

EPA Local Government Advisory Committee

Public Meeting Summary

September 29, 2023

Meeting Attendees

Jon Gordon, representing Mayor Ras Baraka, *Newark, NJ*

Darcy Burke, *Elsinore Valley Municipal Water District, CA*

Sen. Kimberly du Buclet, *State of Illinois*

Miki Esposito, *Assistant Director of Public Works, Los Angeles County, CA*

Councilmember Sarah Fox, *Vancouver, WA*

Genevieve LaMarr LeMee, representing Councilmember Katherine Gilmore Richardson, *Philadelphia, PA*

Rep. Evan Hansen, *State of West Virginia*

Commissioner Brenda Howerton, *Durham County, NC*

Councilmember Heather Kimball, *Hawai'i County, HI*

Supervisor Ann Mallek, *Albemarle County, VA*

Kristen Williams, representing Sen. Rachel May, *State of New York*

Attorney Christian Menefee, *Harris County, TX*

Commissioner David Painter, *Clermont County, OH*

Mayor Mary Lou Pauley, *Issaquah, WA*

Jessica Price, representing Mayor Satya Rhodes-Conway, *Madison, WI*

Secretary Michael Scuse, *Agriculture Department, State of Delaware*

Mayor Lucy Vinis, *Eugene, OR*

Secretary Jeff Witte, *Agriculture Department, State of New Mexico*

Mark Rupp, *EPA Deputy Assistant Administrator*

John Lucey, *EPA Deputy Associate Administrator for Intergovernmental Relations*

Zach Schafer, *EPA Senior Advisor*

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

Paige Lieberman, *EPA Designated Federal Officer*

Lynzi Barnes, *EPA Designated Federal Officer*

Meeting Summary

Meeting Opening

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

Mayor Lucy Vinis, LGAC Vice-Chair, welcomed all attendees and provided a brief overview of the agenda.

Welcoming Remarks

Mark Rupp, Assistant Deputy Administrator at EPA, provided opening remarks. Rupp discussed the availability of federal funding for state and local projects and the role of the Inflation Reduction Act and Bipartisan Infrastructure Law, including:

- An additional \$500 million recently made available to fund electric school buses
- An additional \$100 million in grants to support innovative technologies in building materials that reduce greenhouse gas emissions

Under the Climate Pollution Reduction Grant program seventy metropolitan statistical areas have received \$1 million in planning grants; a total of \$4.6 billion in grants will be available to drive community-driven solutions to climate change.

Rupp addressed previous recommendations from the Committee regarding updating building and zoning codes to encourage greater walkability and transit-oriented development, noting that more of these opportunities will be coming out in the future.

Rupp also discussed the proposed legally enforceable limits for six different PFAS chemicals known to occur in drinking water, and the issuance of an advanced notice of proposed rulemaking designating these chemicals as a hazardous substance under CERCLA. He went on to talk about the finalization of a rulemaking that requires the largest ever collection of data on the domestic manufacturing of PFAS under the Toxic Substances Control Act.

LGAC members asked questions of Rupp. Darcy Burke, Director of Elsinore Valley Municipal Water District, was encouraged by the fact that manufacturers will be held responsible for PFAS contamination, but asked for a timeline on when such actions might begin to take place. Rupp was not able to provide an exact time frame but offered to follow up with information regarding litigation.

Presentation of Recommendations from the Small Communities Advisory Subcommittee

Lynzi Barnes, Designated Federal Officer for the Small Communities Advisory Subcommittee (SCAS), provided an overview of the recommendations on access to federal resources, acknowledging the needs of small communities to support clean, convenient, and affordable transportation options for residents and businesses. Earlier this year, the SCAS was given a charge by the Office of Community Revitalization regarding the transportation challenges they see for small communities, and the opportunities and barriers that exist. The issues SCAS presented regarding support for clean transportation were:

- Increased risk with being early adopters to electrifying vehicles and testing early technologies, including expensive upfront costs and maintenance;
- Limited available tax base to pay for the initial cost of electrifying a transit system;
- Implementation issues in adopting electric vehicles due to geographic distance of local amenities, especially in more remote and agricultural communities;
- Grid capacity concerns at the municipality level;
- Significant investment of time needed for a small community to electrify a transit system, noting the perception that fleet electrification costs far outweigh the cost of pursuing Federal funding for these efforts;
- Overarching intimidation of the federal grant process for smaller communities, including the process of identifying the federal funding options, applying for the funding, and managing the grants.

In response to these perceived challenges in implementation, SCAS also provided the following recommendations:

- EPA should work with states and regions to find systems that incentivize green energy adoption and set long-term goals to improve services for electrified public transportation options.

- EPA and the Department of Transportation should help to facilitate discussion with states and local governments to improve the sustainability of the current condition of the grid; a whole of government approach is needed to transition small communities to a more clean and affordable economy, involving critical facets such as workforce, housing, and transit.
- Development of a program that assists smaller communities with grant applications, including making grants more accessible, understandable, and more objective. Technical centers that are regionally designed provide great opportunities to those that can access them easily. However, this is not always the case for some of our smaller communities, and therefore SCAS recommends EPA incentivize states to deploy federal funding for **grant navigators**. These grant navigators can go directly to smaller communities to help city officials identify applicable grant funding based on the town's priorities and needs.

Discussion and Voting on Recommendations

Mayor Lucy Vinis, LGAC Vice-Chair, facilitated discussion on the recommendations.

Mayor Mary Lou Pauly highlighted a model for federal grants in her community where they partner with other cities in the application process. Through this, Mayor Pauly encourages smaller jurisdictions to either partner with larger ones or work with one another to create the capacity, to navigate one funding opportunity with the federal government. Lynzi Barnes replied that this is a helpful procedure and can be further discussed among potential options.

The Committee voted unanimously to adopt the recommendations.

Risk Communications Workgroup Discussion on PFAS Communication

Jeff Witte, Secretary of Agriculture for the state of New Mexico and LGAC Workgroup Chair, discussed the letter of recommendations formulated by the Risk Communications Workgroup. These recommendations include:

- EPA should develop a PFAS toolkit adaptable to local governments, including a tabletop exercise, comprehensive messaging kits, standardized talking points, message maps, and frequently asked questions.
- EPA should continue to act as a convenor and facilitator for regional, state, and local jurisdictions to ensure that the risks of PFAS are factually communicated to the public.
- EPA should hold manufacturers of chemicals accountable and ensure financial assistance is given to local communities to mitigate cleanup contamination.

Comments were then taken regarding the Workgroup's letter, where Mayor Mary Lou Pauly articulated that she would like to see stronger language used to make manufacturers of PFAS responsible for water treatment costs. Specifically, she noted a sentence which stated the "increase in cost to water treatment should not be solely charged to taxpayers" and would like to see the language changed in such a way that would not imply that taxpayers bear a significant portion of costs.

Darcy Burke responded by highlighting that one-time grant money will not solely support the ongoing costs and complexities of treatment to utilities and was therefore opposed to changing the language of the letter.

Jeff Witte suggested removing the word “solely” from this sentence in the letter to address concerns from both parties, and Mayor Pauly agreed with this amendment.

With these changes, the Committee voted unanimously to adopt the recommendations.

Zach Schafer, EPA Senior Advisor, thanked LGAC members for their work in developing recommendations, and shared how EPA is responding to these recommendations and will develop a toolkit for state and local governments, which will be published to the EPA website.

Paige Lieberman asked members to weigh in on potential future charges from the EPA Office of Resource Conservation and Recovery (ORCR). She provided a brief overview of three ideas: public messaging and implementation of resources on food waste; implementation challenges of a strategy to reduce plastic pollution; development of battery recycling best practices and battery labeling guidelines. While all topics were well received there was most interest in the plastics topic. Lieberman committed to creating a workgroup to address this topic at the end of the year.

Public Comment

Mayor Lucy Vinis opened the meeting for public comment.

Paul Presendieu, chair of the Ecology and Natural Resources Advisory Committee for the City of New Rochelle, NY, noted the need for PFAS risk communications best practices, and the creation of communication channels to streamline the development and implementation of a toolkit.

Closing Remarks and Next Steps

Mayor Lucy Vinis thanked the members of LGAC, the Risk Communications Workgroup, and Paul Presendieu for preparing recommendations. She highlighted the upcoming LGAC meeting in Madison, Wisconsin on October 23rd where the Committee will hear recommendations from the Climate Mitigation Workgroup and the Environmental Justice Workgroup.

Meeting Closed

Paige Lieberman closed the meeting.