

**EPA Local Government Advisory Committee  
Summary of Public Meeting held on 2/15/2024**

**2:30pm            Call to Order**

- *Jack Bowles, Director of State and Local Government Relations, and Mark Rupp, Assistant Deputy Administrator, U.S. Environmental Protection Agency*

Jack Bowles provided welcoming remarks and introduced Mark Rupp, Assistant Deputy Administrator for the U.S. Environmental Protection Agency. Rupp noted the critical role that the LGAC plays in EPA operations because it creates an intersection in coordinating environmental protection efforts between federal, state, local, and tribal governments. He went on to discuss how this partnership is vital in the implementation of EPA programs and thanked the members for their work and support.

Rupp concluded his remarks by calling to order the first LGAC meeting of 2024 and welcomed all the new members to the Committee.

**Welcoming Remarks**

- *Mayor Leirion Gaylor Baird, LGAC Chair*

Mayor Leirion Gaylor Baird noted that the next LGAC in-person meeting is scheduled for May 21-22 in Washington, D.C. and encouraged members to attend. She summarized the day's meeting, including hearing recommendations on the Lead and Copper Rule Improvements rulemaking, updates from the workgroups addressing plastic pollution and climate communications, and a new charge on environmental justice and cumulative impacts.

- *Janet McCabe, EPA Deputy Administrator*

Deputy Administrator McCabe began her remarks by thanking the members of the LGAC for their time and hard work. She noted that this will be a very busy year for state and local governments, with a wide-reaching agenda already set for the EPA and for the LGAC due in no small part to massive investments in clean energy infrastructure, community monitoring, and pollution reduction under the Biden Administration.

She highlighted actions EPA has taken in recent years to advance environmental justice and civil rights, and the resources EPA is continuing to focus on community concerns. She discussed the potential value of a circular economy to protect the environment and improve the economy, while also elevating social and environmental justice. McCabe previewed several issues that are currently of concern to both EPA and LGAC or will be over the next year, including water infrastructure, lead pipe replacement, PFAS reporting and reduction.

**2:45pm            New Member Introductions**

- *Mayor Lucy Vinis, Vice-Chair*

Mayor Lucy Vinis welcomed the sixteen new members of the LGAC. Each new member introduced themselves and gave a brief background of their respective experiences.

### 3:05pm      **Lead and Copper Rule Improvements**

- *Director Gary Brown, Workgroup Co-Chair*

Director Gary Brown read the Committee's ten recommendations regarding Lead and Copper Rule Improvements:

1. **Managing 10-year Replacement Timelines:** the LGAC reiterates its prior recommendation that EPA allow flexibility in the rule for local governments to make reasonable requests for extending the timeline to replace lead lines in their communities based upon their unique needs, opportunities, and challenges.
2. **Replacement Program Scope:** LGAC emphasizes that all lead must be removed when encountered, regardless of length of pipe. The definition of a connector is sufficient if it is clear anything over two feet is considered a service line. The LGAC recommends expanding inventory reporting to include connectors, so they are removed.
3. **Access to Private Lines:** Communities need legal authority and funding to gain access to private property, especially rental property. Assuming liability for this work and restoring property and sidewalks can cost as much as the service line replacement itself.
4. **Community Technical Assistance:** Communities may need technical assistance to develop policies and legal framework to successfully deploy a lead service line replacement program, such as model ordinances. Standard legal provisions and access agreements taking control of the private side may invoke constitutional challenges.
5. **Geography:** There are additional factors EPA must consider in determining the timeline for completion of service line replacement. For example, you must dig significantly deeper to reach the frost line in northern cities versus southern cities.
6. **Supply Chain and Labor Workforce:** LGAC recommends that the US government work to secure inventory and stabilize the cost of needed supplies whenever possible. Waiving requirements like Buy American could help alleviate this challenge. If the whole country is simultaneously buying piping, soliciting a workforce, and seeking lab results, there will be shortages that delay timelines and introduce price volatility.
7. **Community Engagement:** A critical part of this work is community engagement, risk communication and maintaining community trust. Most systems lack the bandwidth to do the type of public outreach and engagement that is required. EPA needs to provide dedicated funding and technical assistance to support this.
8. **Deadlines and State Oversight:** LGAC recommends allowing communities to establish their own timelines and not give states any role that allows them to prioritize a municipality's resources or make them expedite replacement if they appear to have the capacity to do so. However, LGAC members believe states could establish incentives for systems that can go faster.
9. **Multiple Exceedances:** LGAC is hesitant to support mandating filter distributions after multiple exceedances because it is administratively burdensome and costly, and homeowners may not use them. LGAC believes the Lead and Copper Rule should specifically allow states to develop their own rules for multiple exceedances.
10. **Corrosion Control Treatment and Samples:** LGAC agrees with the EPA that corrosion control is a reasonable and cost-effective treatment protocol. LGAC supports EPA's proposal that states may approve a Corrosion Control Treatment (CCT) optimization change for a system based on previously conducted CCT studies. There may be room within the range of the utility's current

authorized treatment protocol to increase the orthophosphate level. LGAC agrees with EPA that excessively stagnant samples should be withheld from being sent to the lab.

### **Input from Small Communities Advisory Subcommittee (SCAS)**

- *Mayor Katie Rosenberg, SCAS Co-Chair*

Mayor Katie Rosenberg noted that the SCAS focused its discussion on the implications of the proposed rulemaking for the smaller water systems.

Overall, Mayor Rosenberg noted the SCAS' concerns regarding the proposed lowering of how to define a small water system, highlighting that this is mostly due to limited revenue and limited funding variations (such as matching requirements for planning and implementation). Additionally, she noted that technical assistance plays a critical role for small communities, especially with worker retention declining. SCAS members also expressed concerns with the series of known and unknown impacts it would have on state regulations and guidelines.

Mayor Rosenberg concluded by noting that the SCAS supports the recommendations developed by the LGAC and would like to add that it overall supports EPA taking on the responsibility of authoring the guidance under the Lead and Copper Rule Improvements and emphasizes that EPA will be better suited to develop guidelines driven by science, rather than states.

### **Discussion and Voting on Recommendations**

- *Director Gary Brown, Workgroup Co-Chair*

Director Brown invited other members of the Committee to share their feedback. Mayor Shawyn Patterson-Howard asked what the response might be to communities – especially environmental justice areas – who are not able to meet the proposed 10-year timeline. She emphasized the need for EPA to consider how these communities might be hurt if the policy is not enacted carefully, especially if expenses are passed onto residents or businesses.

Commissioner Ashley Stolzmann agreed with these concerns. She added that her Colorado community is facing a lead issue, and the 10-year timeline may be too long for some communities to wait, especially when children and vulnerable populations are impacted. She highlighted the need to help communities that are disproportionately impacted by lead in drinking water without asking them to bear the cost.

Members voted in favor of finalizing the recommendations.

### **3:30pm Environmental Justice and Cumulative Impacts**

#### **Overview**

- *Robin Morris Collin, EPA Senior Advisor*

Robin Morris Collin gave an overview of the work being done at EPA to address cumulative impacts, noting several reasons why this is an Agency priority: the lived experience of overburdened communities

has been brought to the agency numerous times, for 30 years the National Environmental Justice Advisory Committee (NEJAC) has prepared studies and made requests for the Agency to address the way that communities experience impacts over time in their communities.

### **Presentation of New Charge**

- *Debra Shore, EPA Region 5 Administrator, and Charles Lee, EPA Senior Advisor*

Debra Shore provided additional background about the work EPA has been doing in developing a Community Action Road Map, involving six phases:

1. Screening: utilizing tools like EJ Screen to identify concerns
2. Scoping: characterizing concerns and resources to create an assessment workplan and a collaborative engagement strategy
3. Assessment: conducting analyses of cumulative and disproportionate impacts to provide a holistic understanding of community concerns, and using that data to develop a work plan, a summary of baseline conditions, and findings to inform next steps
4. Decisions and Actions: implementing solutions and establishing program commitments
5. Reporting: compiling and sharing outputs from prior work and producing a Community Action plan
6. Monitoring: (at the same time as Reporting) developing a management strategy for measuring and communicating EPA's progress

Charles Lee presented five charge questions related to cumulative impacts.

1. How can the Community Action Roadmap be a vehicle to advance EPA's overall strategy to assess and address the multiple and cumulative impacts which disproportionately affect historically marginalized communities?
2. How can EPA utilize the Community Action Roadmap to promote local government partnerships with their communities, other federal agencies, and state governments?
3. What input does LGAC have to refine Region 5's Community Action Roadmap Standard Operating Procedures?
4. How can local governments partner with EPA to advance implementation of the Community Action Roadmap in site-specific situations?
5. How can EPA promote national use of the Community Action Roadmap across its programs and regions?

### **Next Steps**

- *Christian Menefee, Workgroup Chair*

Christian Menefee invited interested members of LGAC to join the Environmental Justice Workgroup, which will host monthly meetings beginning February 28<sup>th</sup>.

### **4:15pm Update on Reducing Plastic Pollution Workgroup**

- *Whit Remer, Workgroup Co-Chair*

Whit Remer provided an update on recommendations regarding EPA's Draft National Strategy for Reducing Plastic Pollution. As this document is being finalized, EPA asked the LGAC to prioritize the objectives identified in the strategy, through the lens of local governments. Remer thanked members for completing a survey on this topic and presented the priorities that LGAC members identified as being of high importance, such as extended producer responsibility. He closed his remarks by inviting Committee members to join the monthly Plastic Reduction Workgroup meetings, which take place on the third Thursday of the month.

**4:20pm            Update on Climate Communications Workgroup**

- *Director Darcy Burke and Sarah Fox, Workgroup Chair and Vice-Chair*

Director Darcy Burke outlined the upcoming plans for the Climate Communications Workgroup. First, the workgroup plans to focus on communications that would come from a jurisdiction and support their work. They would also like to focus on specific crisis-driven communications, rather than general language, especially immediately after a weather event. Burke remarked that it is important to highlight the visceral impacts of these crises rather than keep them abstract. The workgroup also decided to focus on the climate-health nexus and engage with people's personal values around safety.

She concluded her remarks by noting that this work will continue through much of the year, and invited Committee members to join for monthly Climate Communications Workgroup meetings on the fourth Friday of each month.

**4:25pm            Public Comment**

- *Lucy Vinis, LGAC Vice-Chair*

Mayor Vinis facilitated the public comment period and took several comments into advisement.

**4:30pm            Meeting Closed**

- *Jack Bowles, Director of State and Local Government Relations*

Jack Bowles closed the meeting.