

Local Government Advisory Committee

Public Meeting Summary

May 22-23, 2023

Monday, May 22

1:00 PM - Public Meeting Opening and Welcome

Paige Lieberman, Designated Federal Officer, opened the meeting.

Mayor Leirion Gaylor Baird, Chair of the Local Government Advisory Committee (LGAC) welcomed members both in-person and online. She provided an overview of the agenda and introduced **Dan Utech, Chief of Staff for EPA Administrator Michael Regan**.

Utech thanked everyone on the committee for their time and service and emphasized the importance of working closely with state and local leaders to implement EPA's mission. He noted the Administrator's extensive travel over the past two years, with the goal of learning from local leaders and crafting strong and resilient solutions together. Utech highlighted members who have gone above and beyond this year to lead the LGAC, including Mayor Satya Rhodes Conway's work to provide recommendations on implementing the Inflation Reduction Act and Secretary Jeff Witte, who is leading a critical process to develop risk communications tools for PFAS.

Utech shared information about EPA's newly launched Thriving Communities Technical Assistance Centers program (TCTAC), which is a game changer for equity and justice across our nation. For the first time ever, EPA has created a robust network of support to uplift and provide critical technical assistance to communities who need it most. He credited the LGAC for their input on bridging the gap between community-level environmental justice priorities and EPA's federal regulatory priorities, to make this program a reality.

Mayor Rhodes-Conway asked **Utech** what he sees on the horizon, that the LGAC should be thinking about?

Utech said that this meeting's agenda is addressing the right issues, including PFAS, cumulative impacts, and implementation of the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA). We'll have more to say soon on IRA implementation grants, and we just recently put out guidance under the Greenhouse Gas Reduction Fund, and then we'll open competitions in the early summer. In particular, there's a \$7 billion program in there for solar that's going to be of interest to this group and folks around this table. Additionally, he noted the power plant space and related proposed regulations, as well as \$50 billion in water infrastructure that is hitting the ground right now, and \$5 billion for funding clean school buses.

Mayor Rhodes-Conway noted the challenge of local government silos and federal government silos not always matching up in productive ways. She asked for advice for local governments on how to navigate the federal government silos, and if there are ways that EPA is working across the federal family to present a more united front to local government. She provided an example of how local governments must apply separately to each pot of money in the IRA, with different information and time frames for each agency, noting that Department of Transportation has taken some steps to address this.

Utech acknowledged how big of a challenge this is, and that one of the goals of the TCTAC program is to address this by building regional hubs that can help folks on the ground to think about and understand the breadth of what both EPA and the broader federal government has on offer.

John Lucey added that the White House has convened several discussions around this and issued some guidance and other deliverables, but EPA is always looking for suggestions as to how we can do better. The White House also has a dashboard on their website for this purpose.

Supervisor Ann Mallek asked a question about EPA's approach to chemical safety, noting the moral value of using the precautionary principle.

Utech said that in 2016 Congress rewrote the Toxic Substances Control Act (TSCA). There has been incremental progress over the past few years, and just in the last appropriations bill EPA finally got some additional funding to ramp up there.

Paige Lieberman completed roll call.

1:30 PM – Updates from Small Community Advisory Subcommittee

Supervisor Mallek provided an update on the Small Community Advisory Subcommittee's (SCAS) work, particularly the preceding meeting. The SCAS was given a charge by the Office of Community Revitalization regarding the transportation challenges that we see for our small communities and the opportunities and barriers that exist.

The recommendations have focused on the transition to electric vehicles and meeting people where they are, including the distance anxiety because of the lack of charging stations, the lack of the grid to support the charging stations, and the reality that different sized communities must find different solutions. Even urban communities using CNG have experienced fuel shortages. The lack of maintenance on charging stations, which have been in existence for quite a while, leads to lack of reliability, and then people are reluctant to count on that if they're going on a long trip. This is a great workforce opportunity to be able to help with job training for people wanting to take on this new business.

Supervisor Mallek continued to note that living in an area where there are fixed routes will work, but there will need to be micro transit elements to bring people to fixed routes or to provide on demand transit for small numbers. A perennial issue that continues for this issue is the lack of ability of smaller communities to have the staff capacity to apply for grants, and the burden of constant reporting.

The final question was what it would take for small communities to achieve walking, biking, and public transportation safety of those assets. The bottom line is that people will not be putting their lives at risk to walk or bike if there's no safe place to do it. This is a place where the whole of government approach is critical because we also must have housing that's affordable and near where people work, so there are shorter distances that needed to travel.

Mayor Vinis asked if there was conversation about how the larger urban areas could either support or partner with their more rural smaller neighbors.

Supervisor Mallek said there were discussions, but not about cost sharing. Quite a few communities have combined transit systems, for example, and so that is one way that that is happening.

Mayor Ray Leon talked about the challenge of developing micro transit feeder lines that connect to fixed routes. In his California community he created a nonprofit rideshare, the first EV ride sharing program in the country. It's operated by retired farm workers in my community, and the intent is to get farmworker families, seniors, and children to their medical and social service appointments. The operation recently expanded to young college and university students. Leon highlighted the underlying issue of private car ownership being viewed as a privilege, and the need to change the culture from every person owning a vehicle to every community owning a fleet. Without this change, the gap between the rich and the poor will only widen.

Councilmember Michelle Zolezi, from Manchester Township, Ocean County, New Jersey, brought up challenges with the grid and the need to build up the infrastructure before everything is pushed to electrification. Dependence on the grid was made clear with Superstorm Sandy.

Director Gary Brown of Detroit, Michigan asked if the federal government could financially incentivize smaller communities to merge into regional authorities. For the federal government it would be a tremendous savings for EPA to communicate with an authority, who would communicate with his members, rather than EPA trying to reach all communities. For communities there would be cost-savings savings with regards to applying for and managing grants. If you can't hire more people, maybe you can downsize the number of communities that you individually have to work with. It's a heavy lift to get counties, cities, or small communities to give up control, but if there's a financial incentive to do it, I think it's worth the effort.

Supervisor Mallek responded by suggesting a future conversation around not only incentives, but also the authority and governance issue. Learning from Michigan's example would be very helpful.

1:45 PM - Recommendations on PFAS and Proposed Drinking Water Standard

Mayor Gaylor Baird introduced the leaders of the PFAS water workgroup, which was created to develop recommendations to the EPA's national proposed drinking water standards on PFAS

Miki Esposito, Assistant Director of Public Works for Los Angeles County and the Workgroup Co-chair, provided an overview presentation. Highlights included:

- This exercise was particularly challenges because there is still so much unknown about PFAS.
- There are over 9,000 known PFAS compounds worldwide, and 600 used in the U.S., but the proposed regulation looks at just 6.
- CDC says it's in our blood and it's in our food. It's in our air and our water and in the land. It's in animals. They also say that it's very harmful.
- In 2022, EPA announced the results of a health assessment, stating that there are no safe levels in drinking water. This led to the subsequent action in April 2023 of proposing an MCL for PFAS in drinking water. The proposed guidance is at 0 for P4 and P5, but the proposed MCL, the enforceable level, is 4 parts per trillion. There's also a chemical mixture, which has a 1.0-unit List Hazard Index.

Recommendations included:

- EPA should employ TSCA to end the production and use of PFAS chemicals, noting that local water systems, water rate payers, and local communities should not bear the burden of cleanup when there are no steps taken to prevent pollution in the first place.
- EPA should use a whole of government approach to find sources of PFAS contamination and use enforcement discretion with water systems impacted by PFAS.
- EPA should use EJ screening and tools to ensure small and underserved communities aren't left behind, that they have access to laboratory testing, technical assistance, workforce development and funding to adequately address PFAS.
- EPA should also examine costs and provide resources and guidance for proper disposal of PFAS contaminated media. We are concerned that if we are screening and filtering PFAS, what do we do with that product that is contaminated with it? Is there going to be more guidance about proper disposal in the future and are there going to be funding mechanisms and technologies to accommodate that?
- EPA should provide technical assistance for treatment and removal technologies and assist with testing private wells, which are typically regulated at the local level, and sometimes the state level.
- EPA should develop a polluter pay framework that holds polluters responsible. In fact, communities should be made aware of PFAS pollution. Perhaps there could be a national standard for disclosure from manufacturers of PFAS and products containing PFAS public disclosure standards, to aid in determining sources and uses. They inspire pollution prevention, source control and pretreatment programs, as well as

generate consumer awareness about products in the stream of commerce so that people can make the choices not to buy the products that contain PFAS.

- EPA should invest broadly in public education, risk communication and consumer awareness campaigns
- EPA should replace the term community water system with water treatment system or potable water treatment system, or at least provide an appropriate definition

Zach Schafer, Senior Advisor in the Office of Water, responded to the recommendations presented. He said that EPA will be hearing from water advocates, trade groups, water utilities, and the community on this issue and is open minded, hoping to use that input to make this the best document that it could be.

Schafer said that EPA understands the importance of investing in education and communications and is working on that with various partners. The Administration is investing \$10 billion from the Bipartisan Infrastructure Law dedicated to addressing PFAS – 9 million of those dollars will be for challenges in drinking water. Alongside that, EPA is implementing the largest technical assistance program we've ever built for water infrastructure investments, including everything from technical assistance and how to apply for funds to building the workforce capacity to deal with these new challenges and the technology, how to install them and build the capacity necessary to maintain them for what is going to be a long road ahead of us.

Gary Brown, Workgroup Co-Chair, facilitated a discussion among members.

- **Mayor Jacob Frey** asked if there is a list of products that include PFAS as an essential ingredient? He also asked if there is anything more that local governments can be doing to prevent these ingredients from entering the water supply to begin with, noting Minneapolis' previous policies banning items like styrofoam from the waste stream.
- **Brown** asked if the LGAC can get EPA to use whatever resources they have to ban the importation and manufacturing of PFAS? He also asked if members have feedback on whether we recommend action on just the six in the rulemaking or more? For this draft, the workgroup settled on the most common and most toxic chemicals. Most important is to turn off the spigot. And you don't do that unless you outlaw manufacturing, importation, and use of PFAS chemicals.
- **Darcy Burke, President of the Lake Elsinore Municipal Valley District**, spoke about a reservoir in California that's contaminated with PFAS and leads to the groundwater that's patched through the service area. **Burke** said the service water is directly contaminated by March Air Force Base, yet the Department of Defense takes no responsibility. So, I have a really hard time believing polluters will pay when the federal government won't take ownership for the pollution that they've done. **Burke** also expressed concern as a wastewater agency that once the agency takes it from the drinking water, now it's part of the sludge in their wastewater, but they don't want to be labeled the polluter. She asked EPA to understand that it's not just about source water protection and not having to pay for the drinking water; the wastewater side is a huge burden. Affordability of this is a big concern because with this regulation the planned \$20 million plant upgrade will become a \$50 million overnight. **Burke** explained that California's current regulatory levels of PFAS in drinking water are 5 parts per trillion. She doesn't understand the health benefit or toxicology evidence of going from five to four when that one number is going to cost tens of millions of dollars. Meanwhile, the only technology available right now to take PFAS out of a surface water treatment plant is granulated activated carbon, and ion exchange resin. The companies that made the PFAS in the first place now own all the companies providing that service.
- **Mayor Rhodes-Conway** noted that her city transitioned about four years ago to a PFAS-free firefighting foam, and the state provided communities some help in disposing of existing foam stocks, but they are still struggling with turn out gear and the availability of PFAS-free turnout gear. **Rhodes-Conway** emphasized the need for EPA to take a precautionary principle approach, because the next version of all these products will have some novel compounds in them that will end up being just as bad as PFAS and we won't know it for a decade or longer. By requiring producer responsibility, you will get the

precautionary principle. She emphasized the need to focus on surface water – beyond just water treatment systems and drinking water – because source water affects subsistence fishing, and ultimately one community’s surface water is a downstream community’s drinking water. For technical assistance, she added that EPA should offer ways for communities to learn from each other.

Supervisor Mallek noted an important distinguishing fact, between microsurgical tubing to deliver chemotherapy that might need an extruded plastic that would require PFAS, as opposed to 250,000 square feet of extruded grass, which is one synthetic playing field. There may be some instances where we need to have PFAS in products, but they should be very, very limited.

Mayor Nick Gradisar of Pueblo, Colorado, suggested that the terminology should be “producer pays” rather than “polluter pays”, because the fire department could be the one that’s using these chemicals. The emphasis should be on the manufacturers and the producers of these chemicals that put them in the stream of commerce in the first place.

Mayor Ingraham shared that her community had been approached about suing a PFAS contaminator, but there are still too many unanswered questions regarding who will pay for that legal/enforcement process, what residents should be told during the process, and how long of a timeline can be expected. She is concerned that we won’t end up getting the producer to take responsibility because at the time of pollution, they complied.

Councilmember Kimball expressed concern whether banning manufacturing in the United States would end up with the leakage of production to other countries, and then be imported. We’ve outsourced recycling from this country in the past to areas that don’t have the best human rights practices, and this could happen with PFAS.

Mayor Mary Lou Pauly of Issaquah, Washington, shared how PFAS was identified in her community’s drinking water system seven years ago. She said it has cost her community of 40,000 people a lot of money, and she is concerned that the financial analysis provided by EPA is insufficient and does not capture the full cost. Pauly also noted the need for national messaging that all elected and appointed officials can use to talk about why we’re taking these actions, and what the risks are when PFAS is found in your community.

Evan Hanson, State Representative from West Virginia, noted that West Virginia has been addressing this issue for the past few years. The state legislature passed a bill this year focused on holding polluters accountable and not the ratepayers. One thing he has learned through this process is that it’s not always obvious where it’s coming from and it’s going to take some combination of additional groundwater or surface water monitoring to figure out what the upstream sources are. It might be many different types of programs that can be used to address these sources, not just cracking down on NPDES permits. There may be legacy pollution sites or landfills. Even air deposition can be a source. All different levels of government have a role to play to identify sources. I’m not sure how to address the timing issue that will arise where the Safe Drinking Water Act will have a very fixed deadline for enforcing a MCL, but there may be a parallel effort happening to identify the sources. In that instance, the issue must be addressed, but the ratepayers will end up paying for it instead of polluters. There needs to be some type of exception where the compliance deadline can be extended some appropriate amount of time.

The members voted 25-0 to approve the recommendations.

2:30 PM – Meeting Closed

Paige Lieberman closed the meeting, as discussions planned for the remainder of the day were deemed preparatory.

Tuesday, May 23

8:30 AM – Public Meeting Opening, Welcome, and Discussion on 2023

Paige Lieberman, Designated Federal Officer opened the meeting and welcomed all attendees.

Mayor Leirion Gaylor Baird, LGAC Chair, gave an overview of the day's discussions. She also invited members to weigh in on what they would like to see with the Committee over the next 6 months.

John Lucey, EPA Deputy Associate Administrator for Intergovernmental Relations provided an overview of what EPA plans to address through the end of the year. Highlights included PFAS regulation under the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA), and how EPA is working to support local governments and utilities as the passive receiver of these chemicals. He also mentioned the Agency's work to address climate mitigation, including with the recent proposal of Clean Air Act Section 11, dealing with the power sector.

Regarding concerns raised on grant fatigue and staffing shortages, **Lucey** said EPA is trying to think outside the box and would love to hear from the Committee on ways to improve. One tangible change is the recent creation of Technical Assistance Centers, or TCTAC grants. These grants have been awarded to organizations and universities across the country with the goal of partnering with state and local officials on the ground and fill the gaps in administrative capacity.

Lucey opened the discussion to questions from LGAC members.

- **Secretary Michael Scuse of Delaware** noted that the water working group raised a great deal of concern about the ability for small communities that desperately need help, and the ability for those small communities to apply for the funding. One of the things that we urged EPA to do was a great deal of outreach and coordination with other groups within those states or counties, to make sure that that money was available to those small communities. Scuse asked what has been done in response?
- **Lucey** replied that EPA has taken some steps to address this problem, but that more work is needed. Steps forward include enhancing EPA's environmental finance centers across the country, to dive into smaller communities that don't have capacity, and to serve as a one-stop shop for learning about, applying for, and managing grants. EPA's regional offices are also expanding, thanks to funding in the Bipartisan Infrastructure Law (BIL), with the goal of connecting to more communities. Some funding streams have been earmarked for small communities – notably \$10 billion in PFAS funding in the BIL. Finally, the EPA's office of water has pushed for states to highlight EJ communities and small/underserved communities in required Intended Use Plans for State Revolving Funding.
- **Lieberman** added that EPA is implementing the LGAC's 2022 recommendation to engage more with state municipal leagues and associations. EPA is already broaching this with its regional offices and will be engaging the local municipal leagues at the next LGAC in-person meeting, in Q1 2024.
- **Supervisor Mallek** referenced the idea that the market will take care of things and requested that EPA support this resolution by providing consumers information about where PFAS is found, and how to buy products without it.
- **Mayor Pauley** talked about the issue of trying to address climate goals while also increasing housing stock. She spoke of Inflation Reduction Act (IRA) funding that appears to promote new construction, rather than the climate-forward approach of retrofitting existing buildings.
- **Lucey** said that EPA is still designing the Greenhouse Gas Reduction Fund that she mentioned, but there are a few different buckets of money, including \$7 billion to work through housing codes related to adding solar energy. Lucey said the intent is not to focus exclusively on new building, but that he will follow-up with more specifics.

- **Mayor Luke Bronin** noted the importance of this conversation, and the opportunity for EPA to be an advocate for adaptive reuse. He said there is a major bottleneck in that process in the interpretation of the stored tax credit rules (under National Park Service), where oftentimes the team that implements and administers those rules takes far too restrictive of a view. That makes redevelopment harder than it ought to be. Bronin asked for EPA to play an active role in the interagency process and advocate for interpretation that recognizes the environmental value of adaptive reuse.
- **Mayor Rhodes-Conway** added that while adapting buildings is the way forward, she has seen the issue of adaptive reuse weaponized against density and affordable housing. If you're talking about a large building being adaptively reused, it's a clear path forward. If we're talking about two small houses that will house two families being replaced with a building that can house 100 families, the carbon tradeoff is probably worth it. Rhodes-Conway cautioned the group to not look at this as a black and white issue. Rhodes-Conway also noted the bigger challenge, that with every action government takes to address one problem, there is likely a negative climate impact on the other side. She called on EPA to play a role in at least helping to surface those tradeoffs. EPA shouldn't be making those decisions but getting local governments good information to use in weighting the tradeoff. For example, the evaluation of technology for PFAS removal in treatment systems should include the energy use intensity of those systems and some of the inherent trade-offs. Rhodes-Conway asked EPA to access its expertise and share related technical assistance.
- **Mayor Frey** said that regarding potential zoning changes, it would be helpful to have EPA's guidance and recommendation, because these issues quickly become political at the local level. He noted that Minneapolis entered a 2040 comprehensive plan, which eliminated single family exclusive zoning and called for higher density along the commercial corridors. If you look at the data, this change indisputably reduces the per capita carbon footprint because people would be living in the city as opposed to driving 45 minutes, they would be living in a multifamily unit as opposed to an individually heated single-family home. However, the City is mired in lawsuits right now, with environmental groups on one side supporting the plan, and migratory bird groups on the other side opposing it. It would be helpful to have a clear recommendation and decision on how the zoning can impact climate change or can impact the per capita carbon footprint, because then we could just find a way to move forward. He added that zoning is a controversial issue, but it's one that we're going to have to address if we're going to solve the issues that we are experiencing collectively.

9:15am – Environmental Justice

- **Present Charge**, *Marianne Engleman-Lado*, Principal Deputy Assistant Administrator, EPA Office of Environmental Justice and Civil Rights

Marianne Engleman-Lado, Principal Deputy Assistant Administrator for EPA's Office of Environmental Justice and Civil Rights presented a finalized charge for the LGAC, which is designed to continue the dialogue regarding stronger partnership between local governments and EPA to better address the needs of communities with environmental justice concerns. She said that the dialogue will build on five recommendations made by the LGAC in July 2022 in the areas of zoning and land use, permitting and cumulative impacts, technical assistance funding, best practices to mitigate harmful environmental effects, and expansions of programs that integrate communities into decision making.

She explained that the charge is divided into two separate parts: one for the workgroup to serve as a general sounding board for the office, and the other to focus on specific questions related to cumulative impacts. Specific questions of the latter include:

1. How can EPA better address factors, such as land use planning or infrastructure investment, that contribute to concentration of environmental burden through federal policy?
2. How can local governments partner with EPA and states in addressing cumulative impacts through better coordination, planning, working with communities, and other actions?
3. Based on an overview of existing EPA authorities to address cumulative impacts in the permitting context, (a) where is the great need, from a local perspective, to consider cumulative impacts, and (b) which statutory authorities may present the greatest opportunities for addressing those needs?

Engleman-Lado went on to highlight the recent development of 17 Environment Justice Technical Assistance Centers (TCTACs), which will receive \$177 million to help underserved and overburdened communities across the country. The centers are located around the country, and each will receive at least \$10 million. This work is being done in partnership with the Department of Energy, so that programs can be supported across the two federal entities.

She noted that the development of these centers is one way EPA is implementing Executive Order 14096 to take action that supports environmental justice communities. She noted language in the Executive Order that speaks to what is involved in meaningful engagement, how to define environmental justice communities without regard to race, color, national origin, tribal affiliation, income, and disability. It also includes the term “disability,” recognizing that in our most vulnerable communities, there are a disproportionate number of people with disability. There are many more actions in the Order for EPA to address in coming years, and EPA is eager to use the workgroup as a sounding board.

The first action is launching an annual process to strengthen racial equity and support for underserved communities by producing an annual public equity action plan. The updated Equity Action Plan is due in September, with a draft in July. With this timeline the work can be incorporated into the annual budget process. The Executive Order calls on each Agency to identify five outward-facing priority areas that achieve results in communities, and **Engleman-Lado** noted that EPA is focusing on rural equity, strengthening civil rights compliance and enforcement, and promoting data equity and transparency, and looking for input on what else to include.

- **Facilitate Discussion, Mayor Deana Holiday Ingraham**

Mayor Ingraham, chair of the Environmental Justice Workgroup, facilitated a discussion with the Committee on the charge presented. She said that her priority for cumulative impacts is where industrial was allowed to be next to residential, especially when the construction occurred before any zoning was in effect, so there is no legal option to shut down the company.

Councilmember Jonathan Grieder of Waterloo, Iowa, echoed this idea. He noted that even though a weapons manufacturing facility in his community closed 20 years ago, there are still impacts, including a hesitancy to redevelop the site due to the cost of remediating potential contamination, despite a great need for more housing and retail. Another aspect of this work is the need for communications support, to explain how the city is working with EPA and other state level partners to remediate the property. Right now, the only resource is the website, and that leaves a lot of questions unanswered; ideally there would be regional or other staff come in and provide support.

Mayor Rhodes-Conway raised three items for consideration. First is the issue of cleanup prevention when it comes to industrial sites, and how part of the discussion needs to be how to make decisions today that won't create future issues. Second, she recommended that EPA and the federal family consider not just disparities between communities when defining environmental justice but disparities within them. Even if a community looks good at a broader level, there may be pockets that are disadvantaged and warrant investment and attention, especially with things like EV charging infrastructure. She also noted the problem of older model cars being sold over time to lower income communities and causing pollution – she asked the group to consider the broader cumulative impact

of that. At the same time, there's concerns with existing affordable housing, which need to be preserved, but also are more likely to have polluting appliances. She asked if there are things we can do as we try and mitigate the climate impacts to also mitigate indoor air quality impacts and improve health for families? Third, she raised the concern of PFAS accumulation in fish for those who are subsistent.

Mayor Ingraham noted the need for greater reference made using existing statute, and better enforcement of our local requirements that are already on the books for existing industries.

Councilmember Fox raised the issue of ensuring we have input from the affected, overburdened communities, in the work that we are doing. She noted that in the State of Washington there are attempts to reach these communities, particularly by directly funding community-based organizations. However, there has been some pushback, with people saying we should be listening more to the elected representations or the paid staff and community, more than the community organizations. She also noted that the time frame with community organizations sometimes doesn't match with the time frame of government programs, and it can be a challenging partnership.

Councilmember Kimball said one concern is that programs to encourage adoption of solar have been made available in such a way that the higher income population have taken advantage, which shifts the burden of maintaining the grid to the lower income population. To counter this, she recommended that EPA look for programs that don't require any upfront payment. Based on work with the indigenous community in Hawaii she also recommended including traditional knowledge in the decision-making process.

Mayor Gaylor Baird asked about best practices to help people move to safer ground regarding repeated stormwater and flooding issues.

Engelman-Lado said that EPA has required communities to separate stormwater sewers from sanitary sewers, to avoid runoff of sewage into waterways. There's been a lot of money invested in that, but unfortunately the aperture of that is narrow, and the only thing that can be funded using the Clean Water Act is the actual separation, not using the opportunity to minimize the risk of flooding.

Mayor Sharon Weston Broome of Baton Rouge, Louisiana asked about whether EPA has conducted or referenced any community assessments as part of identifying priorities.

Engelman-Lado said that as the new Office of Environmental Justice and Civil Rights is developed, they have staff in each regional office to engage in this kind of work. They have looked at barriers to equity and environmental justice and did focus groups with local governments and farmworker groups as part of that.

Charles Lee, EPA Senior Advisor on Environmental Justice, said that as the new office is developed, they are trying to prepare themselves for outreach with all kinds of data, including demographic, health, social and climate vulnerability. This leads to an approach where we end up with community-informed designs of programs.

10: 45am Climate Mitigation

- **Update on EPA Actions from Office of Air and Radiation**, *Joe Goffman*, EPA Assistant Administrator for Air and Radiation

EPA Assistant Administrator for Air and Radiation Joe Goffman shared several recent actions his office has taken to address climate change. This includes a proposal to address carbon dioxide emissions from the power sector under Section 111 of the Clean Air Act, which was first started under President Obama, revised under President Trump, and now this is the third attempt to get it right. **Goffman** said he is optimistic about the current approach,

because EPA can build on the experience of doing this before, and the guidance of the Supreme Court in the 2022 West Virginia vs. EPA case. He said the proposal takes a traditional approach under the Clean Air Act to establish standards that are based on emissions control technologies or clean fuels to formulate the numerical standard that the covered power plants are subject to. **Goffman** noted that these standards are being issued at a time of great dynamism in the electricity sector. Since 2010 the sector has undergone a lot of change, mostly in the direction of cleaner energy driven by changes in the economics of natural gas and coal relative to each other, and change driven by various public policy attempts to drive down the cost of renewable energy and make it more available so that renewable energy generation is cost-competitive with fossil fuels. Knowing the dynamism in the sector, the proposal is structured in a way that gives utilities both a level of accountability for achieving CO₂ reductions, and flexibility over time to account for all the different options and all the different ways in which clean energy is being supported by public policy. EPA is looking to finalize this proposal in about a year and think it will work in harmony with state clean energy policies and the policies in the IRA. In addition to significant CO₂ reductions, we also expect to see significant reductions in air quality pollutants like SO₂ and NO_x.

Goffman also provided an overview of EPA's proposal of emission standards for light-duty vehicles (cars). These standards not only address CO₂ emissions, but also pollutants that affect air quality. Based on the proposal we expect to reduce CO₂ emission on the order of 7.5 to 9 billion tons over a 20-year span, which is about a year or two's worth of CO₂ from the entire U.S. economy, based on the 2022 inventory. The proposal was made with the understanding that vehicle manufacturing is moving quickly to electric. However, we also included three alternative approaches to compliance to ensure that between now and the time we issue the final rule, we've worked directly with labor and with the auto manufacturers to really understand how to land the final standards and the final projections of EV reliance in a way that ensures that these vehicles are affordable. One thing not in the proposal is a ban on the internal combustion engine. EPA understands that we're dealing with consumer product and it's essential that when we're regulating companies that make consumer products, we ensure that they have flexibility and choice in implementing their business plans and that customers have options.

- **Update on Climate Pollution Reduction Grants**, *Maria Laverdiere*, EPA Senior Advisor for IRA implementation

Maria Laverdiere, Senior Advisor for IRA Implementation, thanked the LGAC for their input on the Climate Pollution Reduction Grant (CPRG) guidance and detailed how they were implemented.

- EPA listened to the recommendation for sector and project prioritization, that funds be available across multiple sectors, including transportation, buildings, agriculture, land use, etc. In response, we set up the planning grant program to provide flexibility in reducing greenhouse gas emissions while respecting flexibility to pursue activities tailored to a region's unique needs.
- The LGAC submitted feedback on how EPA should integrate the needs of underserved communities. We are requiring states, metropolitan areas with planning grants to conduct meaningful engagement, especially with low income and disadvantaged communities throughout its jurisdiction. The program guidance called for sustained collaboration with communities and other stakeholders throughout the climate planning process and into implementation. Furthermore, recipients are required to address the benefits of greenhouse gas production within low income and disadvantaged communities in both the priority and the comprehensive climate action plans.
- The LGAC recommended that EPA provide stakeholders better and more streamlined access to available resources. In response, we're working to keep our CPRG website up to date with tools and resources. There's a list of publicly available tools and technical resources there to assist eligible entities already, in both developing and updating climate plans. In addition to that, our regional staff are working with eligible entities that are involved in this process and we will continue to update those resources as we get

into summer. Our website includes a consolidated table of BIL and IRA programs and the guide to searching for funding opportunities on grants.gov hopefully make that process a little easier. That example speaks to the requirement we have in the program guidance that asks you all to consider the variety of funding resources available to your communities under the Inflation Reduction Act and the bipartisan infrastructure law. Part of the goal of the planning grants is to help you all take on the fire hose of federal resources that are coming at you.

- Regarding how to facilitate cooperation and coordination across various government levels, EPA is requiring state governments who receive funding to collaborate with air pollution control districts and large and small municipalities statewide. As part of that process, states must work with those groups to identify and include priority greenhouse gas reduction measures in their plan that could be implemented at the municipal level. Funding for those identified measures, even if they didn't directly receive a planning grant, this collaborative process will help municipalities identify other funding opportunities that they can leverage to fund climate work in their region. We also set aside money in the program solely for local governments separate from a state award, regardless of the state award, we wanted a separate pot for local governments, for metropolitan statistical areas.

Laverdiere highlighted that the CPRG program has two stages. The first stage is \$250 million in planning grants going to states, local governments and tribes, territories, and then the second stage is a competition for \$4.6 billion in implementation grants. We want folks to think big when it comes to implementation grant applications and we anticipate more guidance coming on this in the fall of 2023. So far in the planning phase, 46 out of 50 states opted in, as well as Puerto Rico and the District of Columbia. And 78 of the 79 eligible MSA's opted in, along with an additional 27 interested. For planning grant recipients, the priority climate action plans are due March 1st, 2024, and these will lay a critical foundation for entities to compete in the implementation phase coming next year.

- **Report Out on Workgroup Activities and Discussion**, *Mayor Satya Rhodes-Conway*, Workgroup Chair

Mayor Rhodes-Conway provided an overview of the Climate workgroup's charge and recruited new workgroup members. She said the charge includes five big questions related to the barriers around compact climate, friendly growth, and issues of land use, including: How can we shift towards climate friendly land use patterns, and what are the barriers of adaptive reuse of existing buildings? What are the things that EPA can do to support us in all those questions, but also more specifically in the realm of data? She noted that one feature of every monthly workgroup meeting is to highlight a member's work, as it helps EPA hear the contours of what climate work looks like across a range of communities.

Mayor Rhodes-Conway asked EPA about indoor air quality emissions, and the impacts that using fossil/natural gas for heating has on both health and carbon emissions.

Goffman said that EPA does not have much authority on this issue under the Clean Air Act. The office is currently tracking the emerging science on this topic and is open to considering more action, but so far, the Court has not granted much weight to the public health benefits when questioning the scope of EPA's authority. He added that this wouldn't be the first time we were at a juncture in which an emerging public health issue and first-generation responses to it were elevated by local action.

Mayor Rhodes-Conway acknowledged the frustration in the room that most LGAC members were not eligible for the planning grants. She said she's a huge fan of the idea of regional cooperation and regional governance, until you try and do it. For those of us who are ready to take climate action, you have tied us to our neighbors who are not, and we are being dragged to the lowest common denominator, which is incredibly frustrating. She recommended that as EPA is thinking about the implementation funding, they think about ways to untie the

leaders and let us take action to go further, faster. Finally, she recommended that EPA have a plan to get feedback on the CPRG structure from both the people who received them and those who did not.

- **Laverdiere** responded that while regional cooperation is very important to move the needle, we hear the frustration that you are sharing. One thing EPA is struggling with regarding the planning grants is that there was one allocation of funding, and we had to determine how to get these funds out in a way that reaches as many people as possible, and maybe bring in new recipients. EPA did implement the LGAC's recommendation to require states to work with localities on their planning process. Timeline of planning grant is:
 - o State workplans already submitted
 - o MSA workplans due May 31
 - o Priority Climate Action Plans due March 1, 2024
 - o More information on implementation grants coming in the fall of 2023

Whitford Remer, Sustainability Coordinator for Tampa, Florida, said that he is in a different kind of frustrating position – his city is the principal in an MSA, in a state that declined the funding. There are two utilities and 4 counties (with mixed politics) and a state that prevents any meaningful action under the rules. There is \$4.3 billion available, but his preference would have been to just unlock that money and share it between everyone that already has a climate plan, because we have more than enough projects to spend the money. You could have just sent a checklist and noted the things you're looking for. With the current setup, Remer is three weeks away from releasing his city's first ever climate action and equity plan, but I feel like that's a set back because it's about 70 percent toward what EPA wants. In the end it's going to be a paperwork exercise for two years with a consultant, while the various deliverables are developed, while I'm waiting around for this money to be unlocked to do meaningful projects.

- **Laverdiere** responded that Congress directed planning grants to be issued first, so there was no option for EPA to immediately allocate implementation grants. EPA acknowledged the frustration and committed to working with Tampa however possible.

Representative Hansen said that his state has an administration that is somewhat uninterested in taking steps to address climate change. He asked what kind of safeguards are in place to make sure this is not just a paperwork exercise, but results in meaningful reductions in greenhouse gas emissions.

- **Laverdiere** responded that there are specific guidelines and deliverables of the grant that will be expected by EPA, to hold states accountable. While there is no desire to rescind funding, EPA does have that authority.

Representative Hansen also asked about Section 111 under the Clean Air Act. For a coal-fired power plant to remain open with the new rules, will they have to implement carbon capture and sequestration?

- **Goffman** replied that it depends. The proposal identifies a subcategory of coal-fired power plants that would have to meet a standard equivalent to the performance of CCS, and those would be power plants that continue to be relied on for intermediate or base load levels of utilization and that the operator continued to run until at least the end of the next decade. EPA considers the investment justified if the plant will be used indefinitely, but not if it's being phased out. The standard is based on co-firing with natural gas, and EPA anticipates that some of the operators will maintain a utilization limit. However, this is looking at the fleet of already existing power plants, and the way the Clean Air Act is constructed is that it's ultimately states that determine what the requirements are for the power plants in their jurisdiction, so that they can put in place plans that sort of mix and match these different options, provided that overall, they meet an emission limit.

- **Representative Hansen** asked if EPA has done any modeling in terms of the impact on grid stability because there's been a more vigorous debate in the state of West Virginia recently about whether certain coal-fire power plants can close while allowing PJM to maintain resilience of the grid.
- **Goffman** replied that EPA consults regularly with PJM, DOE, FERC, and the balancing authorities when it designs proposals to ensure that there's flexibility for the grid operations. EPA's first engagement on this issue was in March with the issuance of the Good Neighbor Plan, which address NO_x emissions during the ozone season. EPA spent a lot of time with grid operators to really get their input on the flexibility needed for plants to stay in compliance, while still being able to be dispatched. Ensuring grid stability is a continuous process, and EPA is trying to maintain a feedback loop with grid operators as they work through all these actions.

Councilmember Grieder asked what avenue are available for communities in states that declined funding to access funding.

- **Laverdiere** offered to follow-up with **Grieder** about what other IRA funding might be available.
-

Public Comment

A comment was received virtually from **Chris Moody**, regulatory technical manager with the American Water Works Association, which is the largest drinking water organization representing more than 50,000 individual members and approximately 4,500 drinking water utilities across the US that are responsible for more than 80 percent of the nation's drinking water supply.

Moody said that AWWA's members believe that the proposed drinking water standards for PFAS represent a significant step forward for EPA in the water sector towards protecting public health, but they also believe that the rule can be improved upon. He shared a few highlights of these improvements:

- He laid out the required timeline for water systems complying with the rule, which is 3 years, but includes phases of sampling, developing design upgrades, obtaining funding, conducting pilot testing, receiving state approval and permits, and doing the actual construction or updates. He noted that given all of what is required it will be very hard to complete in 3 years. AWWA recommends that EPA leveraging its authority of the Safe Drinking Water Act to extend that compliance deadline for all systems to 5 years, so that the states don't have to individually do it on a case-by-case basis.
- **Moody** echoed the LGAC's comments from this meeting that as EPA moves forward with drinking water standards, it's very important that they also fully address PFAS through other statutes like TSCA and the Clean Water Act. He noted that drinking water standards are financially carried by communities and the rate payers and households, while some of these other authorities place the burden on manufacturers and users.
- **Moody** echoed concerns of the LGAC members that the cost estimate included in the proposed rulemaking is too low, noting that a recent estimate by a national drinking water treatment consulting firm placed the cost of the rule more than four times higher than the EPA's estimates, and data from previously built facilities shows a similar trend.

Mayor Vinis thanked **Moody** for his comments.

11:55 AM - Wrap-Up and Meeting Closed

Mayor Gaylor Baird thanked everyone for their time and attention during this meeting. **Paige Lieberman** noted that a meeting summary will be available within 30 days, and that she will work with the Executive Committee to

incorporate discussions on the PFAS drinking water rulemaking and submit that to the EPA Administrator by the end of May.

Paige Lieberman closed the meeting.

ATTENDEES

In-person Attendees - Members

1. The Honorable Darcy Burke, Municipal Water District, Lake Elsinore, CA
2. The Honorable Luke Bronin, Mayor, Hartford, CT
3. Mr. Gary Brown, Director of Water and Sewerage Department, Detroit, MI
4. The Honorable Kimberly du Buclet, Water Reclamation District Commissioner, Cook County, IL
5. Ms. Miki Esposito, Associate Director of Public Works, Los Angeles County
6. The Honorable Sarah Fox, Councilmember, Vancouver, WA
7. The Honorable Jacob Frey, Mayor, Minneapolis, MN
8. The Honorable Leirion Gaylor Baird, Mayor, Lincoln, NE
9. The Honorable Nick Gradisar, Mayor, Pueblo, CO
10. The Honorable Jonathan Grieder, Councilmember, City of Waterloo, IA
11. The Honorable Evan Hansen, House Delegate, State of West Virginia
12. The Honorable Brenda Howerton, County Commissioner, Durham County, NC
13. The Honorable Deana Holiday Ingraham, Mayor, East Point, GA
14. The Honorable Heather Kimball, Councilmember, Hawai'i County
15. The Honorable Ann Mallek, Supervisor, Albemarle County, VA
16. The Honorable Christian Menefee, County Attorney, Harris County, TX
17. The Honorable Mary Lou Pauly, Mayor, Issaquah, WA
18. Mr. Whitford Remer, Sustainability and Resilience Officer, Tampa, FL
19. The Honorable Satya Rhodes-Conway, Mayor, Madison, WI
20. Mr. Michael Scuse, Secretary of Agriculture, Delaware Department of Agriculture, Dover, DE
21. The Honorable Lucy Vinis, Mayor, Eugene, OR
22. Mr. Jeff Witte, Secretary, New Mexico Department of Agriculture, NM

Virtual Attendance - Members

1. The Honorable Sharon Broome, Mayor, Baton Rouge, LA
2. The Honorable José Carlos Aponte Dalmau, Mayor, Carolina, PR
3. The Honorable Ella Jones, Mayor, Ferguson, MO
4. The Honorable Rachel May, State Senator, Syracuse, NY
5. The Honorable Ron Nirenberg, Mayor, San Antonio, TX
6. The Honorable David Painter, County Commissioner, Clermont County, OH
7. Ms. Lisa Wong, Town Manager, South Hadley, MA

Additional Attendees

1. Dan Utech, EPA Chief of Staff
2. Joe Goffman, Assistant Administrator for Air and Radiation
3. Marianne Engelman-Lado, EPA Principal Deputy Assistant Administrator for Office of Environmental Justice and External Civil Rights
4. John Lucey, EPA Deputy Associate Administrator for Intergovernmental Relations
5. Maria Laverdiere, EPA Senior Advisor
6. Zach Schaffer, EPA Senior Advisor
7. Charles Lee, EPA Senior Advisor
8. Paige Lieberman, EPA Designated Federal Officer

9. Edlynzia Barnes, EPA Designated Federal Officer
10. Jack Bowles, EPA Director of State and Local Government Relations
11. Andrea Denny, EPA Senior Advisor
12. Ed Eiffler Jaramillo, Minneapolis, MN
13. Kim Morrow, Lincoln, NE
14. Marshall Wilson, New Mexico Department of Agriculture, NM
15. Jonathan Gordon, Newark, NJ
16. Juan Valdez, San Antonio, TX

Future Issues to Consider

Discussion on options for authority and governance related to regionalization, specifically learning from Michigan's water experience. *Venue: SCAS; Members: Mallek, Brown*

EPA is trying to think outside the box regarding how to support communities with grant fatigue and staffing shortages. *Venue: SCAS/LGAC Workgroup;*

EPA is implementing the LGAC's 2022 recommendation to engage more with state municipal leagues and associations. EPA is already broaching this with its regional offices and will be engaging the local municipal leagues at the next LGAC in-person meeting, in Q1 2024. *Venue: LGAC; Members: Scuse*

Indoor air quality emissions and the impacts that using fossil/natural gas for heating has on both health and carbon emissions. *Venue: Climate Workgroup; Members: Rhodes-Conway*

Action Items

John Lucey to share more information with LGAC (specifically Mayor Pauley) about how the Greenhouse Gas Reduction Fund will interact with the nexus of climate and adaptive reuse of buildings.

EPA to seek feedback on the CPRG structure from both the people who received planning grants and those who did not. *(Laverdiere, Rhodes-Conway)*

Maria Laverdiere to talk to Jonathan Grieder about IRA funding options, and generally share resources about IRA funding options for communities that did not access CPRG planning grants.