

EPA Local Government Advisory Committee

Summary of 3/10 Public Meeting

WELCOME AND MEETING GOALS

Paige Lieberman, EPA Designated Federal Officer, opened the meeting.

Leirion Gaylor Baird, LGAC Chair welcomed all attendees. She noted that the EPA has been working with the LGAC's Executive Committee to examine the issues of PFAS, risk communication, environmental justice, and climate change from fresh perspectives and develop opportunities for the LGAC to provide meaningful input. Members are encouraged to join one or more workgroups, which will dive into each of the topics on the day's agenda. These workgroups will meet monthly for 60 to 90 minutes and have detailed discussions on the topic that turn into official recommendations. Members are welcome to have a staff member join on their behalf.

Tim Del Monico, EPA's Associate Administrator of Congressional and Intergovernmental Relations, provided welcoming remarks. He noted his experience working with local government leaders in his home state of New Jersey, through grassroots campaigns and then legislative staff for Members of Congress. Del Monico previewed the agenda, noting Administrator Regan's commitment to ensuring environmental justice, tackling the climate crisis, and managing PFAS. All these programs require local engagements and buy-in to be successful. He thanked the Committee for their input on the IRA programs, noting that while members may not see everything they wanted in the grant guidance, with the Greenhouse Gas Reduction Fund, EPA is still developing those programs and will look to the LGAC and local partners to inform the implementation. Finally, he noted that EPA will be announcing the next step in the process of managing PFAS very soon, and that will include a formal request to the LGAC to provide input.

Leirion Gaylor Baird invited members to introduce themselves, highlighting their positions and their go-to food after a stressful public meeting.

Paige Lieberman provided an update on meetings planned for 2023, including that logistical details for traveling to D.C. for the May 22-23 meeting will be shared next week.

Leirion Gaylor Baird facilitated a brief discussion among members about the role of the Committee. She noted that members don't always have the same ideas, but the goal is to have a robust discussion that represents diverse views to the EPA, to make sure that limited resources are being used effectively to achieve our shared priorities.

Gary Brown, Detroit, said that being on this Committee provides an opportunity to share your opinions and get your position at the table. The EPA staff are very helpful and are going to make sure that all members get that opportunity.

Ann Mallek, Albemarle County, said that another value of Committee membership is learning about resources and best practices, and bringing that back to your community.

Rachel May, New York State, asked about potential federal regulation of railroads and requiring them to alert communities when carrying toxins, in response to the recent train derailment in Ohio. She asked if the EPA or other federal partners are planning to inform local governments on what kinds of actions we can or can't take to protect our communities from the threat of bomb trains.

John Lucey noted that the Administration is working across federal agencies, as well as with congressional leadership, on rail safety and how to move forward. EPA is focused on the clean up as well as protecting public health into the future, while Department of Transportation is leading oversight. Lucey offered to engage with the LGAC on this topic again.

ENVIRONMENTAL JUSTICE

Mayor Deana Holiday Ingraham opened a session on environmental justice, noting the opportunity to continue building on the progress EPA has made improving environmental justice at local levels.

Marianne Engelman-Lado, Principal Deputy Assistant Administrator for Environmental Justice, highlighted the Administration's all-of-government approach to combat historic environmental justice, and how critical it is to work with local governments to ensure the work and funding reaches those who need it most. In early 2022, EPA asked the LGAC to provide input on bridging the gap between community-level environmental justice priorities and federal regulatory priorities. The LGAC recommended action on 3 areas: zoning and permitting enforcement, cumulative impacts, and direct technical assistance and funding of localities.

EPA has responded with \$550 million for a new program called the Thriving Communities Technical Assistance Centers (TCTAC). EPA will work with the Department of Energy and Department of Transportation to develop a place in each region for communities to go for assistance. There is also \$20 million allocated to support collaborations between local communities and local governments.

The office has also been examining its authorities to address cumulative impacts. They created a cumulative impacts addendum to its legal tools that highlights examples of the Agency's legal authorities to address cumulative impacts, including permitting, regulating, and grants. The next step will be a cumulative impacts framework. Marianne opened a discussion with members about how EPA can continue this effort, in response to the LGAC's input. One of the goals of this discussion is to finalize a new charge for the Committee to address. She asked:

1. What policies should EPA consider or prioritize to aid local governments in advancing environmental justice?
2. Are there priority areas of concern for local governments regarding EJ that are being overlooked?
3. How can local governments play a stronger role with states?

Supervisor Ann Mallek noted connections between environmental justice burdens and the burdens small communities are facing from PFAS regulation. Cleaning up the mess is going to take years and dollars that these communities don't have.

Mayor Deana Holiday Ingraham asked about leveraging our local ordinances. What can we do to help with enforcement, to hold bad actors accountable?

Mayor Satya Rhodes-Conway asked whether upstream sources of PFAS are under EPA jurisdiction. She also asked how much of EPA's EJ focus is bringing in the rest of the federal government?

Marianne Engelman-Lado responded that with respect to finding which part of the federal government is responsible for a host of issues, TCTACS will be able to bridge much of that gap. We are working to

expand the number of agencies who are directly involved. Even if they're not directly involved, the idea is to have a point of entry that can help navigate. EPA participates in the Interagency Council that is now at the White House and we are constantly thinking about how the work of the Interagency Council responds to the needs at the community level.

Jonathan Gordon said there needs to be a focus on putting environmental justice initiatives like clean jobs near the communities that will be working those jobs. So often he hears that transportation is a huge barrier to accessing the resources coming into communities.

Director Gary Brown said a good job is the best tool for fighting poverty.

Mayor Nick Gradisar commented on the issue of imbedded emissions persisting in manufacturing, even when renewable energy is the main source of energy for those plants. He recommended continued focus on regulations for heavy manufacturing. We should recognize that there will always be some externality but working with good actors will result in the best outcomes for everyone.

Marianne Engelman-Lado asked if there are ways EPA could use its convening function around the issue of permitting and industrial siting.

Juan Valdez recommended that EPA use its convening power to promote climate adaptation initiatives. He gave an example from San Antonio, where there's a lot of focus on residential and commercial energy efficiency, as well as promoting tree canopies. However, there is some confusion on who leads certain initiatives. That's where EPA can come in and draw lines for every stakeholder.

Mayor Luke Bronin raised the issue of waste disposal within EJ communities. We have a real challenge in identifying those economically viable, environmentally sound new technologies that are the right ones to pursue. Also flooding in EJ communities is huge in Northeastern cities. The infrastructure is old, it is inadequate, and it's increasingly being overwhelmed. The investment that's required to upgrade those systems is far beyond the capacity of most local communities and certainly most EJ communities.

Mayor Leirion Gaylor Baird echoed the concern of flooding, noting that the floodplain maps in Lincoln almost directly imitate the maps where some of our most low income and vulnerable community members live.

Commission David Painter noted that his county in Ohio has a particular floodplain area that is not well-served by sewer and county water. FEMA comes in and buys these properties, tears down the houses, and leaves a spot where no growth can happen. It burdens the actual community that must mow the grass and take care of it, and there's no tax realized from it.

Councilmember Heather Kimball noted that it is important that as we evaluate EJ solutions to not lose sight of traditional and local knowledge within a community.

Mayor Deana Holiday Ingraham closed the discussion and invited anyone interested to join her on the EJ workgroup.

PFAS AND RISK COMMUNICATIONS

Secretary Jeff Witte introduced the topic of PFAS and the need for local governments to have support with how they communicate related risks. He shared the story of PFAS being discovered in his state's water five years ago, due to years of firefighting training. Before that, no one talked about PFAS.

Grant Cope, Senior Advisory at EPA, said that improving risk communication to communities is essential for our ability to develop trusted relationships with stakeholders. Trust and support within the community comes in large part from being in that community, but also from talking in a way in which we're connecting with their real concerns

We've developed tools to detect and measure PFAS in the environment. A new draft method can be used to detect up to 40 parts per million in a variety of different environmental media. EPA has also developed an online geospatial tool that has location-specific information so users can locate facilities using PFAS and identify areas of possible contamination.

Grant Cope highlighted the 3 charge questions for the LGAC:

1. How can EPA be helpful to communities? Are there specific tools that each EPA should be developing?
2. Do local communities have tools, best practices or lessons learned that the agency should consider adopting?
3. How can EPA support effective partnership of local, state, and federal governments on this issue?

Secretary Witte then opened the discussion. While only some members said they have dealt with PFAS in their communities, it can contaminate every household in your community if it gets into the water supply. How are you and your communities going to effectively communicate the risk, when and if it does show up in your in your communities, so that that you can best position your community for successful community engagement and the initial management of the contamination.

Mayor Satya Rhodes-Conway offered context around Madison's experience with PFAS, noting impacts to drinking, surface, and fishing waters. The main source comes from firefighting pits at the county-owned airport, and there is not much that the city can do to fix it on their own.

Secretary Witte agreed that there are major issues around competing jurisdictions for water rights and pollution sources.

Grant Cope added that it really gets to the specific type of fish being consumed. Proper signage is key, but we are not yet there fully on consumption risk communication.

Mayor Satya Rhodes-Conway asked broadly about what methods are the most effective for communication.

Grant Cope added that EPA's regional offices deal with a whole variety of different contaminated media, and they should be working with communities. We're coming up with method detections and we're coming up with geospatial maps so that communities can test and identify. EPA is also working with USDA on communication for food safety. In terms of doing outreach to EJ communities, EPA has greatly bolstered resources, but we know there is a gap to address still.

Secretary Witte acknowledged that it is still a challenge to build out risk communication resources, but progress has been made. He noted that improvements around the country are likely put on hold until PFAS liability is ironed out.

Commissioner David Painter noted that LGAC members can play a major role in building out risk communications around PFAS. People are becoming educated about PFAS, so transparency will be the best path forward. Work needs to be done very quickly to limit and restrict these chemicals.

Supervisor Ann Mallek asked if EPA's tools consider downstream transport of PFAS. These chemicals can and have travelled hundreds of miles after being deposited, leading to burden being placed in communities far from the source.

Secretary Jeff Witte closed the discussion and encouraged members to join the PFAS Risk Communications Workgroup.

CLIMATE MITIGATION

Jennifer Macedonia of EPA thanked the LGAC for its work on climate grant funding recommendations. She said that EPA has relied on, and will continue to rely on, the valuable input received from stakeholders. She noted the March 1st announcement of available funds for the first part of the Climate Pollution Reduction Grants (CPRG). The second round will support the implementation of investment-ready measures that are developed in this first phase.

Jennifer Macedonia noted questions about what happens if a state decides that they don't want to participate. If a state declines, their \$3 million in funding will remain in the state and become available to the three most populous metropolitan areas in that state (as noted in the grant guidance), for awards up to \$1,000,000 each. Because of that we are encouraging local governments, even if they're not listed as direct recipients of funding (top 67 MSAs), to indicate their interest in the program.

Jennifer highlighted how the LGAC's recommendations for specific sectors played into the development of the CPRG program. EPA also wants to remain flexible for each state and MSA to recognize the diverse needs within every region. She highlighted the important aspects of community input and focusing benefits on underserved and environmental justice communities.

Mayor Satya Rhodes-Conway thanked Jennifer for her presentation and turned it over to the group for Q&A.

Mayor Lucy Vinis asked how green banks are being managed and if they will play a role in the Greenhouse Gas Reduction Fund (GGRF).

Jennifer Macedonia said she would need to defer to her other colleagues as the GGRF program is not handled in her division and she did not want to speak out of turn. She noted they are still working on the implementation, including how to maximize local and regional participation.

Mayor Satya Rhodes-Conway asked for clarification on the rule regarding MSAs outside the top 67 and how they should declare their interest for possible participation.

Jennifer Macedonia said that there are templates for everything on the EPA website. For MSAs that wish to do so, they can submit a notice of intent to EPA. Cities should keep in mind who will be the lead for the MSA, as it all comes down to which - if any - states decline funding.

With no other questions, Mayor Satya Rhodes-Conway introduced Matthew Dalbey from EPA to discuss the next charge in development for the Climate Workgroup.

Matthew Dalbey summarized the charge about maximizing greenhouse gas reduction through better land use planning. He said that how we use our land and what we build on it directly affects the amount of GHGs released. EPA has tried to address this in an ad hoc manner, but there has not been a single concerted effort to capture this area of emissions. There is not one master tool that can measure the GHG reductions in land use planning. He discussed the importance of high-density housing and sprawl. With this comes a difference in transportation emissions, available greenspace, and energy intensity based on livable square footage in a home. We want to create a way to directly show the number of emissions that would be reduced through better planning. EPA wants to know if this sort of tool would be helpful and what barriers exist in communities to implement more smart growth.

Supervisor Ann Mallek said she would really appreciate a tool like the one, as her town has a long history of debating how and if they need to grow its development. This tool would give them the data-driven information needed to make smart choices.

Mayor Lucy Vinis also agreed that a tool like this would be helpful. It would assist in the planning around what cities should do with vacant commercial space as companies have transitioned into more remote work.

SCAS UPDATE

Commissioner Christine Lowery noted that the Small Communities Advisory Subcommittee (SCAS) will be holding a meeting on Friday March 17th to discuss which charges they would like to address. They will also begin discussion on a charge from EPA's Office of Community Revitalization.

PUBLIC COMMENT

Kevin Morley of the Association of Drinking Water Administrators (ASDWA) made a public comment regarding the cyber security of public water systems and EPA's issuance of a final rule for required sanitary surveys. Morley said this rule did not go through any public notice and comment period, and his organization is concerned that this rule will place a heavy burden on public water systems and is potentially in conflict with the American Water Infrastructure Act (AWIA) of 2018. He asks that the LGAC issue a recommendation to the EPA Administrator to rescind the rule.

NEXT STEPS

Mayor Gaylor Baird thanked the entire group for their participation in the meeting. Paige Lieberman closed the meeting.

ATTENDEES

LGAC Members and Staff

Name	Location
Leirion Gaylor Baird	Lincoln, NE
Lucy Vinis	Eugene, OR
Nick Gradisar	Pueblo, CO
David Painter	Clermont County, OH
Ethan Nelson	Eugene, OR
Jeff Witte	State of New Mexico
Eliza Alford	Philadelphia, PA
Gary Brown	Detroit, MI
Dean Konstantine	Cook County, IL
Brenda Howerton	Durham County, NC
Kim Morrow	Lincoln, NE
Kristin Williams	State of New York
Aly Hernandez	Simon and Company
Jessica Price	Madison, WI
Jonathan Grieder	Waterloo, IA
Kimberly du Buclet	Cook County, IL
Ann Mallek	Albemarle County, VA
Whit Remer	Tampa, FL
Christian Menefee	Harris County, TX
Deana Holiday Ingraham	East Point, GA
Juan Valdez	San Antonio, TX
Neil O’Leary	Waterbury, CT
Genevieve LaMarr LeMee	Philadelphia, PA
Heather Kimball	Hawaii, HI
Sarah Fox	Vancouver, WA
Luke Bronin	Hartford, CT
Ella Jones	Ferguson, MO
Joanne Pierce	Durham County, NC
Ed Eiffler Jaramillo	Minneapolis, MN
Satya Rhodes-Conway	Madison, WI
Steven Gamache	New York State
Rachel May	New York State
Jennifer Covino	Simon and Company
Christine Lowery	Cibola County, NM

EPA Employees

Name	Office/Title
Paige Lieberman	Designated Federal Officer
Melissa Gantt	Office of Congressional and Intergovernmental Relations
Royce Chen	Office of Congressional and Intergovernmental Relations
Edlynzia Barnes	Office of Congressional and Intergovernmental Relations
Jack Bowles	Office of Congressional and Intergovernmental Relations

John Lucey	Office of Congressional and Intergovernmental Relations
Tim Del Monico	Office of Congressional and Intergovernmental Relations
Jordan Henderson	Office of Congressional and Intergovernmental Relations
Sarah Ahrens	Office of Congressional and Intergovernmental Relations
Keylin Rivera	Office of Congressional and Intergovernmental Relations
Rebecca Perrin	Region 8
Patricia Haman	Office of Congressional and Intergovernmental Relations
Loreto Tillery	Office of Congressional and Intergovernmental Relations
Arnita Hannon	Office of Congressional and Intergovernmental Relations
Charles Lee	Office of Environmental Justice and Civil Rights
Marianne Engelman-Lado	Office of Environmental Justice and Civil Rights
Grant Cope	Office of the Administrator
Jamie Piziali	Office of Congressional and Intergovernmental Relations
Madeline Beal	Office of Public Affairs
Matthew Klasen	Office of Water
Megan Susman	Office of the Administrator
Matthew Dalbey	Office of the Administrator
Jennifer Macedonia	Office of Air and Radiation
Anna Benkeser	Office of Air and Radiation

Public Participants

Name	Location/Organization
Darcy Burke	Elsinore Valley Municipal Water District
Parag Kalaria	Elsinore Valley Municipal Water District
Richard Greenfield	Elsinore Valley Municipal Water District
Ganesh Krishnamurthy	Elsinore Valley Municipal Water District
Greg Morrison	Elsinore Valley Municipal Water District
Judy Sheahan	U.S. Conference of Mayors
Kassidy Klein	U.S. Conference of Mayors
Carolyn Berndt	National League of Cities
Ryan McManus	American Public Works Association
Kevin Morley	American Water Works Association
Greg DeAngelo	Southeastern State Air Resources Manager