

# U.S. Environmental Protection Agency

## Local Government Advisory Committee (LGAC)

**July 27-29, 2016**

### **Meeting Summary**

*The Meeting Summary that follows reflects what was conveyed during the course of the meeting that is summarized. The Committee is not responsible for any potential inaccuracies that may appear in the meeting summary as a result of information conveyed. Moreover, the Committee advises that additional information sources be consulted in cases where any concern may exist about statistics or any other information within the Meeting Summary.*

# EPA's Local Government Advisory Committee (LGAC)

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## Executive Summary

EPA's Local Government Advisory Committee (LGAC) met on July 27-29, 2016 at EPA Headquarters to discuss issues that are of high priority to the EPA and local, state and tribal governments. The LGAC welcomed new Members and met with the Administrator, Acting Deputy Administrator, Regional Administrators, and Assistant Administrators, to discuss EPA priority issues where the LGAC's input would be valuable. The LGAC was also delivered a charge to give input on EPA's development of a National Drinking Water Action Plan. The Committee also met in a business session to review and approve recommendation letters.

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**LGAC Full Committee Meeting**  
**July 27-29, 2016**  
**EPA Headquarters**  
**1201 Pennsylvania Avenue NW**  
**Washington, D.C. 20004**

**July 27, 2016**

## **I. Welcome and Opening Remarks**

*[Mayor Bob Dixon called the meeting to order at 1:40 EDT, and called for a round of introductions].*

**Chairman Mayor Bob Dixon** welcomed everyone and introduced **Mark Rupp, Deputy Associate Administrator, Office of Intergovernmental Relations**.

**Mark Rupp** welcomed the 16 new members joining the committee in 2016. He thanked all the members for their work and for attending the meeting, and then introduced **Nichole Distefano, Associate Administrator, Office of Congressional and Intergovernmental Relations**.

**Nichole Distefano** thanked the committee for their work, and welcomed new LGAC Members to EPA headquarters. She talked about her role at the Agency and stressed the importance of the LGAC to EPA's mission. She commented that EPA's budget had not yet passed the Senate.

## **II. Public Comment**

**Chairman Dixon** announced the time on the agenda for the public to make comments. Fran Eargle, the Designated Federal Officer, informed the chairman that no one had registered to make public comments.

*[No members of the public came forward to address the committee].*

Mark Rupp suggested that the group use the time to discuss any topics which aren't on the agenda, such as hydraulic fracturing (fracking).

**Chairman Dixon** gave background on the LGAC's work on hydraulic fracturing. He stated that the LGAC had investigated the issue for over a year and there had been numerous briefings. He said the Small Community Advisory Subcommittee (SCAS) and the LGAC Workgroups had all given input, and a letter of recommendation has come from these discussions and deliberation on the issues.

**Dr. Hector Gonzalez** suggested that EPA set standards for hydraulic fracturing, because it could have impact on communities. **Samara Swanston** mentioned that during the extraction process, there is substantial release of methane and that companies are losing profits. It is in environmental and economic interest to capture the methane.

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**Chairman Dixson** once again asked for public comments. No one came forward, and the public comment period was closed.

### III. EPA Assistant Administrator Panel

**Jane Nishida, Assistant Administrator, Office of International and Tribal Affairs**, talked about the role of the office in taking the lead on international and tribal issues, such as drinking water, solid waste, and interfacing with state and local governments.

**Supervisor Ryan Sundberg** mentioned that he was a tribal Member and stated that he serves as an elected county official. He is the first representing his Native American tribe. He was pleased to see intergovernmental cooperation. **Jeff Tiberi** asked if the National Tribal Caucus has meetings and he mentioned that it would be helpful to have a report. She answered that they do not publish a report. **Representative Tom Sloan** asked if there is a permanent contact. Jane Nishida answered that she is the point of contact.

**Janet McCabe, Assistant Administrator, Office of Air and Radiation**, discussed the issues the office covered. She discussed the Clean Air Act, Diesel Retrofit Program, the Clean Power Plan, and methane emissions from municipal solid waste landfills. **Commissioner Reinhardt** stated that everyone deserves clean air - from New York City to Helena, Montana. She suggested that the LGAC should consider a large urban subcommittee. It would be good to have the voice of large urban communities such as the Small Community Advisory Subcommittee (SCAS) of the LGAC. She requested that the LGAC Executive Committee take up the issue.

**Dr. Ellen Gilinsky, Ph.D. Senior Policy Advisor, Office of Water**, discussed the role of the office. She said that most of EPA's authority governing water comes from two statutes: the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). Other priorities of the office include: addressing nonpoint source reductions, animal waste, and harmful algal blooms. She indicated that the Water Infrastructure Finance and Innovation Act was an important tool for local governments to address climate change issues and mapping pollution, and providing tools for local governments.

**Jim Jones, Assistant Administrator, Office of Pollution Prevention**, discussed the Toxic Substances Control Act (TCSA) reform and gave updates on the bill. He explained that the business community is seeing changes in the registration of chemicals. For the first time there is opportunity to review and register new chemicals. The bill went through Congress with full bipartisan agreement.

**Shari Wilson, Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance**, discussed the role of the office in enforcement and compliance. She mentioned that some of the enforcement issues address many municipal and local government issues with combined sewer overflows, and stormwater issues. She said that her office also addresses

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environmental justice. The office is also engaged with Integrated Planning (IP) as a tool to integrate and prioritize Clean Water Act requirements in cities.

**Kathy O'Brien, Office of the Chief Financial Officer (OCFO)** described briefly the EPA budget process and gave updates. She also said that Chairman Dixson has been a part of the budget formulation in a series of external stakeholder meetings. She said that his input was helpful to the agency in understanding what is needed at the local level. She also thanked the LGAC for previously commenting on EPA's Strategic Plan. She said that OCFO would be developing a new strategic plan and would welcome the LGAC's feedback.

**Mathy Stanislaus, Assistant Administrator, Office of Land and Emergency Management (OLEM)** spoke and gave office updates. He gave an update on the superfund program. He mentioned that the brownfields program clean-up was very beneficial to local governments. He said that clean-up of brownfield sites held much in the way of economic benefits for communities, as well as opportunities to address environmental problems and other issues like wastewater, hazardous waste, the global and national economy, chemical plant safety, and climate change adaptation. He gave an update on the clean-up of the Gold King Mine and stated that progress had been made. He also mentioned that abandoned mines continue to be an issue across the country.

#### **IV. Remarks of the Acting Deputy Administrator Stan Meiburg**

**Acting Deputy Administrator Stan Meiburg** thanked Chairman Dixson and the committee for their work. He said that water issues such as water infrastructure, water monitoring and testing, wastewater, and drinking water continue to be some of the agency's biggest priorities. He said that the LGAC would be hearing from the Administrator and the Office of Water on an important charge on drinking water. He said that he was looking forward to hearing from the LGAC on these very important issues. He also discussed the upcoming transition, and said that any Administrator that serves will need the advice of the LGAC. *[Chairman Dixson opened it up for questions].*

**Dr. Hector Gonzalez** said that funding needed for water infrastructure, particularly for compliance with the Lead and Copper Rule, is lacking for communities. He said that it has an impact on everyone, particularly environmental justice (EJ) communities. He asked about funding dedicated to assist small and environmental justice (EJ) communities. He also said that private and public partnerships would help. Stan Meiburg answered by saying that EPA doesn't have the authority to tell states to give their funds to specific communities. However, he said that EPA would hope that states would give money to those who need it such as EJ communities.

**Commissioner Cope** asked if there is a decrease in funding on the President's budget or from the Agency's current budget. Stan Meiburg answered that there are cuts across the board in the current budget.

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**Mayor Jacqueline Goodall** stated that she had come from the Urban Waters Conference and that she was very impressed with the work the EPA and other federal agencies are doing to address the problems related to urban waters. Stan Meiburg replied that the EPA has to be very aggressive in working with their partners, because resources are scarce.

*[Chairman Dixon thanked Stan Meiburg and announced recess].*

### **Thursday, July 28, 2016**

*[The Small Community Advisory Subcommittee (SCAS) met. See separate Meeting Summary].*

**Chairman Mayor Bob Dixon** called the LGAC meeting to order at 9:30 EDT. He recognized Carolyn Peterson to convene the Air, Climate and Energy Workgroup.

#### **V. Air, Climate and Energy (ACE) Workgroup**

**Carolyn Peterson** welcomed everyone and led a round of introductions. She introduced the first speaker, **Dr. Joel Scheraga**. Dr. Scheraga thanked the LGAC and briefed members on the new climate adaptation resource center for local officials, which will be released in a few months. He said that they are strongly committed to helping communities prepare for a changing climate, and providing tools specifically designed for local government officials and leaders. The tool includes: tailored information for the user's needs, an integrated package of information, and case studies with directions of how to implement similar ideas. He asked the group if anyone will test it out and give feedback on their experience. **Carolyn Peterson** said that trying this tool would appeal to many LGAC members, and opened it up for questions.

**Jeff Tiberi** asked how big the regions are. Joel Scheraga answered that they are the same as EPA regions. **Chairman Dixon** thanked EPA for developing this program, particularly because working from the bottom-up is very helpful. **Dr. Gonzalez** said that he would like the Science Advisory Board to look at health outcomes, and to share anything they can. Joel Scheraga said that they highlight the health implications in the resource center. **Samara Swanston** asked if the tools are going to include links to model codes for renewable energy. Joel Scheraga answered that they will, to a limited extent. He said that having an exhaustive list is a good idea. **Carolyn Peterson** said that many of their communities could serve as examples. Joel Scheraga mentioned that they are going to host a webinar to beta test the tool and he invited the LGAC to this.

**Carolyn Peterson** introduced **Beverly Banister** and **Joe Goffman**. Beverly Banister provided updates about the Clean Energy Incentive Program, methane and landfills, and new landfill rules. **Legislator Manna Jo Greene** asked if EPA is addressing the issue of methane leaks from hydraulic fracturing sites. Joe Goffman went through the relevant rules and requirements. **Samara Swanston** stated that most hydraulic fracturing operations have many leaks, but no

one will fix the issue. He responded that EPA doesn't have authority to address the leaks; only states have that authority. He said that EPA partners with many actors to adopt best practices and establish norms.

Beverly Banister continued updates on ozone, lead, and nonattainment areas. **Carolyn Peterson** thanked the speakers and adjourned the workgroup.

### **VI. Local Government Forum with National Intergovernmental Organization**

**Mark Rupp** welcomed everyone back from lunch and introduces the guests on the panel. *[A round of introductions were held]*. **Mark Rupp** also welcomed the **EPA Region 3 Administrator Shawn Garvin and Peter Grevatt, Director, Office of Groundwater and Drinking Water (OGWDW)**.

**Peter Grevatt** discussed EPA's intent to look at actions designed to ensure clean and safe drinking water. He said there are four main topics: infrastructure investment, emerging contaminants, lead and copper, and state and federal oversight of drinking water programs. He said that EPA is looking to develop an action plan on drinking water that the LGAC is being asked to give input upon.

**Carolyn Berndt, National League of Cities (NLC)**, stated that their members are very concerned about clean and safe drinking water. NLC represents cities, mayors, councilmembers, 19,000 advocates, 218 million Americans, and 49 state leagues. She gave one example: Joplin, Missouri, is a city rebuilding after a tornado to be strong and climate-resilient. She mentioned that Mayor Mark Stodola, an LGAC Member, was an officer in the NLC.

She said that in the State of the Cities report,<sup>1</sup> they analyzed speeches, economic development, job creation, and other issues of importance to cities. She said that the second priority issue was public safety representing 70% of responders. Water infrastructure ranked fourth. The crisis in Flint, Michigan is weighing heavily on many. Cities are certainly looking toward how to improve drinking water and taking the steps necessary to avoid another crisis like what happened in Flint.

She said that cities are facing budget and revenue issues. EPA mandates are looming and cities are trying to keep to their promises to citizens to not raise taxes without sacrificing services. It is a balancing act.

She mentioned that Commissioner Cindy Koehler, a new LGAC Member, was working on these issues, assuring that water and rebate programs are not taxable income, and addressing water efficiency and financing through bonds. There will be a fall meeting in southern California to discuss some of these issues.

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<sup>1</sup> <http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/state-of-the-cities-2016>

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**Judy Sheahan, U.S. Conference of Mayors (USCM)**, represents cities of populations of 30,000 or above. She said that USCM is a bipartisan organization with priorities to invest and protect. She said that water infrastructure is below and above ground. She said that the Flint crisis has brought national attention to water infrastructure issues. She said that \$117 billion is spent by local governments, which translates to about 95-98% for water infrastructure.

**Meagan Jourdan, National Association of County and City Health Officials (NACCHO)** represents Health departments. NACCHO's perspective is that the Flint, Michigan water crisis is not isolated but that these issues are starting to show up in health assessments.

**Dr. Gonzalez** commented that the issue should be broadened to ensure health impacts work into policy. Best practices could be developed to show how not to have another Flint crisis. He said that health departments should be working toward policy decisions, emergency preparedness, and health and risk communication.

**Jim Taft, Association of State Drinking Water Agencies (ADSWA)**, represents 50 states and Navaho Nation of drinking water administrators. He said there are about 155,000 public water systems and about 90% of them are safe. The challenges are to acknowledge the remaining challenges and build on successes. One of challenges of Flint is the notion that water systems are unsafe everywhere in United States. That is not true but we have a lot to do to rebuild trust and to share best practices as part of that message.

Implementation and improving a regulatory strategy are certainly some solutions. There are a lot of ways to do that and to address emerging contaminants, algal blooms, fluorinated compounds and health advisories is in the short run a viable option. We are not only concerned about the water infrastructure and but also the human infrastructure in making water clean and safe. There is about a \$28 billion estimated shortfall remaining, and the Drinking Water State Revolving Fund only covers a small fraction. Communicating the value of water is very important.

**Carolyn Hanson, Environmental Council of States (ECOS)**, stated that their membership are state environmental commissioners. There is a stronger focus on public health than in the past. There is a Memorandum of Agreement with EPA to raise the profile of the environmental and public health issues of drinking water. It did not get a lot of attention at first, but with algal blooms and drinking water contamination issues in West Virginia, it has started to raise issues of concern, as well as with Flint, Michigan's issues. Risk communication of the lead and copper rule is an important issue.

**Alexandria Schaefer, National Governors' Association (NGA)**, stated that their membership is bipartisan. Her role was to gather information and relate what was heard. The issues discussed so far are at the top of their issues of concern. At the national level, their overall priorities are security and Water Resources Development Act reauthorization (WRDA).



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**Julie Ufner, National Association of Counties (NACo)**, said that they represent county commissioners. She highlighted that Commissioner Reinhardt, LGAC Member, was a member. She said there are 3,069 counties, some including under 100 people and some up to 10 million. Seventy percent are considered rural. Many of the commissioners and supervisors are part-time. We have learned a lot of what counties are doing, and it is a lot.

**Mayor Kautz** indicated that the USCM convened a Water Council meeting and EPA met with the mayors. Much of what was discussed has been raised here. They are also concerned about communicating risk, replacement costs, and operation. Costs go back to our rate payers. There is one funding mechanism and that is the State Revolving Fund, which goes through the state and is very competitive. It is also a loan. She said that it is very important to talk about how we can work together on technical assistance, focused on small communities, financing, and other issues. We also need to look at private and public partnerships and how policies hinder or aide these partnerships.

**Judy Sheahan** mentioned that Mayor Kautz has the longest tenure as past president. She said that the Mayors' Water Council is preparing best practices. Local governments find themselves located in and around rivers. And the cost of Combined Sewer Outfalls (CSOs), drinking water rules, climate change and adaptation goes to the rate payers. In the next 20 years, we are looking at \$4.3 trillion on water infrastructure. We have stressed to EPA that Integrated Planning (IP) is a way to look at drinking water also. We may have the cleanest water but once it gets in the pipes it is dirty. One community had 5,000 pipe breaks. The other questions is that the pipes going to houses is the source of lead contamination. How do you replace these? Technology can play a role, especially with leak detection. Detecting where leakages are and replacing them is a way to save costs.

Risk communication is another issue. The Mayor in Napa, California, was trying to communicate risks to their citizens after an earthquake. They had sample language. No one understood it. How we do it is important so that we do not alarm citizens. On this issue, what is important is what the real harm is, the real risks are, and how they are addressed. How we communicate things in a way that we do this for drinking water without people shifting to bottled water and not have faith in our local sources.

Mark Rupp stated that EPA is doing a lot on Integrated Planning. EPA has done so much with local municipal associations. We have not communicated with the states on it much. We should include states in the integrated planning.

Judy Sheahan stated that she hoped that the Water Finance Centers will *"give gumption to private-public partnerships."*

**Region 3 Administrator Shawn Garvin** welcomed everyone on the LGAC. He said that these are good examples of amazing partnerships that we have with state and local governments. The rest of the EPA Regional Administrators will be joining us by video-conference. We are making

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visible differences and we want to help and support you. We also are bringing our resources to bear.

**Peter Grevatt** stated that citizens do not understand that 90% of water from the tap is safe and meets the standards every day of every year. There are infrastructure and management challenges. We need to build management strategies and use that in our action plan. Small and large cities are facing water infrastructure issues. We need to look at infrastructure investments in disadvantaged communities. The Drinking Water State Revolving Fund (DWSRF) is an important tool.

Emerging contaminants, are not currently regulated. We need to identify ways to address them and cyanotoxins. The Lead and Copper rule gets a lot of attention. We are currently looking at how we best strengthen it. And we are looking at how it is implemented at the local level and how to communicate to citizens. In Flint, there was state and federal oversight. Where did the oversight fail? We can make observations and look at poor choices of the regulators and what they were made aware of and were not able to change.

**Dr. Gonzalez** stated that the LGAC and workgroups have been addressing the communication issue, especially with EJ and low income communities. It should be simple grassroots messaging. In a tribal community, they were messaging on contaminants in the water, so they used a diagram of a fish and drew a line through it. This is simple and direct communication.

**Representative Sloan** said that he would encourage university and industry partnerships to help with this.

**Mayor DuPree** stated that the price keeps going up to treat water. And under federal consent decrees, for distribution and Combined Sewer Overflows (CSOs) in one price tag continually goes up. We cannot go into private homes to clean up lead and copper pipes. Citizens are still struggling with tornado clean up from several years ago. Communities cannot afford the opportunity to do research. And even if we can, we cannot apply, and we do not have authority to manage it. No one size fits all. It has to be a holistic approach. I don't know what the answer is, but we keep piling it on and then we add more.

**Rodney Bartlett** stated as it relates to water, there are many advances in treatment technologies, such as reverse osmosis. Cost of technology is driven down. We need to marry private and public sector solutions.

**Teri Goodmann** echoed Mayor DuPree's challenges. There are funding earmarks and set asides on climate change that can be used in weather extremes. There are 300 water pipes and all could be impacted. We had 9 inches of rain and two tornados, with flash flooding in urban communities and river towns. We are closest to the river and there were flooded neighborhoods. Citizens are living with mold and higher levels of lead. We are investing \$200 million to daylight the creek and floodplain issues. We have to grab every grant or else we

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cannot afford it. The climate change forecast is growing exponentially. And it is challenging residents. We partnered with IBM to replace smart meters faced with water shortages. When you run water into houses it doubles the consumption of energy. We used information that the City of Daytona Beach, Florida developed.

**Commissioner Reinhardt** stated that she serves on the Governor's Clean Water Council. We have been grappling with this issue as well. Getting information out to all the entities is a challenge. What we determined is that we could not give an answer. An action plan based on science and what is really happening is important. But how much will it cost, and who is going to pay for it? There is no safe level of lead in water or for emerging contaminants. Let's get folks together, and do what we need to do. What is an actionable plan? Do we replace pipes? We need to figure this out. We are telling them to run the tap for 30 seconds. Conserve water. We are telling them to use filters. Ultimately we need a solution at the home, the business, or state level. It is so big and overwhelming to do something about, but we know some of the next steps. And we do it to get information to the public

**Dr. Gonzalez** said that we in the field know these issues. But how do we get at the issue and get to the solution? The public health departments are overwhelmed. The CDC has a guide. We have to empower folks at the local level.

**Commissioner Cope** said that in his county of Salmon, Idaho, the solutions are costly. The technology for detection is outweighing treatment technologies - where do we draw that line?

**Meagan Jourdan:** Not all health departments are the same.

**Judy Sheahan:** The idea of expanding integrated planning for drinking water is perhaps a tool. There is so much coming at local government with no federal resources. I suggest we look at brownfield resources. The St. Paul area is one area where they have used these resources.

**Mayor DuPree** said also the issue is sometimes that it takes six months to get testing results. Communicating that out to citizens for a community engagement piece that they understand is difficult. We need to be engaging them on decisions about increases in revenues.

**Dr. Gonzalez** stated that are no safe levels of lead. We can talk risk management and best practices in communication.

### VII. EPA Regional Administrators Panel

**Mark Rupp** begins the panel, and introduces **Khanna Johnston**. The Regional Administrators (RAs) go around for introductions. Khanna Johnston gave a brief overview of the Office of Regional Operations and its role to coordinate between Headquarters and EPA Regions.

**Judith Enck** from EPA Region 2 discussed Zika virus issues, EJ, worker protection, drinking water, and lead contamination in schools.

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**Heather McTeer Toney** from Region 4 focused on drinking water and EJ.

**Mark Hague** from Region 7 discussed partnerships and brownfields redevelopment.

**Deb** from Region 1 talked about old water infrastructure, their absence of county governance, local government, brownfield redevelopment, water infrastructure, and nutrient pollution.

**Robert Kaplan** from Region 5 discussed Great Lakes restoration, Flint, harmful algal blooms, and Superfund sites.

**Shawn Garvin** from Region 3 went over water issues, Chesapeake Bay, lead, Flint, and collaboration.

**Shaun McGrath** from Region 8 discussed oil, gas, energy, tribes, building capacity, climate change mitigation and adaptation, Superfund, RCRA, brownfields, Gold King Mine, water, and PFOS and PFOA.

**Ron Curry** from Region 6 focused on greenhouse gases, Rio Grande, and water and agriculture.

**Dennis McClerran** from Region 10 talked about solid waste, tribes, air toxics, water quality, agriculture, and abandoned mines.

A round of questions and answers followed.

**Legislator Manna Jo Greene** asked about how we define sustainability, which sparked a conversation. Mark thanked all of the RA's for participating.

### **VIII. Protecting America's Water Workgroup**

**Mayor Kautz** called the workgroup to order, and introduced **Peter Grevatt**. **Peter Grevatt** introduced the drinking water charge to the group, and goes through its main ideas.

Advancing Next Generation Safe Drinking Water Act Implementation: Identify key opportunities for federal, state, tribal and local government to work together to implementation of Safe Drinking Water Act regulations and programs, including ways to increase communication and public awareness and accountability.

Addressing Environmental Justice and Equity in Infrastructure Funding: Identify ways in which federal, state, tribal and local governments, and utilities can work together to ensure that drinking water infrastructure challenges of low-income environmental justice communities and small systems are being appropriately prioritized and addressed, including through increased information, sharing and replicating best practices, and building community capacity.

Strengthening Protections against Lead in Drinking Water: Identify opportunities to coordinate and collaborate on implementing the current Lead and Copper Rule, particularly in environmental justice communities and expand and strengthen opportunities for stakeholder engagement to support the development of a revised rule.

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Emerging and Unregulated Contaminant Strategies: Develop and implement improved approaches through which EPA, state, tribal and local governments, utilities and other stakeholders can work together to prioritize and address the challenges posed by emerging and unregulated contaminants such as algal toxins and perfluorinated compounds (PFCs) and increasing public awareness, especially in vulnerable populations.

He discussed cyanotoxins, source water protection, and low capacity issues. The workgroup followed with a discussion on the burden of high of costs, environmental justice, and the differences between rural and urban communities. **Commissioner Reinhardt** again expresses her concern about large, urban communities not having a voice on these issues. They discussed the purpose and perspective of SCAS and of the LGAC as a whole. **Carolyn Peterson** asked if adaptation and resiliency are part of the action plan. Peter Grevatt responded that they are not specifically mentioned but the LGAC could provide input on them. **Council Member Brad Pierce** said that funding should be emphasized in their letter. **Councilor Andy Beerman** mentioned that testing and affordability are issues. Peter Grevatt mentioned that the Lead and Copper Rule is the only rule that requires testing at the tap, he invited the LGAC to address testing in schools. Private wells are outside of the scope of the Safe Drinking Water Act, but the LGAC could comment on it.

The Workgroup discussed procedural issues regarding the charge. **Fran Eargle** clarified by stating the action on the charge was to vote to accept the charge and move it forward to the full LGAC. The LGAC could negotiate any changes with EPA. **Mayor Kautz** called a vote to accept the charge, and they voted in favor.

### IX. Environmental Justice (EJ) Workgroup

**Dr. Gonzalez** called the meeting to order and introduced **Charles Lee, Office of Environmental Justice**. He talked about the Plan EJ 2020. **Charles** introduced **Kevin Olp** to talk about EJ Screen. **Samara Swanston** said that they use EJ Screen to support environmental justice legislation in New York, but she still meets many people who have never heard of it. **Dr. Gonzalez** said that is a tool at the local level to assess vulnerabilities. Kevin Olp said they just released the new EJ Screen, which was influenced from many user comments. **Mayor Goodall** asked how the information gets inputted. He answered that they can only take data that has been collected. They can take it from the public and aggregate it. Charles suggested they host a webinar to teach the committee how to use it. **Mayor Dupree** suggested they focus on emerging contaminants and **Commissioner Victoria Reinhardt** suggested keeping the health departments in the conversation.

### X. Cleaning Up Our Communities (CUOC) Workgroup

**Councilor Jill Duson** called the workgroup to order, and introduced **Jeff Morris**. Jeff gave updates on TSCA and explained the new law, how it differs from the old one, and its implications. **Commissioner Cope** asked how they determine what chemicals are covered by the Act. Jeff Morris said the mandate is broad so it covers anything in the inventory.

**Commissioner Cope** then asked how they know what's safe. He answered that they look at high hazard potential and the possibility of exposure. **Mayor Goodall** asked if things like synthetic marijuana or bath salts are covered by this. He said it depends on the use of the chemical and that mixtures don't fall under TSCA, but lawful substances do. **Commissioner Reinhardt** said it sounds like the use of the chemical doesn't matter. He said that manufacturers have to say if something is used for consumer use.

**Charlie Bartsch** was introduced to discuss updates on the brownfields program. He said that preference and priority strategy are very important for cleanups. **Terri Goodmann** mentioned that she's been very successful with cleanup grants and brownfield cleanups. A webinar was discussed.

### XI. Executive Work Session

**Chairman Dixson** opened the Executive Session with follow up to the request of Commissioner Reinhardt to evaluate an urban perspective to the LGAC. Chairman Dixson asked for their opinion on adding a new subcommittee about urban communities. **Commissioner Cope's** opinion was that they should not because of the limited EPA staff. And the issues are already covered by the workgroups. **Mayor Kautz** agreed that urban issues are already covered. **Chairman Dixson** said they can have the EPA staff look into this issue. **Jeff Tiberi** said the big city mayors are often very busy, and do not attend. **Carolyn Peterson** said there probably wouldn't be enough people to sign up for it. **Samara Swanston** said that she appreciates the role of small communities, but she doesn't know if she has felt represented so far. She points out we could probably get more people from big cities on the committee.

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### XII. Subcommittee and Workgroup Report Out's

**Chairman Dixson** called the committee to order, and **Fran Eargle** and **Jack Bowles** gave welcoming remarks.

**Carolyn Peterson** gave the ACE update: they will be looking for a vice chair, and they want to look at asthma rates.

**Councilor Jill Duson** gave the CUOC date.

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**Dr. Gonzalez** gave the EJ update: they want to focus on harmful algal blooms, EJ 2020, communication, and cyanotoxins, and they had slight revisions for the risk management letter.

**Mayor Kautz** gave the water update: they had two letters to vote on.

**Carolyn Peterson** asked if there will be flexibility in the schedules for the workgroup meetings.

**Chairman Dixson** answered that they have sent out times to see what works the best for everyone.

**Chairman Dixson** answered that they usually follow their priorities, but then make the groups even if any have too many or too few members. **Fran Eargle** pointed out that if anyone's priorities change, they can always change their workgroup selection. Workgroups are restricted to under twenty members (because of quorum issue), but anyone can sit in on meetings.

**Mayor Kautz** added that anyone listening in on meetings can contribute, but cannot vote unless they are members.

### **XIII. Business Meeting**

**Chairman Dixson** called the LGAC Business meeting to order. The following Letters of Recommendation were reviewed, discussed and approved.

#### *1) Communication Letter*

**Mayor Dixson** asked **Jeff Tiberi** to discuss the communications letter. **Jeff Tiberi** said that it is an instrumental letter about how to get the government to communicate well to local governments, and went through its important points.

**Jeff Tiberi** made a motion to approve. It was seconded by **Carolyn Peterson**.  
The motion passed.

#### *2) Hydraulic Fracturing Letter*

**Chairman Dixson** went to the hydraulic fracturing letter. **Council Member David Bobzien** pointed out that line 20 has an extra comma.

**Carolyn Peterson** made the motion to approve. It was seconded by **Jeff Witte**.  
The motion passed.

3) *Drinking Water Letter*

**Mayor Kautz** introduced the drinking water letter. **Carolyn Peterson** had minor editorial changes. **Commissioner Reinhardt** was concerned about the scope of the letter focused on small communities and ignoring larger, urban communities. They discussed different ways to address this issue. **Council Member Andy Beerman** suggested removing “small and disadvantaged” from one of the sentences, in order to make it more broad.

**Mayor Hardie Davis** said the reality is that this needs to happen across all communities. EPA should be communicating to all communities across all America. Commissioner Cope stressed that small communities do not get the attention needed.

Council Member Andy Beerman made the motion to accept and strike “small and disadvantaged” in line 6. Jeff Witte seconded.

The motion was accepted.

4) *Risk Management Program Rule*

**Chairman Dixon** asked **Dr. Gonzalez** to present the action. Dr. Gonzalez made the motion with one edit to add other agencies. It was seconded by **Mayor Jacqueline Goodall**.

The motion passed.

5) *Drinking Water Charge*

**Mayor Kautz** introduced the Drinking Water Charge. **Carolyn Peterson** seconded. The motion was approved.

6) *December 2015 Meeting Minutes*

Chairman Dixon asked for a motion to accept the Minutes of the December 2015 meeting. Jeff Tiberi seconded.

The motion was accepted.

**Mark Rupp** brought up the idea of a letter to the new Administrator. He mentioned possibly having a small in-person meeting to work on this letter and/or the charge.



## EPA's Local Government Advisory Committee (LGAC)

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**Fran Eargle** said that she would like to hear from the new members about issues they would like to see the LGAC review. She also mentioned there is a LGAC Draft Accomplishments Report that could be transmitted with the letter before the Administrator leaves.

**Mayor Stephen Williams** talked about the issues facing coal communities in Appalachia such as mountain top mining, brownfield cleanup, environmental justice, and low water supplies.

**Samara Swanston** wanted to discuss indoor air quality issues.

**Terri Goodman** said that in Iowa there are nutrient pollution issues, and mentioned that there could be an opportunity to get the private sector to help fund these programs to fix the problems that they've contributed to or caused.

**Council Member Beerman** said that the Clean Power Plan is helping, and he would like to learn more about how the LGAC can work with EPA on it.

**Mayor Goodall** suggested they make a blog so they can stay updated and share ideas with each other.

**Rodney Bartlett** said they should talk about financing more.

**Commissioner Cope** recommended that they look at how what the LGAC affects EPA policy.

### **XIV. Administrator's Address**

Chairman Dixson introduced the **EPA Administrator Gina McCarthy**. The Administrator opened by thanking them for all their work and input. She thanked Chairman Dixson for his leadership. She told them that they help her get outside the bubble that is Headquarters and Washington, DC. She said that this year is the year of water, and they will need to look at how to combine private and public sector interests to invest in water infrastructure. She asked for their help on these issues. She discussed the Volkswagen case, TSCA, the Clean Power Plan, and the climate meeting in Vienna. She thanked them again and then they took a group photo together.

*Chairman Dixson extends final thanks to LGAC members and EPA staff. The meeting is adjourned at 11:28 a.m.*

*NOTE: Demond Matthews served as the Acting Designated Federal Officer for this meeting in Fran Eargle's absence.*

## EPA's Local Government Advisory Committee (LGAC)

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We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

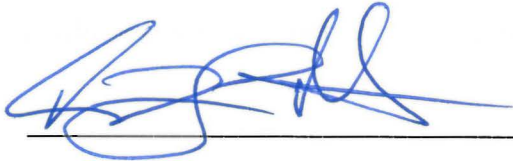
*Robert A. Dixon*

October 11, 2016

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Mayor Bob Dixon  
Chairman  
Local Government Advisory Committee  
U.S. Environmental Protection Agency

Date



14 OCTOBER 2016

Demond Matthews  
Acting Designated Federal Officer (for this meeting)  
Local Government Advisory Committee  
U.S. Environmental Protection Agency

Date

## EPA's Local Government Advisory Committee (LGAC)

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### Meeting Participants

#### LGAC Members

Susan Anderson, Director, Portland Bureau of Planning and Sustainability, Portland, OR  
Katherine Barnes, Commissioner, Catawba County, NC  
Rodney Bartlett, Town Administrator, Peterborough, NH  
Andy Beerman, City Councilor, Park City, UT  
David Bobzien, City Councilmember At-Large, Reno, NV  
Scott Bouchie, Environmental Management and Sustainability Director, Mesa, AZ  
Robert Cope, Planning Commission, Salmon ID  
Hardie Davis, Mayor, Augusta, GA  
Bob Dixson, Mayor, Greensburg, KS (Chair)  
Johnny Dupree, Ph.D., Mayor, Hattiesburg, MS  
Jill Duson, Council Member, Portland, ME  
Dr. Hector Gonzalez, M.D., Director, Laredo Department of Health, TX  
Jaqueline Goodall, Mayor, Forest Heights, MD  
Teri Goodmann, Assistant City Manager, Dubuque, IA  
Susan Hann, Director, Planning, Brevard County School Board, FL (via teleconference)  
Manna Jo Greene, Legislator, Ulster County, NY  
Elizabeth Kautz, Mayor, City of Burnsville, Minnesota  
Merceria Ludgood, Commissioner, Mobile County, AL  
Carolyn Peterson, Commissioner, (former) Environmental Management Commission, Tompkins County, NY  
Brad Pierce, Council Member, Aurora, CO  
Victoria Reinhardt, Commissioner, Ramsey County, MN  
Mary Salas, Mayor, Chula Vista, CA  
Tom Sloan, State House Representative, Kansas  
Ryan Sundberg, Supervisor, Humboldt County, CA  
Samara Swanston, Counsel to NYC Council Environmental, New York, NY  
Jeff Tiberi, Executive Director, Montana Association of Conservation Districts, MT  
Stephen T. Williams, Mayor, Huntington, WV  
Jeff Witte, Secretary of Agriculture, State of New Mexico

#### EPA

Gina McCarthy, EPA Administrator  
Stan Meiburg, Acting Deputy Administrator  
Ingrid Archibald, Intern, EPA Office of Congressional and Intergovernmental Relations (OCIR)  
Beverly Banister, Senior Policy Advisor, Office of Air and Radiation  
Portia Banks, OCIR  
Charlie Bartsch, Senior Advisor for Economic Development, Office of Land and Emergency Management  
Jack Bowles, OCIR  
Demond Matthews, OCIR, DFO for SCAS  
Becky Cook-Shyovitz, OCIR  
Nichole Distefano, Associate Administrator, OCIR  
Frances Eargle, OCIR (via teleconference)  
Noelle Green, Office of the General Council

## EPA's Local Government Advisory Committee (LGAC)

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Peter Grevatt, EPA's Office of Ground Water and Drinking Water  
Dr. Ellen Gilinsky, Ph.D., Senior Policy Advisor, Office of Water  
Arnita Hannon Christmon, OCIR  
Michael Hardy, Office of Chemical Safety and Pollution Prevention  
Khanna Johnston, Office of Regional Operations  
Jim Jones, Office of Chemical Safety and Pollution Response  
Charles Lee, EPA Office of Environmental Justice  
Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation  
Megan Moreau, Office of Federal Advisory Committee Management and Outreach (OFACMO)  
Jeff Morris, Deputy Director for Programs, Office of Pollution Prevention and Toxics  
Lisa Ng, Intern, OCIR  
Jane Nishida, EPA Office of International and Tribal Affairs  
Kathy O'Brien, EPA's Office of the Chief Financial Officer (OCFO)  
Kevin Olp, Director of Communications, Office of Environmental Justice  
Mark Rupp, Deputy Associate Administrator, OCIR  
Toni Rousey, Office of Federal Advisory Committee Management and Outreach (OFACMO)  
Joel D. Scheraga, Ph.D., EPA's Office of Policy  
Sonya Scott, OCIR  
Carol Ann Siciliano, Office of the General Council  
Mathy Stanislaus, EPA's Office of Solid Waste and Emergency Response  
Shari Wilson, Office of Enforcement and Compliance Assistance  
Joe Goffman, OAR

### **EPA Regional Administrators (via Video-conferencing)**

Judith Enck, EPA Region 2  
Shawn Garvin, EPA Region 3  
Heather McTeer Toney, EPA Region 4  
Robert Kaplan, EPA Region 5  
Ron Curry, EPA Region 6  
Mark Hague, EPA Region 7  
Shaun McGrath, EPA Region 8  
Dennis McClerran, EPA Region 10

### **External Panel Members**

Carolyn Berndt, National League of Cities (NLC)  
Carolyn Hanson, Environmental Council of the States (ECOS)  
Kristin Hildreth, National Conference of State Legislatures (NCSL)  
Megan Jourdan, National Association of County & City Health Officials (NACCHO)  
Judy Sheahan, U.S. Conference of Mayors (USCM)  
Jim Taft, Association of State Drinking Water Administrators (ASDWA)  
Julie Ufner, National Association of Counties (NACo)  
Alexandria Schaefer, National Governors' Association (NGA)

## EPA's Local Government Advisory Committee (LGAC)

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**Public Attendees:**

Kate Almen, ECOS

Steve Davies, Agri-Pulse

Chelsea Gridley-Smith, NACCHO

Dudley Hoskins, NASDA

David Laruss, Inside EPA

Doug Obey, Inside EPA

Amanda Palleschi, Inside EPA

David Reynolds, Inside EPA

Alex Swindle, NLC

