

Local Government Advisory Committee

Public Meeting Agenda – All times in Eastern Daylight Time

MEETING SUMMARY

Thursday, June 23

Meeting Opening and Welcoming Remarks

Paige Lieberman, Designated Federal Official for the Local Government Advisory Committee, opened the meeting.

Mayor Leirion Gaylor Baird, LGAC Chair, welcomed all attendees, both in-person and online.

She said that this is an exciting time at the Environmental Protection Agency, and it's an important time for local governments to be engaged and provide input on how the EPA implements its various programs. She outlined the agenda for the meeting, which includes hearing draft recommendations from four LGAC workgroups. She completed a roll call of members (see APPENDIX A for attendance) to establish a quorum.

John Lucey, EPA's Deputy Associate Administrator for Intergovernmental Relations, introduced himself and welcomed all members to the EPA's new conference center.

EPA's Deputy Administrator Janet McCabe provided welcoming remarks and emphasized the Biden-Harris Administration's dedication to engaging with partners in local, state, tribal, and territorial governments.

McCabe said that she and the Administrator have been on the road looking at infrastructure investments across the country. Infrastructure can be transformative for a community. The opportunity to get together with other local governments and talk about environmental policy in a focused way is priceless.

McCabe acknowledged the recommendations that the LGAC shared regarding the Bipartisan Infrastructure Law (BIL) and reiterated the Administrator's official [response](#). She said that environmental justice is absolutely at the top of our agenda, noting that the three pillars of EPA from the start have been to follow the science, follow the law, and be transparent. For the first time in history, EPA recently added a fourth pillar – to advance environmental justice. In line with the Justice40 Initiative, EPA's goal is to have 40 percent of BIL funds to go to disadvantaged communities.

McCabe said the EPA will always be looking for ways to maximize flexibility and to provide technical assistance to support local communities. Assistant Administrator Radhika Fox will be developing several pilot projects and initiatives as she leads the Office of Water.

The Clean School Bus Rebate program is out for application. It is a one-page application. We have asked our regional staff to market this program and get applications from every state. McCabe challenged the LGAC to have an application from every member's school district.

Regarding the LGAC recommendation for investments in infrastructure to be climate sensitive, she said it would be a heart-stopping missed opportunity to not do that. EPA is working on ways to integrate climate resistant infrastructure into our guidance and rules, and to empower and educate states, tribes, and communities to take what they learn in infrastructure into other aspects of their work.

McCabe also noted a recent announcement of \$1 billion in funding to combat emerging contaminants, including PFAS.

McCabe answered several questions from LGAC and SCAS members. Mayor Kwasi Fraser asked about unfunded mandates like adding drinking water infrastructure to reduce phosphorous, and McCabe said that BIL is a massive

opportunity to publicly finance this type of work, since it includes more money than ever to support local governments with expenses like these.

City Manager Tom Carroll noted the challenge of funding municipal expenses with current funding in the face of rising inflation. McCabe said that EPA and the Administration are having conversations about this, but we don't have a magic solution right now. Whenever someone comes to us and requests more time or money due to inflation, we will try to work with them.

Mayor Lucy Vinis noted that rising gas prices have impacted local government fleets, leading to hard decisions about where to send police and other resources. McCabe said this is an opportunity for local governments to electrify their fleets using BIL funding and the Clean School Bus Rebate program.

Action Item: Each LGAC and SCAS member is encouraged to submit an application to the Clean School Bus Rebate program for a school district(s) within their community.

9:15am **Presentation of Recommendations: Environmental Justice**
Mayor Deana Holiday Ingraham, Environmental Justice Workgroup Chair

Mayor Holiday Ingraham noted that it's great to be here today representing not just the people of East Point, Georgia, but also the people living in disadvantaged communities across the country. Holiday Ingraham applauded the President's signing of an Executive Order calling for all federal agencies to develop programs, policies, and activities to address the disproportionately high and adverse health and other cumulative impacts on communities that are marginalized, underserved, and overburdened by pollution. However, she noted that it's time to turn that goal into reality.

She reviewed the Environmental Justice Workgroup's recommendations for supporting local governments as this work is implemented, which fall into three different areas – zoning and permitting, cumulative impacts, and technical assistance and funding.

Recommendations include:

- EPA support local governments working to implement initial zoning and land use policies that address environmental injustice.
- EPA can bring together the various players involved in updating policies that led to environmental injustice, including authorities in housing, environmental and planning departments, at the federal, state, and local level to collaborate on this cross-cutting issue.
- EPA should strongly encourage state government to include environmental justice and equity principles in its permitting decisions, including meaningfully engaging with any parties impacted by a permit, and considering cumulative impacts in any relevant calculations.
- EPA provide funding and technical assistance to build capacity to address environmental justice in communities across the country, including making technical experts readily available to work with communities, providing guidance on how to prioritize projects using tools like EJ Screen and the Climate Justice Environmental Screening Tool, and developing a toolbox of environmentally just zoning codes, remapping policies, and permitting ordinances.
- EPA should ensure that impacted communities are part of the conversation.
- EPA should support local governments to mitigate the pollution that is in communities right now. We recommend that EPA provide funding and best practices to mitigate harmful effects to local water supplies, airsheds, and other sensitive habitats. These should include options at various price points and levels of capacity for local governments.

9:30am **Discussion of Recommendations**

Vice-Chair Lisa Wong facilitated a discussion of the recommendations.

Robin Morris Collin, EPA Senior Advisor to the Administrator for Environmental Justice, talked about efforts at EPA to address environmental injustice, including a cumulative impacts framework to understand the lived experience. She noted that this isn't the way that the federal government has typically addressed this, but it is the way that many state and local governments address it. She also talked about EPA's Equity Action Plan, which calls for EPA to include cumulative impacts where authorities allow and encourage state and local governments to do the same.

Matthew Tejada (EPA Director of Environmental Justice) highlighted an example of success in Chicago, where they expanded a health impacts assessment to capture regulatory impacts and develop zoning and land use policies that address environmental injustices. Next year's EPA budget increases grants from \$1 million to \$51 million, and these will go to local government partners, with a focus in the RFA on communities working together to complete health assessments in collaboration with community organizations.

Mayor Doug Nicholls requested that the recommendations clarify the intent, to ensure that it's not about local government turning over zoning decisions to federal government. Rather, it is an advisory role from the federal government to support the work of local governments to zone. He noted that a lot of times it's the local official that needs to be changed, not the rule.

Tom Carroll said that attending public meetings on zoning illustrate the amount of work needed on the ground to develop public messaging and connect the dots of zoning and environmental justice.

Representative Evan Hanson said EPA is lacking on guidance to work on EJ, and states are looking to EPA to provide that so that actions can be defended in court. He also recommended including abandoned coal mines that have contributed to water quality issues for local communities in EJ Screen.

Requests for EPA action:

- Add a layer to EJ screen for abandoned coal mines that have contributed to water quality issues for local communities.

10:00am Presentation of Recommendations: Air and Climate Workgroup

Mayor Satya Rhodes-Conway, Air & Climate Workgroup Chair, said the workgroup was asked what resources local governments need to develop projects under the BIL, apply for funding, and ultimately turn this funding into money well spent.

Recommendations include:

- EPA prioritizes the development of resources to provide direct technical assistance to communities that want to grow in ways that prepare for and adapt to the changing climate, reduce greenhouse gas emissions, and bring other environmental, health, economic, and equity benefits. One caveat of this is the difference between "shovel ready" projects, which are often chosen when funding becomes available, and "shovel worthy" projects, which are worthwhile projects that may just need some technical guidance, especially to incorporate climate and equity benefits.
- Local governments need support greening municipal fleets. The LGAC recommends that EPA play a role here by educating local governments about the value of investing in cleaner fleets, and even facilitate peer exchanges on a regional or national level. In my hometown of Madison, we've hosted several successful exchanges. Beyond just greening fleets, there's an opportunity for EPA's Regional Offices to identify airshed and watershed issues being faced by multiple communities, and to facilitate shared learning opportunities, so we are leveraging our resources and focusing more on solving the problem at hand. Universities are often a source of technical expertise – both about an issue and the region in which they live – and should be included in these learning opportunities.

- EPA should develop additional materials to help elected and appointed officials communicate the importance and benefits of addressing climate change.
- EPA should pursue new avenues for reaching local elected officials. To reach small and medium-sized communities, the LGAC recommends working with state municipal leagues and councils of government. As a first step, the LGAC recommends that EPA Regional Offices request to speak or set up an information table at these conferences and come equipped with information about a range of available resources. The LGAC also recommends that EPA use these groups to share information on available resources via their email listservs or publications.
- Regarding funding and applications, the LGAC recommends that EPA streamline application processes for all assistance programs as much as possible. Specifically, they recommend that EPA provide an online, coordinated application system for the entire federal family, similar to the Free Application for Federal Student Aid website. Where applications can't be streamlined, the LGAC recommends including examples of how past award recipients have used the funding and other ways the grant can be used within the funding announcement, to help local governments make the leap from an item in a climate action plan to a tangible, fundable project.

10:15am **Discussion of Recommendations**

Mayor Jim Brainard, Air & Climate Workgroup Vice-Chair, facilitated a discussion.

Victoria Arroyo, EPA Associate Administrator for Policy, noted that EPA has more work to do, but is taking steps to make progress on many of the goals highlighted in the recommendations. This includes supporting states to use SRF for water/wastewater infrastructure to adapt to a changing climate. She highlighted EPA's range of technical assistance available online in its Adaptation Resources Center and welcomed suggestions on what tools should be scaled up.

Mayor Kwasi Fraser noted that what gets measured gets approved. He asked if we can aspire to have a nationwide database or report card with what defines a community as success (e.g. level of methane detection pre and post intervention).

Nathaly Agosto Filion noted that every month there are opportunities from the federal government that Newark has to assess if they have capacity to pursue. She asked if there are opportunities for EPA to support groups of municipalities to work together.

Councilmember Megan Dunn emphasize the need for peer-to-peer sharing of how to green fleets and other sustainability efforts, even procurement. She requested that the recommendations also include equipment beyond fleet (i.e. street trash compactors).

Councilmember Melissa McKinlay noted that government is often seen as the bad guy. The State of Florida has passed a law where local communities can't require charging stations or other sustainability efforts. She recommended adding to the document that EPA attend meetings where efforts like this are being coordinated. She also highlighted that local governments need support with messaging, and that one of the messages has to acknowledge that when talking about industries, we are talking about people's jobs. She also recommended adding a layer to EJScreen that includes other federal agencies' work.

Representative Tina Sablan said EPA needs to engage with local experts about whether laws should be adjusted or replaced, and direct departments to conduct health assessments. She recommended engaging with the National Association of State Legislatures and Association of Pacific Islanders. She also highlighted a need to support communities that are 0% electric and must start from the beginning.

Commissioner Melissa McKinlay asked if EPA foresees a role for air pollution and wildfires.

Vicky Arroyo said that EPA needs to look more at this issue and how it can offer support, but they are revisiting NAAQS and PM25 and wildfire. There are also some federal family workgroups on topics like wildfires, extreme heat, drought, and coastal flooding, to coordinate how the federal government responds. She added that there's no way to mitigate out of this issue, so she encourages LGAC members to keep pushing EPA to consider these things.

Mayor Lucy Vinis said that she is looking at disadvantaged parts of Eugene as a public health zone, and from a neighborhood perspective to consider how we can make interventions, and where EPA can help us to see what actions to take. This could lead to assessing the impact of gas stations, installing EV charging stations .. it's a question not just of zoning, but adding sidewalks, green spaces, etc.

Requests for EPA action:

- EPA should make some funding opportunities available to groups of municipalities, so that the administrative burden and the benefits of a program can be shared.
- Local governments need support with messaging, including the message that when talking about industries, we are talking about people's jobs.
- EPA should add a layer to EJScreen that includes other federal agencies' work.
- EPA should engage with the National Association of State Legislatures and Association of Pacific Islanders.
- EPA should engage with local experts about whether laws should be adjusted or replaced, and direct departments to conduct health assessments.

11:00am EPA Policy Updates

EPA provided several updates on its work with PFAS from Matt Klasen, EPA PFAS Council Manager; Eric Burneson, Division Director; and Betsy Behl, Division Director.

Betsy Behl spoke about the drinking water health advisories issued last week on 4 PFAS chemicals. She highlighted that health advisories are not regulatory or enforceable, but they do provide information for assessing a chemical and mitigating a chemical. Health advisories advise on the maximum amount of exposure an individual can endure without negative health effects. These interim advisories are a result of robust scientific input and are being released to replace the 2016 health advisories, since there is a significant reduction in the maximum limit.

Eric Burneson said that EPA recognizes that these levels cause concern for many local elected officials. EPA has provided several Q&As that can be used to address community concerns and water utility concerns. For PFOA and PFOS, the health advisory is below the current ability to measure, so EPA is advising that any measured level lead to action such as treatment or locating another source of water. EPA is working on an enforceable standard and will propose that by the fall of 2022 and promulgate it by the end of 2023. The enforceable standard will be based on the health advisory as well as the feasibility to implement. EPA is making \$1 billion available through the SRF and states to address contamination.

11:10am Presentation of Recommendations: Healthy Communities Workgroup

Miki Esposito, Healthy Communities Workgroup Vice-Chair summarized the recommendations developed by the Healthy Communities Workgroup. She highlighted that even without any formal regulation, local governments are on the frontlines and will have to communicate this information to residents while still learning about potential sources, exposure pathways, and ways to mitigate.

The Workgroup developed several recommendations for how EPA can support local governments in this interim period.

Esposito said that for Research, the Workgroup discovered that even among LGAC members, the knowledge and technical capacity needed to address PFAS contamination is limited. Given the health advisories issued last week,

the LGAC recommends that EPA immediately start providing background education on potential sources of PFAS contamination, as well as training and funding for local governments to conduct assessments and evaluate the contamination in a given community. The LGAC also recommends that EPA develop a database of laboratories that are available for local governments to use.

Under Restrict, the LGAC recommends that EPA coordinate with federal agencies such as the U.S. Food and Drug Administration, Department of Agriculture, and the Consumer Product Safety Commission, to develop and disseminate information about common sources of PFAS in consumer products, its risk to human health and the environment, and alternative sources for products. Knowing the purchasing power of governments, the LGAC also recommends that EPA increase support of voluntary stewardship programs to phase out products containing PFAS. They also recommend that when EPA does reach the point of proposing regulations, that they consult with state and local governments first, to ensure that we are all working together to address this issue. Following that, we recommend that EPA provide an ombudsman for local governments to work with without worrying about inviting enforcement action.

Under Remediate, inconsistency in cleanup standards across locations has led to costly and sometimes ineffective remediation. The LGAC recommends that EPA provide clarity in standards for contamination and best practices for remediation.

Finally, under the category of Communications and Coordination the LGAC recommends that EPA provide local government with FAQs, important communication points for the public, and a playbook of the best immediate and long-term actions a community can take to protect the public when PFAS contamination is identified.

11:20am **Discussion of Recommendations**

Lisa Wong, LGAC Vice-Chair, facilitated a discussion of the recommendations.

Representative Evan Hansen said that about 20% of waters in West Virginia have PFAS levels at a detectable state, and they are trying to figure out what to do next. He asked EPA to share concrete steps to identify sources and hold sources accountable.

Anne Heard (EPA) said that EPA plans to publish a Federal Register notice soon to list PFAS as a hazardous substance under Superfund. In May, EPA added 5 PFAS chemicals to screening levels, which will help ensure EPA Superfund cleanups are using sound science to investigate the risk of PFAS exposure.

Commissioner Ann Mallek noted that her community is using activated carbon system to remove these contaminants and asked about the efficacy of this treatment. She also noted the trend to install artificial turf on public playing fields instead of grass, but this turf contains PFAS.

Mayor Satya Rhodes-Conway noted that her community is dealing with PFAS contamination near the airport, which has entered creeks and lakes and bioaccumulated into fish that people eat. They are trying to dredge the water, which would remove some contamination, but struggle to find an area to dispose of the contaminated material. She asked EPA to provide recommendations on this issue.

Requests for EPA action: EPA should share concrete steps to identify sources of PFAS and hold them accountable.

1:30pm **Presentation of Recommendations: America's Waters and Infrastructure Workgroup**

Gary Brown, Vice-Chair of America's Waters and Infrastructure Workgroup, shared recommendations from his workgroup on technical assistance needed to implement the BIL, and how to get money from EPA to a community in an effective and efficient manner.

Gary Brown said that while the LGAC appreciates that EPA wants to take on the role of collaborator and technical assistance provider, it's important for EPA to understand that at the community level they are often perceived as

the enforcer. It will take some work to shift that paradigm, and we recommend that EPA accomplish this – at least in part – by proactively seeking to meet local government leaders where they are, including joining meetings of municipal leagues, trade associations, and other interested partners. The Agency needs to build a network of champions who are excited to invite EPA to the table.

Another recommendation is that EPA develop a network of expertise, to provide the needed technical assistance on the ground. He highlighted successful models like the Rural Partners Network, AmeriCorps, Community Action Agencies, and noted the opportunity to engage with area universities, and to encourage states to develop their own networks.

The LGAC also recommends that EPA engage with the water industry as part of their effort to shift the paradigm, noting that there are thousands of water industry employees and contractors who are already ingrained in communities and understand their water infrastructure needs. By engaging with these groups and their relevant trade associations, they could provide a valuable conduit for sharing information and resources, and even working collaboratively with the EPA to address major issues in the water industry. Specifically, the LGAC recommends partnering with these groups on much needed workforce development in the water industry, even going as far as developing trainings specific to EPA programs and grants.

The LGAC also recommended that EPA Regional Offices utilize their knowledge of regional issues and support collaboration between municipalities grappling with similar issues. The EPA could even play a role in encouraging regional consolidation of utilities within an area, which has provided tremendous economies of scale to parts of the U.S.

The LGAC recommended that EPA provide technical assistance for communities wishing to engage in the Revolving Funds. The ideal would be to proactively reach out to communities and offer one-on-one support, but they also recommend creating a series of easy to access tutorials and templates that a state can point a community to, including guidance for developing an application and understanding the future impacts that a new infrastructure project places on a community in terms of user rates.

Finally, the LGAC recommended that EPA work with states to make the process of getting funding through the State Revolving Fund process and into a community more efficient. There are some states that do it well, but there are many that don't. The LGAC recommended that EPA can play a role by sharing best practices across states and even developing a metric to encourage state-to-state competition.

1:45pm **Discussion of Recommendations**

Gary Brown facilitated a discussion, first inviting Karen Dettmer, Managing Director for Infrastructure Implementation for EPA Office of Water. Karen Dettmer said that EPA Office of Water is very aligned with the recommendations provided. While they don't have answers for everything now, they look forward to working with the LGAC to develop this work. She acknowledged that EPA is perceived as the enforcer, and that for years projects were prioritized for funding if they were out of compliance. The BIL funding is different, and EPA is committed to giving at least 40% to disadvantaged communities and providing unprecedented technical assistance directly from EPA. Some things EPA is looking at include the wastewater access gap, systems that haven't had the capacity to get their systems online, replacing Lead Service Lines, and how EPA can stand up centers for resources in communities that will meet them where they are at any point of capacity.

Mayor Kwasi Fraser raised the point that water provides information and encouraged EPA to work with CDC and other agencies to leverage that information and further protect human health.

Commissioner Megan Dunn asked if EPA has the expertise to move into the realm of collaborator and convener. Karen Dettmer responded that they don't but are working to expand staff.

Commissioner Ann Mallek said that she wants EPA to be the enforcer, because there are many local governments who are unwilling to do their job when it doesn't serve them.

Nathaly Agosto Filion recommended that EPA share the recommendations from the LGAC with its federal partners, and to post all SRF state intended use plans on its website.

Requests for EPA action:

- EPA should work with CDC and other agencies to leverage the valuable information that water provides in protecting public health
- EPA should share LGAC's recommendations with its federal partners
EPA should post all SRF state intended use plans on its website

2:15pm Public Comment

Lisa Wong, LGAC Vice-Chair, facilitated the public comment period.

Diana Conway, representing Safe Healthy Playing Fields, provided written and verbal comments. Her organization represents a range of community members, many of whom have been working to address PFAS contamination in play fields for more than 10 years. She noted that industry is very open about the fact that they are still manufacturing products containing PFAS because they need it to create successful products.

She said that science shows PFAS can lead to a range of medical conditions, and those are just what we know about. While some PFAS products are hard to avoid, these playing fields can easily be reverted back to traditional grass. This turf is a hot, plastic mess, and kids are touching it, ingesting it, and tracking it into homes. Each field has 400 tons of toxic waste that must be replaced every 5 years, and products have no warning about toxicity

2:30pm Vote on Recommendations

Mayor Leirion Gaylor Baird, LGAC Chair, facilitated voting on recommendations. She noted that at the end of each session all proposed changes to the draft document were recapped, and that a yes vote today will include allowing the LGAC Executive Committee to incorporate these changes, as well as any input received by the public, into the document as they see fit.

Recommendations on Environmental Justice: 17 votes in favor of adoption, no opposition
Motion Passes

Recommendations on Climate: 18 votes in favor of adoption, no opposition
Motion Passes

Recommendations on PFAS – 17 votes in favor of adoption, no opposition
Motion passes

Recommendations on Water – 17 votes in favor of adoption, no opposition
Motion passes

2:55pm Closing Remarks and Next Steps

Mayor Leirion Gaylor Baird, LGAC Chair thanked everyone for their participation. The Executive Committee will be meeting soon to finalize the documents and send them to EPA Administrator Michael Regan.

3:00pm Meeting Closed

Paige Lieberman, Designated Federal Officer, closed the meeting.

APPENDIX A - Attendance

LGAC Members

Lisa Lone Fight, representing Chairman Mark Fox, Mandan, Hidatsa and Arikara Nations
Nathaly Agosto Filion, representing Mayor Ras Baraka, Newark, NJ
Mayor Nick Gradisar, Pueblo, CO
Representative Evan Hansen, State of West Virginia
Gary Brown, Director of Water and Sewerage Department, Detroit, MI
Mayor Jose Dalmau, Carolina, Puerto Rico
Sunju Raybeck, representing Rachel May, New York State Senator
Commissioner Melissa McKinlay, Palm Beach County
Mayor Julian McTizic, Bolivar, TN
Arlyn Galvez, representing Mayor Doug Nichols, Yuma, AZ
Mayor Satya Rhodes Conway, Madison, WI
Valinda Shirley, Environmental Director, Navajo Nation
Mayor Leirion Gaylor Baird, Lincoln, NE
Mayor Lucy Vinis, Eugene, OR
Lisa Wong, Town Administrator, South Hadley, MA
Miki Esposito, Assistant Director of Public Works, Los Angeles County, CA
Juan Valdez, representing Mayor Sylvester Turner, Houston, TX
Mayor Neil O'Leary, Waterbury, CT
Deb Cherry, Treasurer, Genesee County, MI
Secretary Jeff Witte, New Mexico Agriculture Department
Mayor Deana Holiday Ingraham, East Point, GA
Mayor James Brainard, Carmel, IN
Mayor Ron Nirenberg, San Antonio, TX
Mayor Deborah Robertson, Waterbury, CT

SCAS Members

Rodney Bartlett, Director of Public Works, Peterborough, NH
Tom Carroll, City Manager, Cambridge, MD
Mayor Vincent DeSantis, Gloversville, NY
Mayor Kwasi Fraser, Purcellville, VA
Dave Glatt, Environmental Quality Director, State of North Dakota
Councilmember Daniel Guzman, Oneida Nation, WI
Supervisor Ann Mallek, Albemarle County, VA
Councilmember Hattie Portis-Jones, Fairburn, GA
Representative Christina Sablan, Mariana Islands
Mayor Jeremy Stutsman, Goshen, IN

Joint Meeting of the Small Communities Advisory Committee and Local Government Advisory Committee

Public Meeting Agenda -- All times in Eastern Daylight Time

MEETING SUMMARY

Zoom Access: <https://usepa.zoomgov.com/j/1617974160>; Meeting ID: 161 797 4160;
Find your local number: <https://usepa.zoomgov.com/u/azSBhsQnv>

In-person Location: William Ruckelshaus Conference Center (Room B150), EPA Headquarters,
1201 Constitution Ave. NW, Washington, DC

10:30am **Call to Order and Meeting Goals**
Mayor Leirion Gaylor Baird, LGAC Chair

Paige Lieberman, Designated Federal Officer, called the meeting to order.

Mayor Leirion Gaylor Baird, LGAC Chair, welcomed everyone to the joint meeting of the LGAC and SCAS. She noted that EPA has asked this group for input on various aspects of the implementation of the Bipartisan Infrastructure Law. Today will feature a panel of several individuals working outside of the government to address the need for technical assistance.

10:35am **Welcome and Overview**
Jonathan Nelson, EPA Senior Advisor

Jonathan Nelson, EPA Senior Advisor, explained his role at EPA to oversee development of a technical assistance program focused on water services and infrastructure. He currently has a team of 30 people, which is growing. He expressed appreciation for the LGAC and SCAS' recommendations, and a genuine desire to understand the challenges in communities from their perspective. He asked them to continue to strategize with EPA about how to take the biggest step forward possible in the most efficient way possible. He

Mayor Leirion Gaylor Baird, LGAC Chair, introduced the panel, which included Cynthia McCoy, Federal Engagement Director at the Urban Sustainability Directors Network; Sarah Gimont, Associate Legislative Director for Environment, Energy, and Land Use Policy at the National Association of Counties; Carolyn Berndt, Legislative Director for Sustainability at the National League of Cities; and Jennifer Palmiotto, Senior Federal Policy Advisor from National Rural Water Association.

Panel on Technical Assistance and Local Government

Presentation on technical assistance needs across the country, Cynthia McCoy, Urban Sustainability Director Network

Cynthia McCoy gave a presentation on perceptions of federal funding opportunities and technical assistance needs, which was based on direct input from USDN's membership. [See presentation here.](#)

Feedback shared in presentation:

- In a survey of USDN members, only 10-15 percent responded that they feel comfortable or extremely comfortable, informed and equipped to pursue federal funding
- When asked about the biggest hurdles to accessing federal funding for sustainability members identified lack of staff capacity for additional projects (52%); lack of capacity to evaluate opportunity and apply

(50%); knowing what funding opportunities are available (30%); local government structure (28%); and inability to find cost share of matching funds (22%)

- Justice40 may represent an opportunity to increase the competitiveness of under-resourced communities, but local government capacity challenges are likely to remain, particularly in the Southeast
- Categories of barriers are 1) lack of capacity and/or experience, 2) applications are complicated, 3) high administrative burden, and 4) time is short

Recommendations shared in presentation for pre-application phase:

- Build capacity and partnerships by aligning local governments with partnerships and resources either externally or embedded into the local government offices; increase understanding of how local governments can engage with and inform federal policy through responding to federal register notices, rulemakings, draft guidance, etc.; and provide federal grants 101 training, technical assistance and direct support to prepare and complete competitive applications
- Provide customized assistance to pay community organizations with local expertise to provide their input; broaden the provision of informal technical assistance to underrepresented areas; and increase awareness of technical assistance hubs and public-private partnerships supporting communities
- Provide more funding directly to local governments rather than routing grants and other programs through states
- Lead with equity by requiring local governments to establish successful relationships with communities prior to receiving grant funding to support them; pay community organizations to build capacity and strengthen relationships; and deepen conversations with local governments and community partners to design and tailor projects to their needs
- Provide success stories that include details about past projects and how technical assistance helped a community achieve their goal
- Address the funding gap by helping communities develop a plan that includes a diversified stream of funding options; supporting communities in developing cost estimates and advocating for support through local government so that funding is available in advance of grant period
- Providing guidance on collaboration and relationship building with State Agencies to influence funding priorities and the distribution of funding passed through a state

Recommendations shared in presentation for the application phase include:

- Increasing flexibility in the list of allowable costs including funding for staff time, workforce development, community outreach, compensating community members, managing regional partnerships, as well as the ability to pay for refreshments and travel for events
- Increasing flexibility for funding to fulfill grant program requirements such as developing planning documents, codes, standards, analyses and assessments so that they will qualify for funding in the future
- Be transparent with anticipated details and timetables for recurring grants solicitations and anticipated award announcements so that local governments can determine the fit of a grant in advance of the application period
- Simplifying pre-and post-award administrative burdens and requirements
- Providing stock language to meet federal requirements and using one application format across all federal grant programs
- Standardizing notifications through grants.gov even when a full application package is not required for submission.

Mayor Leirion Gaylor Baird, LGAC Chair, facilitated a discussion with the panelists and the following questions:

- How can EPA support technical assistance for environmental programs at the local government level, regardless of a community's capacity?

- How can EPA better communicate its available resources, particularly to reach disadvantaged communities?

All ideas raised will be considered for inclusion in current and future recommendations submitted by the LGAC/SCAS to the EPA Administrator.

Cynthia McCoy stated a need for government to shift to a bottom-up approach, starting with the communities and what they need.

Sarah Gimont noted that BIL presents a unique opportunity for transformational change, but part of this work is to ensure that communities can implement the programs successfully.

Carolyn Berndt noted an analysis from NLC (whose membership is 80% from communities under 50,000 population), that looked at mayoral addresses in 2022. They found that cities are ready to rebuild and use ARPA money with a lens on equity and inclusion, and that infrastructure was the number one topic discussed, particularly water and sewer.

Jennifer Palmiotto noted NRW's experience working with communities and helping them assess and address infrastructure needs. In particular, she highlighted their portfolio of programs that bridge the gap of regulatory requirements and developing capacity, and that EPA has been helpful in providing trainings and tools that technical assistance providers can use in the field.

Carolyn Berndt said that she echoed comments already shared, and not just in small communities, but all communities. She said the long-term question is how to carry out the work started with BIL funding. She recommended EPA facilitate regional collaboration to find people addressing similar issues and resources that can be leveraged to help multiple communities.

Sarah Gimont noted a need to communicate more clearly about application and funding streams, particularly how ARPA funding is sent directly to communities and BIL funding is managed through various federal agencies and application processes. She also noted the difficulty of compliance reporting and how it discourages applications from small communities – she asked that assistance be offered for this phase as well.

Carolyn Berndt said that she has seen confusion in terms of what a disadvantaged community is, and how that intersects with Justice 40 and BIL funding; communities are asking if they qualify and how to prove it. She said that getting in the field is needed, perhaps through EPA Regional Offices engaging with state municipal leagues. She also noted the value added by environmental finance centers and the need to improve amplification and awareness of these resources.

Sarah Gimont added that it's important to note that many rural communities don't have broadband, so it's hard to rely on the internet for finding and applying for funds.

Jennifer Palmiotto said that EPA holding office hours is helpful; NRW held a webinar with EPA partners to answer questions and plans to do more.

Nathaly Agosto Filion noted the longstanding issue of "EPA can't help writing a grant," but that this has been inconsistent over the years and between EPA offices.

Jonathan Nelson noted that the level of support offered depends on the program. For SRF programs there are ways where EPA can provide technical assistance through providers like NRW to write and support applications.

EPA will be announcing new resources like this soon. He emphasized that EPA is in a building stage right now as we develop more and more regional, community-based, technical assistance providers. There is currently a Request For Applications out for \$100 million to develop environmental finance centers in communities.

Nathaly Agosto Filion said that the actual submission of grant application is the barrier for her community of Newark. Even in a large community with resources they have only submitted applications for federal grants with the assistance of outside consultants.

Jonathan Nelson said that EPA recognizes that challenge. He offered to give a presentation to the LGAC and SCAS on what EPA has planned to help communities with all phases: assessing and identifying needs, applying for funding, doing the technical work of designing a program like engineering reports, and finally helping put that all together into a package ready to submit to state's SRF program. He noted that this has to be a real partnership with the state and local communities.

Cynthia McCoy said that USDN provides technical assistance for federal funding, and several universities are providing this service, including like Polis Center in Indiana and West Virginia University.

Mayor Kwasi Fraser suggested the idea of developing a database of available contractors to do this work, that communities could access when a project is being developed.

Jonathan Nelson agreed that every state needs this, noting the huge problem of workforce availability. He said that some states have master contracts where communities can access for these types of services. EPA is working with the Department of Labor to encourage states to set these up.

Jonathan Nelson asked the LGAC and SCAS to help EPA understand where they need to go, and to feel empowered to tell us where a need exists and invite EPA to events to learn more.

Carolyn Berndt asked if EPA could put all 50 State Intended Use Plans for the State Revolving Funds online to compare, track, and hold states accountable.

Jennifer Palmiotto asked if a list could be provided that shows nationwide systems that have never received funding under SRF.

Request for EPA action:

- EPA should put all 50 SRF intended use plans online to compare, track, and hold states accountable
- EPA should provide a list that shows nationwide water systems that have never received SRF funding
- EPA should develop a database of available contractors to complete water infrastructure work that communities could access when a project is being developed.

11:55am

Closing Remarks and Next Steps

Mayor Leirion Gaylor Baird, LGAC Chair

Mayor Leirion Gaylor Baird, LGAC Chair, thanked everyone for their participation. She said the LGAC's Executive Committee will be meeting soon to finalize all recommendations and send them to EPA's Administrator Regan; the SCAS in particular will weave the discussion we heard today into their final recommendations for EPA.

12:00pm

Meeting Closed

Paige Lieberman, Designated Federal Officer

Paige Lieberman, Designated Federal Officer, closed the meeting.
