

Small Communities Advisory Subcommittee (SCAS) Public Meeting Summary

February 17, 2022, 11:30 AM – 12:30 Eastern Time

I. Welcome and Call to Order

Commissioner Christine Lowery called the meeting to order and asked members of the SCAS to identify themselves. Commissioner Lowery discussed the purpose of the meeting which is to provide input on the Local Government Advisory Committee's (LGAC) Letter of Recommendation on implementation of the Bipartisan Infrastructure Law (BIL) and reminded attendees that SCAS members are tasked with strengthening the capacity of small communities throughout America by improving and protecting people and the environment in which they live in, through the LGAC and beyond.

II. EPA Welcome

Associate Administrator William Niebling welcomed SCAS members to the meeting and expressed appreciation for the input that EPA has and will receive from the subcommittee. Associate Administrator William briefly addressed the Biden-Harris Administration priorities focusing on climate change, environmental justice, and investments in overlooked communities, and also highlighted the role that the BIL will take to address current priorities.

III. Discussion on LGAC's BIL Letter of Recommendation: Insight from Smaller Communities

Chair Lowery transitioned the discussion to SCAS members to focus on the letter of recommendation by the LGAC and welcomed members to provide their feedback.

Mayor Pro Tem Hattie Portis-Jones mentioned her participation on the LGAC Water Workgroup and mentioned that she is pleased with the letter of recommendation and suggested the inclusion for collaboration with state municipal leads to reach smaller communities throughout the U.S., and for state municipal leads to be used as an additional resource for implementation and guidance.

Supervisor Ann Mallek stated her participation on the LGAC Air and Climate Workgroup and emphasized the need for internal tools to identify disadvantaged communities using a granular approach. A granular approach is needed because there are counties where poverty or lack of infrastructure is not obvious due to the noticeable wealth in some parts of the county. Statistics may not show that information. That lack does not reduce the need for assistance in funding projects and the planning for funding for ongoing maintenance in localities who are not enabled to have an income tax and any revenue must be based on equal property tax rates for the smallest and largest landowners. The burden of increasing property tax to pay for projects is felt more acutely by lower, moderate-, and fixed-income individuals. Supervisor Mallek also supported Mayor Pro Tem Portis-Jones' statement on reaching out to local municipal leads and associations in multiple jurisdictions that have established training programs as a way for EPA to reach more communities.

Director Rodney Bartlett shared that he comes from a community of 6,500 people with lots of infrastructure work in the past (mostly involving water and sewer work). With the increase of federal funding and the complexity to access funding and its processes for smaller communities

takes a tremendous effort. A single source of dollars can be straight forward but accessing multiple sources of funding to reduce the financial impact for communities becomes cumbersome. Coordination amongst multiple federal agencies is needed so that smaller communities can access all resources available to them.

Mayor Kwasi Fraser noted that he represents a community of 10,000 in Purcellville, VA. Mayor Fraser mentioned that he is pleased with the evolution of the letter of recommendation to EPA and that it's ready to be shared with all stakeholders. Mayor Fraser commented that there is a need for collaboration between EPA and the Department of Energy (DOE) specifically in the realm of green hydrogen. The DOE is promoting green hydrogen using electrolysis which is water intensive. The LGAC and SCAS should look at the impacts of plans and ideas from the DOE that may impact the scarce water resources that currently exist.

Mayor Vincent DeSantis mentioned Gloversville, NY's former industrial sites that have residual pollution and the beneficial collaboration with EPA in terms of environmental assessments. The city is now ready to apply for funding for remediation and environmental cleanup. The main roadblock is that the city must be the owner of the site to apply for remediation and there are risks of assuming ownership of a site needed for remediation. Another challenge is side-stepping pitfalls and not to have the city be liable. Mayor DeSantis noted that it would be helpful if EPA had a mechanism where a city can be shielded from liabilities while in the process of acquiring titles to apply for cleanup funding.

Director Dave Glatt stressed the importance of EPA working with states (especially states with a lot of rural communities) because state agencies have experience working with smaller communities. Director Glatt shared an example where North Dakota had one application submitted to the state identifying the small community need and the state assisted the community to navigate sources of available funding. Director Glatt mentioned his appreciation on comments that have been shared and signaled that small communities find it hard to navigate many bureaucratic processes. Grants are provided through North Dakota's State Revolving Fund (SRF) to small communities as "seed money" to identify projects, provide preliminary designs and estimates to help with the application process.

Director Jack Bowles asked Mayor DeSantis if his hurdles are referring to Brownfield sites or Superfund sites and offered to have technical staff follow up with him.

Representative Christina Sablan briefly added that she is very happy with the draft recommendations. Representative Sablan suggested the letter expand the range of EPA technical resources that are embedded in small governments and to clarify for whom the training and education in environmental justice is for. Training and education in environmental justice should happen at all levels, including within EPA.

Chair Lowery mentioned the needed for historical context to structural racism and where it exists in parts of the country. Many programs address the consequences of structural racism, but do not talk about the recognition for when it's occurring in real time. Chair Lowery also asked members if they felt the text in the water section of the letter felt out of date. She also asked if there's a tracked record of changes.

SCAS DFO Lynzi Barnes mentioned that the letter has evolved since it's first inception and was edited by many authors over the past few weeks. Meeting summaries do exist for the LGAC workgroups where comments on the recommendations were shared.

Chair Lowery offered EPA's list of training available for operators and the public and asked Representative Sablan what level of technical training she would like to see.

Representative Sablan responded that she needs technical expertise embedded within certain programs, such as engineers. It was very helpful having technical expertise to assist the Marianas as changes were made to specific programs.

Chair Lowery asked if any additional training needed to be added to the list of recommendations.

Supervisor Mallek mentioned the increase of employee shortages and the benefits of municipalities hiring staff without certification and training for certifications while being paid to fill the employment gaps.

LGAC DFO Paige Lieberman mentioned that the recommendation letter crossed all four workgroups and it may be difficult to identify who provided specific parts of the letter but offered to identify specific text if it's a request. Paige also thanked SCAS members for comments and examples of technical assistance.

Mayor Pro Tem Portis-Jones mentioned collaboration and suggested the inclusion of universities when discussing technical assistance. Mayor Portis-Jones also asked about ideas on affordability of projects beyond funding received from the federal government. With new infrastructure, there will be cost increase, so what can be done to help citizens with affordability in the future when federal dollars run out?

Mayor DeSantis highlighted the redevelopment of older industrial sites that will bring revitalization and other opportunities to the city.

William Niebling mentioned a great discussion from SCAS members and thanked the members for their participation before leaving the meeting.

Director Glatt mentioned the importance of State Revolving Funds (SRFs) for smaller communities and the need is great in rural water systems. SRFs provide seed money to evaluate needs and complete preliminary engineering studies. North Dakota offers state and federal funds through one application. North Dakota looks at water quality issues and ability to pay, and funding is provided on an annual basis. [Website for more information](#) can be located on North Dakota's Department of Environmental Quality under Municipal Division Facilities.

Mayor Pro Tem Portis-Jones asked Dave Glatt about consumer fees and affordability and strategies to assist communities to keep rates affordable.

Director Glatt responded that mechanisms are in place to identify community income and how much of their income should go to utilities. Grants are sought to fill in gaps. Director Glatt mentioned droughts and heavy rain seasons, but not much impact on the aquifers at this time.

SCAS DFO Lynzi checked for public comments. No comments were shared and Lynzi offered the opportunity for the public to provide written comments at Lgac@epa.gov.

Chair Lowery commented on the need for EPA staffing in region 6.

Supervisor Mallek mentioned staff shortages in EPA and asked if there's a section in the BIL to provide federal staffing.

Jack Bowles noted provisions in BIL funding for hiring and signaled more hiring at EPA, especially within programs such as EPA's Office of Water and other programs to push out BIL funding to state and local governments.

Chair Lowery suggested to check EPA's websites for the most up-to-date information before sharing recommendations to EPA.

Supervisor Mallek mentioned moving forward with Waters of the U.S. (WOTUS) definitions.

Mayor Pro Tem Portis-Jones encouraged members to elevate long-lasting communication between EPA and local officials.

IV. **Meeting Wrap Up and Closing**

Chair Lowery thanked members for their attendance and participation during the meeting.

SCAS DFO Lynzi officially closed the meeting.

Appendix:

List of SCAS Members in Attendance

The Honorable Christine Lowery (Chair)

County Commissioner
Cibola County, NM

The Honorable Julian McTizic (Vice Chair)

Mayor
Bolivar, TN

Mr. Rodney Barlett

Director of Public Works
Peterborough, NH

Mr. Tom Carroll

Village Manager
Silverton, OH

The Honorable Jose Carlos Aponte Dalmau

Mayor
Carolina, Puerto Rico

The Honorable Vincent DeSantis

Mayor
Gloversville, NY

The Honorable Kwasi Fraser

Mayor
Purcellville, VA

Mr. Brian Fulton

County Administrator
Jackson County, MS

Mr. Dave Glatt

Director, Department of Environmental Quality
Bismarck, ND

The Honorable Daniel Guzman

Councilmember
Oneida Nation, WI

The Honorable Ella Jones

Mayor
Ferguson, MO

The Honorable Ann Mallek

Supervisor
Albemarle County, VA

The Honorable Hattie Portis-Jones

Councilmember
Fairburn, GA

The Honorable Christina Sablan

Representative
Mariana Islands

The Honorable Jeremy Stutsman*

Aaron Swanson Kinsley (Proxy)
Mayor
Goshen, IN

EPA Attendees:

Lynzi Barnes, SCAS Designated Federal Officer

EPA Office of Congressional and Intergovernmental Affairs

William Niebling, Associate Administrator

EPA Office of Congressional and Intergovernmental Affairs

Jack Bowles, Director

EPA Office of Congressional and Intergovernmental Affairs

Paige Lieberman, LGAC Designated Federal Officer

EPA Office of Congressional and Intergovernmental Affairs

Lauren Haygood, Intern

EPA Office of Congressional and Intergovernmental Affairs