



# EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE

FINAL MEETING SUMMARY

December 9, 2020 Public Meeting (Virtual)

# EPA's Local Government Advisory Committee

## Virtual Public Meeting

December 9, 2020

3:30 PM – 6:00 PM EST

### I. Welcome/Call to Order and Opening Remarks

**Commissioner Kitty Barnes** introduced herself as the Chairwoman for the Local Government Advisory Committee (LGAC) and welcomed all members and EPA staff. She indicated that the meeting is starting ten minutes later than anticipated, due to a great Small Communities Advisory Committee (SCAS) meeting held immediately prior. She then introduced the technical support person, Kurd Ali.

**Technician Kurd Ali** indicated how to mute yourself and raise your hand on the “Zoom” application. He also indicated that individuals can change their name if desired.

**Commissioner Barnes** said this is the LGAC's first full public meeting since May. She stated that the workgroups have been discussing a variety of environmental issues that are pertinent to local governments and small communities across the country. She stated that after working on multiple charges and draft recommendations, the LGAC has arrived at final recommendations for the EPA, which include critical input from SCAS. She stated that today LGAC will be deliberating on four draft letters of recommendation to be finalized and submitted to the EPA Administrator. She stated that a video of the EPA Administrator, Andrew Wheeler, will be played during the meeting. She indicated that at the end of the meeting LGAC priorities for 2021 will be discussed. She then introduced LGAC Vice-Chair, Secretary Jeff Witte.

**Secretary Jeff Witte** thanked the SCAS for their amendments to the letters of recommendation that will be reviewed by the LGAC at today's meeting. He stated there has been a lot of work going on at the workgroup level and thanked everyone for their participation.

## II. Roll Call and Introductions

**Commissioner Barnes** asked DFO Victoria Ludwig to conduct the roll call.

LGAC and SCAS Members Present:

- 1) Honorable Kitty Barnes (LGAC Chair) – Commissioner, Catawba County, North Carolina
- 2) Hon. Jeff Witte (LGAC Vice-Chair) – Secretary of Agriculture, State of New Mexico
- 3) Hon. Jose C. Aponte Dalmau (SCAS) – Mayor, Carolina, Puerto Rico
- 4) Hon. Bruce Bracker - Supervisor, Santa Cruz County, Arizona
- 5) Hon. Melissa Cribbins – Commissioner, Coos County, Oregon
- 6) Hon. Vincent DeSantis (SCAS) – Mayor, Gloversville, New York
- 7) Hon. Mark Fox - Chairman, Mandan, Hidatsa, and Arikara (MHA) Nation, North Dakota (Represented by Lisa Lone Fight, Science Advisor to Chairman Fox)
- 8) Mr. Brian Fulton (SCAS Chair) – Supervisor, Jackson County, Mississippi
- 9) Hon. Evan Hansen – Delegate, District 51, West Virginia House of Delegates
- 10) Hon. Ella Jones (SCAS) – Mayor, Ferguson, Missouri
- 11) Hon. Joan Lee (SCAS) – Commissioner, Polk County, Minnesota
- 12) Hon. Carvel Lewis (SCAS) – Commissioner, Georgetown-Quitman County, Georgia
- 13) Hon. Ryan Mackenzie - Representative, District 134, Pennsylvania House of Representatives
- 14) Hon. Ann Mallek (SCAS) - Supervisor, Whitehall District, Albemarle County, Virginia
- 15) Hon. Bill McMurray – Mayor, St. Joseph, Missouri
- 16) Hon. Ron Poltak – Chairman, Auburn Planning Commission, New Hampshire
- 17) Hon. Cynthia Pratt – Deputy Mayor Lacey, Washington
- 18) Hon. Carmen Ramirez – Mayor Pro Tem, Oxnard, California
- 19) Hon. Victoria Reinhardt – Commissioner, Ramsey County, Minnesota
- 20) Hon. Michael Scuse – Secretary of Agriculture, State of Delaware
- 21) Hon. Matt Surrency – Mayor, Hawthorne, Florida
- 22) Hon. Paul TenHaken – Mayor, Sioux Falls, South Dakota

**Commissioner Barnes** then asked EPA staff in attendance to introduce themselves.

- **Britt Carter, Assistant Deputy Associate Administrator, Office of Intergovernmental Relations (OCIR)** – Ms. Carter thanked everyone for attending, stated that the SCAS has just held a great meeting, and then she introduced Joseph Brazauskas.
- **Joseph Brazauskas, Associate Administrator, Office of Congressional and Intergovernmental Relations (OCIR)** – Mr. Brazauskas welcomed all the committee members and expressed thanks for their valuable input. He said he was honored to work with LGAC and SCAS on behalf of the Administrator

and the agency. He has enjoyed following the committee’s recommendations and perspectives as local officials. It is important for the federal government to keep in touch with local governmental officials to make sure EPA is on track. He looked forward to hearing from everyone today.

- **Jack Bowles, Director, State and Local Relations (OCIR)** – Mr. Bowles stated that it is a great pleasure and honor to be with everyone. He thanked everyone for taking time to help EPA strengthen its partnership with local governments.
- **Wayne Heard, Office of Policy** – Mr. Heard said he enjoyed working with everyone in the workgroup meetings this year and thanked them for their deliberations on the community-based environmentalism charge.

### III. Video Message from EPA Administrator Andrew R. Wheeler

**EPA Administrator Andrew R. Wheeler** thanked EPA and SCAS for their deliberations. He detailed EPA’s major accomplishments in 2020 as well as the EPA’s 50<sup>th</sup> anniversary. He reported that nearly all measures of pollution have decreased since the EPA came into existence 50 years ago. He addressed the four letters of advice and recommendations from the LGAC and thanked members for their input. He then announced the creation of a “one-stop shop” to improve access to funding and resources for local governments and especially small communities – the Clearinghouse for Environmental Finance. Administrator Wheeler detailed the common themes of LGAC’s recommendations to EPA from 2020, including more funding, special considerations for small communities and border states, technical resources to assist with compliance, a clearinghouse to learn about grants, technical help when applying for grants, less red tape, focus on partnership, and working with community-based organizations. He emphasized the successful history of the agency as demonstrated by measured environmental indicators. He stated that since 2017 the EPA has re-designated more than 50 non-attainment areas to attainment areas. He stated that in the 1960s, more than 40% of our country’s drinking water systems failed to meet basic health standards. Today over 92% of community water systems attain these standards. He stated that our air, land, and water are much cleaner thanks to the EPA’s state and local partners. He wished the members luck on their deliberations today. *Video ends*

**Commissioner Barnes** said the Administrator’s remarks captured the LGAC’s discussions well. She thanked the Administrator and then introduced Brittany Bolen.

## IV. Community-Based Environmentalism

**Brittany Bolen, Associate Administrator of the Office of Policy**, thanked LGAC members for their service and EPA's Office of Congressional and Intergovernmental Relations for its successful management of the Committee. She stated that the LGAC is a very important advisory committee for EPA. She explained that Administrator Wheeler has committed to a community-based environmentalism approach to solving problems. She emphasized the importance of putting the EPA's achievements in context with its history as compared to the present. She acknowledged that even though the EPA offers many programs to help local governments comply with regulations, some small communities continue to struggle with environmental issues, as the regulations sometimes may be too rigid. She stated that certain regulations can have unintended consequences. She assured members that these regulations are not being made in a vacuum, and it is important that regulations are balanced. She admitted that some regulations may have unintended economic impacts that can harm a community but still result in benefits to human health. She emphasized the need for clear communication across programs at the EPA. She pointed out various mechanisms the EPA uses outside of regulation that produce strong results, such as funding and technical assistance programs. She emphasized the effectiveness of technical assistance programs when dealing with multiple media issues. She detailed EPA's brownfield programs that provide environmental job training to create a skilled work force and highlighted the effectiveness of the brownfield grants. She recognized that small communities may not have the resources available to apply to or even have knowledge of available grants. She stated this is why the EPA created the one-stop shop approach. She stated the Clearinghouse is based off of a model that the Office of Water has maintained for a while. They wanted to broaden the Clearinghouse to the air and land programs and therefore renamed it the Clearinghouse for Environmental Finance. She reiterated the importance of EPA's relationship with the LGAC. She then acknowledged the importance of EPA facilitating access to resources for small communities and local governments overall. She stated that it is critical for EPA to look into the future and address systemic issues. She reviewed the questions that were presented to the LGAC by EPA during 2020 and expressed gratitude for the Committee's hard work to help answer these.

**Commissioner Barnes** thanked Brittany Bolen for her time and expressed strong gratitude for EPA's creation of a consolidated clearinghouse that allows all LGAC members to easily find resources. She stated that everyone should hold their questions for now, given that the meeting is running a bit behind schedule.

## V. Public Comment

**Commissioner Barnes** asked if any members of the public would like to provide comments. None requested to do so. No members of the public had registered in advance to provide comments.

## VI. Break

## VII. LGAC Business Meeting

**Commissioner Barnes** reconvened the meeting. She briefly summarized the LGAC activities that have taken place since the last full committee meeting on May 15, 2020. She recognized SCAS Chairman Brian Fulton for a report out on the earlier SCAS meeting.

### A. SCAS Report Out

**Administrator Brian Fulton** stated that SCAS members have been working with the workgroups on various charges and recommendations, particularly the Water Workgroup. He stated that the subcommittee's meeting immediately preceding the LGAC meeting was very productive, and there was rich deliberation on the draft recommendation letters. After discussing each recommendation letter, members voted three of them out with minor amendments, and they voted the letter on the 2020 CWA FCA out with no amendments.

Administrator Fulton added that the members voted that all letters specifically emphasize the importance of EPA recognizing the unique circumstances of tribal communities and taking this into account when assisting them with their environmental challenges. He then went through each letter by showing the letters on screen with the amendments highlighted.

#### 1) Letter on Office of Air and Radiation Proposed National Program Guidance

**Administrator Fulton** stated that the amendments approved by SCAS constituted the following: 1) Specify up front that the LGAC strongly supports clean air for all, and encourages EPA to help communities address their local sources of air pollution; 2) A few examples of air quality concerns in members' jurisdictions were added; 3) Wood stoves were added as a local circumstance that EPA should better address in the OAR NPG.

#### 2) Letter on Community-Based Environmentalism

**Administrator Fulton** stated that the only amendment to this letter was to add local governments in the recommendation for EPA to work with states and regional organizations to disseminate information.

### 3) Letter on Financial Capability Assessment for Clean Water Act Compliance

**Administrator Fulton** stated this letter was voted out as written, without amendments.

### 4) LGAC Letter on Sustainable Food Waste Management

**DFO Victoria Ludwig** stated that the amendments to this letter were related to support for public education campaigns and that EPA consider a way to incentivize food waste reduction for entities such as restaurants.

**Administrator Fulton** then reported that members discussed SCAS possibly taking up a charge of its own in 2021.

## B. Air Workgroup Report Out and Deliberation on OAR NPG Recommendation Letter

**Commissioner Carvel Lewis** detailed that the Air Workgroup has had wonderful discussions. Regarding its discussion of EPA's FAQs on ethylene oxide, the group sought more nationally applicable answers, and indicated they needed input from their technical staff in order to provide better feedback. Regarding OAR's NPG, the workgroup expressed that some members' localities had air pollutants coming from outside their jurisdictions. He also stated the need to utilize the expertise of community organizations.

**Commissioner Barnes** said that during the SCAS meeting today, members had approved amendments to the OAR NPG letter addressing the concerns stated by Commissioner Lewis.

**Commissioner Victoria Reinhardt** reiterated the importance of specifically calling out tribal governments in order to adequately include them in LGAC's recommendations.

**Commissioner Barnes** asked whether territorial governments should be included as well.

**Commissioner Reinhardt** suggested that territorial governments be added.

**Mayor Jose Aponte (Puerto Rico)** thanked the members for taking territories into account.

**Mayor Pro Tem Carmen Ramirez** stated that in California, their border communities and crossings are affected by the emissions of trucks coming from Mexico. She stated that it is a difficult problem to handle as the state and federal government can't regulate emissions from another country. Therefore she wanted to add a clause about cross-border air pollution. She later realized that the current letter includes mention of this so didn't request further amendments.

**Commissioner Barnes** asked for a motion to support the letter with the amendments.

**Supervisor Bruce Bracker** made the first motion.

**Commissioner Lewis** seconded the motion.

**Commissioner Barnes** called for a verbal vote. There were no nay's, so she stated that the letter moves forward as amended.

### C. [Revitalizing Communities Workgroup Report Out and Deliberation on Recommendation Letters](#)

**Commissioner Reinhardt** stated that she appreciated the work done by Commissioner Barnes and Commissioner Black (Workgroup Vice-Chair). During a meeting with the Office of Land and Emergency Management, the workgroup learned about several important EPA efforts, including recycling and sustainable management of food during COVID-19 and an anaerobic digestion data collection project.

**Commissioner Reinhardt** reported that regarding [the Letter on Food Waste Management](#), SCAS had one amendment, which was the inclusion of the hospitality industry and restaurants. She emphasized the importance of LGAC calling out tribal and territorial governments in all its recommendations going forward. She then thanked SCAS for their deliberations.

**Commissioner Barnes** asked for a motion to support the letter with the amendments.

**Mayor Aponte** made the first motion.

**Commissioner Reinhardt** seconded the motion.

**Commissioner Barnes** called for a verbal vote on the letter as amended. There were no nay's, so the letter moved forward as amended.

**Commissioner Reinhardt** moved on to the [Letter on Community-Based Environmentalism](#). She indicated the workgroup really appreciated being brought in at the beginning to provide input to EPA on a new initiative, especially one that relates to all environmental media. She was pleased that members gave so many on-the-ground examples from their localities. She asked for the inclusion of "local, tribal, and territorial" governments.

**DFO Victoria Ludwig** stated that the recommendations within this letter were particularly rich because several members were able to consult with their technical staff and provide thoughtful feedback after the meeting.

**Commissioner Reinhardt** summarized the main themes of the recommendations. She stressed the importance of the newly created Clearinghouse and how it addresses LGAC's and SCAS's recommendation that EPA provide a central portal for funding opportunities.

**Commissioner Barnes** asked for a motion to support the letter with the amendments.

**Commissioner Reinhardt** made the first motion.

**Supervisor Bracker** seconded the motion.

**Commissioner Barnes** called for a verbal vote. There were no nay's, so she stated that the letter moves forward as amended.

#### **D. [Water Workgroup Report Out and Deliberation on Recommendation Letter on Financial Capability Assessment for Clean Water Act](#)**

**Secretary Michael Scuse** thanked SCAS for their participation in the Water Workgroup meetings throughout the year and for helping to draft the original letter on FCA for CWA. He reported that the July meeting focused on implementation of the new Clean Water Act 401 Certification Rule, during which members voiced concerns that the rule could hurt their communities. Members agreed that LGAC should be asked to provide input on rules before they are finalized, rather than on how they can best be implemented after the fact.

**Secretary Scuse** reported that the October meeting focused on the proposed 2020 Financial Capability Assessment for the Clean Water Act. Members commended the EPA for updating the FCA as it has not been updated in 20 years. Members supported the new metrics in general but were concerned about how their localities would be impacted by them. The recommendations laid out in the letter capture these concerns.

**Commissioner Barnes** thanked Secretary Michael Scuse as well as the workgroup. She stated that there were no edits to the letter in the SCAS meeting. She suggested that territorial governments be called out.

**Commissioner Reinhardt** and **Supervisor Bracker** also supported the addition of tribal and territorial governments.

**Commissioner Barnes** asked for a motion to support the letter as written.

**Chairman Ron Poltak** made the first motion.

**Secretary Scuse** seconded the motion.

**Commissioner Barnes** called for a verbal vote. There were no nay's, so she stated that the letter moves forward as written.

#### E. [Priority Topics for 2021](#)

**Commissioner Barnes** opened up a discussion of priority issues that members would like to address in 2021.

**DFO Victoria Ludwig** stated that she created a list of potential topics based on what members had discussed at LGAC's full meeting in May. The list was shown on screen as follows:

- Harmful algal blooms
- PFAS
- WOTUS implementation
- Environmental justice
- Water infrastructure/systems
- Transboundary air and water pollution
- Brownfields
- Polluted former industrial sites
- Cleanup of abandoned mines
- PCB water contamination
- Agriculture pollution regulation
- MS4 regulations
- Green infrastructure
- Climate change impacts
- COVID-19 and environmental concerns

**Commissioner Reinhardt** stated that it was a good list overall, but some of the listed topics would require significant deliberation. She believed that the WOTUS topic is important, but it warranted just an update from EPA rather than new LGAC deliberations. She stated that climate change impacted everything on the list.

**Mayor Pro Tem Ramirez** agreed that climate change is intertwined with each topic and therefore is very important for LGAC to address. For example, her area of California is impacted by the recent increase in wildfires.

**Chairman Poltak** proposed the topic of emerging contaminants. He stated that wastewater treatment plants are handling several new contaminants that are troublesome to remove, therefore increasing costs for municipal wastewater systems.

**Commissioner Barnes** stated that she had also considered this issue and is aware of the related concerns around PFAS contaminants. She stated that members should consider as many issues as possible and then delegate them to workgroups.

**Supervisor Bracker** stated that small counties and municipalities are having trouble with recycling programs. In his community, glass has recently become difficult to recycle. He added that he thinks it is very important to hear from EPA on environmental challenges they see on the horizon.

**Commissioner Reinhardt** agreed. She then suggested adding specific issues related to COVID-19.

**DFO Victoria Ludwig** clarified that previous input from members on COVID-19 included the proper use and disposal of disinfectants.

**Secretary Scuse** stated that there needs to be better communication between the EPA and the FDA through the state governments. He believes the LGAC can facilitate this relationship. He believed that numerous topics on the list could benefit from state and local insight.

**Chairman Poltak** stated there are a number of shortcomings in making significant improvements to our environment due to the election process. He argued that it will better serve the incoming administration if the list is as comprehensive as possible. He gave the example of the Clean Water Act and how it is not completely effective at addressing non-point pollution. He stated that from the perspective of water, the proposed list of topics was comprehensive.

**Mayor Matt Surrency** brought up the potential discussion of the definitions of recycling versus reusing, particularly as it relates to waste-to-energy technologies.

**Commissioner Joan Lee** stated that her county is fortunate because they work together with other counties on waste management and composting. Municipal solid waste in her area goes to a waste-to-energy facility and not a landfill. They then sell the steam to surrounding complexes around the facility, which is an example of recycling/reusing.

**Supervisor Bracker (via chat)** stated that he thinks it is also very important to hear from the EPA on environmental challenges they see on the horizon.

**Commissioner Barnes** stated that the list is sufficient as of now. She also believed that the incoming administration will likely cause a shift in environmental priorities and it would be great to know what those are.

**Secretary Witte** stated that the list of topics could be broken up and handed off to various workgroups. He stated this comprehensive list could be important for the incoming administration to see.

**Commissioner Barnes** asked if there was anything else that members would like to bring before the committee.

**Commissioner Reinhardt** thanked the EPA staff and said that they have been very helpful. She also thanked all the committee members.

**Commissioner Barnes** commended the members for their work. She thanked Britt Carter and Wayne Heard.

## VIII. Closing Remarks and Wrap Up

**Britt Carter** thanked Commissioner Barnes and said it was a pleasure and an honor to work with both groups during her time at EPA. She stated their insight makes the EPA better and helps hold the agency accountable. EPA staff look forward to seeing what issues are handled in the new year by LGAC and SCAS.

**Jack Bowles** thanked everyone for volunteering their time. He stated that the LGAC's insight was very impactful and insightful. The EPA looks forward to continuing to work with the groups in the future.

**Commissioner Barnes** stated that the next step for the LGAC was to finalize the letters and present them to Administrator Wheeler. She stated that workgroup meetings will resume in late January or early February 2021. She said that EPA is preparing their solicitation for new members and reappointments and interested officials can soon submit their applications. She thanked DFO Victoria Ludwig for her work in her new role, and she congratulated the EPA on its 50<sup>th</sup> anniversary. She asked for any other closing remarks.

**Commissioner Lewis** stated that the LGAC has to prepare for the financial effects of the COVID-19 pandemic. He also stated that the LGAC needs increased representation from various types of communities that are not currently represented on the committee.

**Commissioner Barnes** wished everyone a happy holiday season and adjourned the meeting.