There is a reason they rewrite textbooks on a regular basis. We have no problem with understanding that there may be some scientific inaccuracies as the agency said. But the letter itself represents literally hundreds of manhours of work, or thousands. We feel comfortable in moving it forward.

Dr. Cope said that amongst Members that are leaving that we really appreciated participation on a national scale the listening sessions on WOTUS. Hearing from each other it has given us a more global or national viewpoint. He charged those remaining on the LGAC, when you work on an issue, and when you're commenting, or thinking, try to think outside of your own community. That it isn't just about your district, or your county, or your tribe, or your city. This is a national advisory committee, and you always want to think, if you can, about what effect it has, not only at home, but in other places, and

understand those viewpoints, and bring to the table as well. Otherwise, you get a segmented view. If you can get a cohesive overall view as nationally as possible, I think you can make much more effective, much stronger recommendations, realizing that, as Commissioner Reinhardt has said multiple times at this meeting, there is 'not one size that fits all.' But at the same time, concentrating on one single segment is going to leave out a goodly portion of the country, and of the population. Whenever possible, try to temper your viewpoints, not just at home, but away from home, and as far away from home as you can. And, I guess the best piece of advice I can give to everybody that stays on after we leave. Thank you for indulging me again as Chair of SCAS and LGAC Member. Thank you for tolerating me for these last 10 years. I appreciate all of you.

Chairman Dixon thanked Dr. Cope and Brian Fulton for their leadership on SCAS. SCAS is an important voice for small communities. The LGAC has been a community of caring for each other.

B. Water Workgroup Report

Ms. Susan Hann stated that the Water Workgroup has seen their share of controversial issues. She said that it has been an honor to be a part of the Committee. She said that the Workgroup heard a presentation from Terri Goodmann on their city's project in Dubuque, Iowa. She thanked Ms. Goodmann for sharing the tremendous example of what you can do with some initiative and perseverance and collaboration.

She said that in her years of working with the LGAC, and serving on the Water Work group, one of the things that she was most proud of is, the cooperation that EPA and the Army Corps has come together. The LGAC talked extensively and with other local government colleagues who would say, that they wish they would work together. This cooperation is a recommendation that the LGAC has been advocating for some time. To see that happening with both agencies, is something that she is very proud of. She said that she hopes that the LGAC's call for this has made a determinant in that. But she's glad that it is happening, for the good of the country, and for all of us. There are more issues coming up in the future on PFAS. There is more work to do on the harmful algal blooms. This letter is a start. Emerging contaminants continue to be a concern. There is better technology for detection, and it leaves the dilemma: "Now that we've detected it, what are we going to do about it"? Clean and safe drinking water is going to continue to be an issue in the forefront for every community. I'm happy to see some of the investment in water infrastructure, and the new programs, the different ways the resources are being deployed into our communities. She thanked everyone for their part in showing the EPA how different we all are, and how interested we are in bringing infrastructure improvements to our communities and letting them know that the different ways that we need to accomplish that. I thank you to my fellow work group members. Special thanks to Mayor Kautz for co-chairing with me. But also, thank you to the LGAC for being a partner with the work group in bringing some of these issues to the forefront. So, I'd like to offer Mayor Kautz a few moments, and then, Mayor Dixon, when you're ready I'll make a motion to move our action items along. So, Mayor Kautz.

Mayor Elizabeth Kautz thanked Chairman Dixon and members of the committee. I want to say thank you for the experience of being part of this committee. As Dr. Cope said, "this is a great group of people around this table." I have learned a lot in the years that I have served in this committee. And I'm going to miss it".

My advice to new Members be a part of all these discussions and conference calls. I'm also comfortable, as (Sue) said, with the HABs letter. We developed it with the good information from Members and experts we heard. Those of us who are in elected office, we amend things all the time when we get new information. To my fellow colleagues, many of us will exist this wonderful table, I hope that we'll continue to stay connected. I will be watching the work that you all do. And, to my colleague from Minnesota, Commissioner Victoria Reinhardt. Please watch out for all of the waters in Minnesota. We are the state of 10,000 lakes. But thank you so much for the privilege of being a part of this group and for the friendship.

Dr. Robert Cope asked that before a motion is made on the HABs letter, I did not say earlier but the HABs letter is in response to a request by Region 7 RA Jim Gulliford who asked Chairman Dixon to work on this issue. R7 was heavily engaged with us throughout its development. This has been happening for 18 months. Region 7 saw this letter months ago, as we were starting this process. So, I just, as historical background to you, the regions have looked at it. Because in Iowa and Kansas, and in Region 7, HABs is a major issue, as it is in all your other regions.

Chairman Dixon commented that when he spoke to the R7 RA he had asked what the LGAC could do to help.

1) Harmful Algal Bloom Letter

Ms. Susan Hann thanked Chairman Dixon for the background on the HABs issue. She presented three work products for the LGAC to take action on. Susan Hann made a motion for the LGAC to adopt the harmful algal bloom letter. It was seconded by Dr. Robert Cope. The motion carried.

2) Transmittal Letter and Report on Waters of the U.S.

Ms. Susan Hann put forward a motion for the transmittal letter on the Waters of the U.S. Report. Dr. Robert Cope seconded. Chairman Dixon commented that when he first read the draft, he thought "Wow!" The Water Workgroup said exactly what the committee has made comment on. Motion carried.

Mayor Elizabeth Kautz thanked Chairman Dixon for his service as LGAC Chair and his leadership throughout all these years. It's been wonderful working with you. And so, with great pride, with everybody's help, I submit for the approval of this committee, the Waters of the U.S. Report from the Water Work group. She also thanked everyone for their input, because the comments kept coming in and reflects all the good thoughts of the committee. Commissioner Libby Szabo seconded. The motion carried.

Mayor Elizabeth Kautz said that she wanted to acknowledge Susan Hann for her leadership as chair of the Water Work group. She has worked hard to make sure that all of the committee's input was incorporated and all voices heard.

Susan Hann thanked everyone and acknowledged Fran Eargle for all of her work. She has been tremendously helpful. She did an enormous amount of work and is very respectful of the boundaries between the EPA staff and the LGAC team in moving our recommendations forward. But, she's done a tremendous amount of background work for us. We wouldn't be here today without her help. Mayor

Elizabeth Kautz echoed the gratitude to Fran Eargle, and Jack Bowles for his great leadership and support for Fran Eagle's work for the committee and the LGAC.

C. Revitalizing Communities Report out and Charges

Commissioner Ron Poltak put a motion forward on behalf of Dr. Hector Gonzalez for the Revitalizing Communities Workgroup charges. He put forward a motion to accept the risk communication charge, the Superfund and the Sustainability Charge. Dr. Robert Cope seconded. Motion carried.

Chairman Bob Dixon thanked Dr. Gonzalez for his tremendous service, as well as Mayor Karen Freeman-Wilson, Mayor Wilson, and Commissioner Barnes for her leadership of the Air Workgroup.

D. Air Workgroup Report Out

Commissioner Kitty Barnes reported out the presentation from the OAR this morning. She submitted the letter from the Fall. Commissioner Barnes thanked Chairman Dixon and all those leaving the Committee. You've given me great insight. I have learned so much from each perspective that's been presented and look forward to holding up the strong position of LGAC that has been put before us.

Commissioner Szabo commented that Chairman Dixon was correct that the great work of the LGAC would continue. However, the committee is losing a lot of institutional knowledge, and genuine love of this committee, and we're going to we're going to miss that. I just met you all just the other day, but I felt like I got to know you on the phone, and know who you are, and know knowing your heart. And, I just want to say thank you for your service. I'm sure you all will go on to do great things in your communities and in your families. And I just want to say thank you, and I hope along life's trails we can meet up again.

E. Other Issues

A question came up from Bill Youngblood on how the charges are issued from the administrator of EPA. Chairman Dixon commented that the charge issues come from the Administrator or Senior EPA official. The charge is taken up by Executive Committee and assigned to a work group, or sometimes it comes directly through a workgroup. We accept or negotiate the charge and work products the committee will deliver and timeline for a response to EPA. The agenda is set by the DFO and Chair of the LGAC or SCAS. The agenda is then used to pull in experts for the committee for the charge. It all starts with the charge. It doesn't come from -- we only react to the charge, but then, get right after. So, that's why we're not a policy setting agency. After the charge, then we go on.

Commissioner Szabo said it was a great question. Each one of us are called upon to sit in on one of your work groups or meeting, we don't want to take over here, but we're willing to share expertise of just moving forward. When the charges are issued, Chairman Dixon recommended that it be a collaborative process so that everyone on the committee has opportunity to share their perspective which is why each one serves.

XIV. Concluding Remarks

A. Britt Carter, Director, Intergovernmental Relations

Britt Carter thanked Chairman Dixson and Vice Chairman Witte, and members of LGAC and SCAS. She said that it has been a great meeting here, and discussion. She said that she is grateful for everyone's time to come to Washington, D.C. She said that there was a lot shared by the committee. We have a better understanding about national policy decisions that we make at EPA, and how they affect state, local, and tribal governments. Your valuable perspectives are of great assistance to the Administrator. Many of the issues are a long-term issue that we will need to work together in the coming months and years to get a rule in place on Waters of the U.S. that everyone understands, and that can give regulatory relief to municipalities in our counties. On behalf of the Administrator, I want to thank you for the very valuable Waters of the U.S. Report. This is an incredible body of work. And, we continually looking at your recommendations to get a full grasp on local government concerns as well as the innovative ways that you recommend that we should approach from a common-sense perspective.

Many of you spent extra time on the many conference calls, and your time and perspectives are greatly appreciated. She said that she also heard that there is a stronger need communicating new rules and implementation. So, we would like to seek your ongoing advice on this as well as water issues in general. We will also need your input on air, hazardous waste, emerging contaminants, and a whole range of other important issues that are facing all of us. I know they continue to emerge on a weekly basis. In closing, it is bittersweet to thank Chairman Dixson, chairman Robert Cope, Mayor Elizabeth Kautz, Dr. Hector Gonzalez, and Susan Hann for your dedicated service to LGAC and EPA almost spanning a decade. We are grateful to Representative Sloan's contribution as well.

Administrator (Wheeler) would like to present you thank you letters. If Chairman Dixson, Mayor Kautz, Chairman Cope, and Susan Hann, and Representative Sloan could join me up here, I have some letters to give you from the administrator. But I just wanted to point out how much work that you all put in there, and it's not been lost on us. And, as you leave the room today, I know that you've taken a lot of time out to travel here, and please don't be strangers. We're looking forward to working with you, and the work group, and everything moving forward. So, it's just another long round of applause for our leaders that are leaving us and the leaders to become. Thank you.

B. Robin Richardson, Principal Deputy Associate Administrator, Office of Congressional and Intergovernmental Relations.

Robin Richardson thanked the committee and thanked Portia Banks and Sonya Scott for all of their help and assistance. She thanked everyone for being a part of the Administrative session that we had together, and to be able to see you all face to face. And, like many have said before, we will miss those that are standing down, and look forward to working with the new memberships going forward. Just listening to you this morning, and a little bit yesterday, your dedication, expertise, leadership, partnership with EPA is greatly appreciated. And, I personally look forward to continuing to work with this group, and the work groups, and the subcommittees going forward. I think what you offer is incredible. It's where the work happens. And, without you and your perspective, our work wouldn't be as solid as can be. So, very much appreciated. Like to also extend thanks. I think we've recognized a

number of the teams, but certainly thank you to Mayor Dixon, chairman, Mayor Kautz, again Dr. (inaudible), and Sue Hann, and Tom Sloan for your great service. And, again, I look forward to working with all the new members going forward. A thanks for the LGAC Team and Britt Carter!

Fran Eargle thanked Chairman Dixon who she has come to know well in working very close as chairman. She thanked Sue Hann, and Mayor Kautz and Dr. Cope for all their contributions and hard work whatever it took and however many hours to gain consensus on some challenging environment and public health issues. You are a model for public service whom all would aspire.

C. Chairman Dixon's Concluding Remarks.

Chairman Bob Dixon thanked everyone. He said that we have a bright future ahead in this country when we've got true leaders like yourself that will step up to the plate and transcend the ideology of the far left and the far right and come to a centrist position that is about true governance of this United States. It's about caring for the people. You on this committee have a tremendous influence in your realm of influence, in your communities. I encourage you. God's speed. Meeting adjourned.

XV. Adjournment

Chairman Dixon moved to adjourn the meeting.

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

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



Date: July 22, 2019

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



Date: July 22, 2019

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Meeting Participants**LGAC Members**

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 Secretary Jeff Witte, Vice-Chair
 Mayor Jose Aponte Dalmau
 Commissioner Kitty Barnes
 Dr. Robert Cope, DVM
 Chairman Mark Fox
 Mr. Brian Fulton
 Dr. Hector Gonzalez
 Ms. Terri Goodmann
 Ms. Susan Hann
 Mayor Elizabeth Kautz
 Commissioner Ron Poltak
 Commissioner Victoria Reinhardt
 Secretary Michael Scuse
 Mr. Tom Sloan
 Commissioner Libby Szabo
 Mr. Jai Templeton
 Mr. William Youngblood

SCAS Members

Mr. Brian Holter
 Mr. Tom Willsey

Others

Doug Hoelscher, Director, White House
 Intergovernmental Affairs
 Judy Sheahan, U.S. Conference of Mayors
 (USCM)
 Dr. Rich Anderson, USCM
 Carolyn Berndt, National League of Cities (NLC)
 Julie Ufner, National Association of Counties
 (NACo)
 Lisa Lonelight, MHA Nation
 Catherine Everett, MHA Nation

Shalynne Niprater, MHA Nation
 Roger Kitowl, MHA Nation
 Dr. Chelsey Gridley-Smith, NACCHO
 Alan Roberson, ASDWA

EPA Participants

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 Britt Carter, Director, Intergovernmental
 Relations
 Robin Richardson, Principal Deputy Associate
 Administrator, Office of Congressional and
 Intergovernmental Relations (OCIR)
 Jack Bowles, Director, State and Local Relations,
 OCIR
 Fran Eargle, DFO
 Holly Greaves, Chief Financial Officer
 Clint Woods, Office of Air and Radiation
 Dave Ross, Assistant Administrator, Office of
 Water
 Barry Breen, Acting Assistant Administrator,
 Office of Land and Emergency Response (OLEM)
 Peter Wright, Senior Advisor to the
 Administrator, OLEM
 Susan Bodine, Assistant Administrator, Office of
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 Alexandra Dunn, Assistant Administrator, Office
 of Chemical Safety and Pollution Prevention
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 Administrator
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