



LGAC's Small Community Advisory Subcommittee Meeting Summary

May 5th, 2023, 12:00 PM – 1:15 PM Eastern Time Zone

Meeting Welcome and Call to Order

Lynzi Barnes, SCAS Designated Federal Officer (DFO), acknowledged a quorum and officially opened the meeting. SCAS Co-Chair's Commissioner Lowery and Supervisor Mallek welcomed subcommittee members to the meeting and gave roll call.

Commissioner Lowery brought forth a few priority items for the SCAS, including requested input from the LGAC Water Workgroup, and plans for a table-top exercise that involves PFAS identification at the local level. Commissioner Lowery turned the meeting over to Jack Bowles for an EPA update.

EPA Updates/Remarks

Jack Bowles, Director of State and Local Relations, EPA Office of Congressional and Intergovernmental Relations welcomed meeting attendees and emphasized the important perspective from small communities. Mr. Bowles provided regulatory updates from EPA including: \$41 million in technical assistance grants to help small and rural and disadvantaged communities, \$400 million for the Clean School Bus grant program, \$500 million in Tic Tac thriving communities and technical assistance grants via EPA's Environmental Justice program, \$5 billion for the Climate Pollution Reduction Grant Program, the proposed Greenhouse Gas Emission Standards for Heavy Duty Vehicles rule ([link](#)), and the new website announcing funding for the Bipartisan Infrastructure Law and Inflation Reduction Act ([link](#)).

LGAC Workgroup Updates

Lynzi Barnes, SCAS DFO updated the subcommittee with a table-top exercise scheduled at the hybrid meeting May 22nd. The exercise will be organized around a PFAS predicament and the goal will be to discuss actions taken by local governments in response to regulatory thresholds for PFAS established by EPA, assess applicable plans and policies in place for risk communications in response to a water system testing above regulatory levels and a water system testing below regulatory levels, and to identify planning and resource needs (i.e. message maps, response plans, etc.) for local jurisdictions to aid in risk management.

There will be 3 breakouts/scenarios (2 in person and one online for remote participants) that involves developing risk communication strategies related to the proposed PFAS National Primary Drinking Water Regulations (NPDWR) at different thresholds.



Lynzi encouraged SCAS members to attend the session in person and virtually.

LGAC Water Workgroup Chair's Gary Brown and Miki Esposito presented EPA's proposed maximum contaminant levels for PFAS in drinking water, along with preliminary recommendations from the Water Workgroup. A set of early recommendations included:

- EPA should work across the federal family to investigate the sources of PFAS contamination, enforce fiscal responsibility of polluters, and consider providing waivers to systems when such an investigation is underway.
- EPA should replace any use of the term "community water system" in the proposed rulemaking with "water treatment system."
- EPA should develop a plan to prioritize testing for water systems serving environmental justice communities.
- EPA should provide plain language talking points, educational materials, adaptable toolkits, and risk communication plans that represent the most up-to-date information and best practices.
- EPA should continue to work with states and local governments to find new sources of funding and ways to make efficient use of the funding available.
- EPA should take a robust look at potential additional costs for disposing of filtered PFAS biosolids, provide additional resources when needed for proper disposal, and consult states and local governments throughout this process.
- EPA should develop a standardized Polluter Pays model for managing PFAS contamination.

Water Workgroup Chair's asked SCAS members on the type of assistance that would help small public water systems to identify laboratories that can perform the required monitoring, evaluate treatment technologies and determine the most appropriate way to dispose of PFAS contaminated residuals and waste the systems may generate when implementing the rule.

Denise Koch thanked the Chairs for their worked and stated overall that she appreciated EPA working across the federal family to fully defend enforceable federal responsibilities of polluters. Ms. Koch emphasized a whole of government approach to further restrictions of the chemicals that are dangerous and enhance restrictions in commerce so that communities are not impacted on the backhand. Ms. Koch stressed the importance of technical guidance on deferred treatment technologies for effectiveness and mentioned that risk communication will be important for communities, as they will rely on EPA to develop templates to use.

Kevin Shropshire added to consider narrowing down the term community water system to portable water provider. Mr. Shropshire also added that EPA should look into funding labs testing for PFAS to obtain certification in the PFAS analysis. This funding will be a big step so that more labs can do the work and have competition. Mr. Shropshire also highlighted the importance of public education materials and identifying who will carry the responsibility of public notification.

Michele Zolezi mentioned the occurrence of PFAS in New Jersey and the state's restrictive rules in comparison to EPA. Ms. Zolezi noted that the point source for PFAS or the responsible party will be very



unlikely to identify, and the significant number of labs that are backed up with sampling and processing. Lastly, Ms. Zolezi mentioned senior communities on private wells and the municipality's efforts to connect to building to the public water supply. Federal assistance would be helpful along with EPA designating PFAS/PFOA as a hazardous substance.

Public Comments

Chris Moody, American Water Works Association (AWWA) provided an overview of his organization and highlighted that AWWA represents 4500 utilities across the country that provides about 80% of the nation's drinking water supply and represents manufacturing suppliers, service providers, construction crews etc. Mr. Moody mentioned his appreciation to EPA in the interest of setting drinking water standards for PFAS, but stressed that more than 2/3 of the systems that will be impacted by the rule will be small systems. Mr. Moody mentioned that AWWA will provide comments to the rulemaking, but offers the following observations: 1) the standard implementation timeframe is too short given current conditions. It typically takes 3-5 years to plan and conduct monitoring in order for water systems to comply. 2) there are supply chain strains and workforce shortages in the sector. 3) Funding through the Bipartisan Infrastructure Law will help alleviate some cost concerns, but this funding source further strains implementation. Mr. Moody raised a point to the existing evidence that EPA's analysis of the cost of the rule is significantly low, but a study prepared by Black and Veatch shows that the cost model is underestimating the total cost for drinking water treatment. A discrepancy will be felt most by small systems. Mr. Moody echoed his hope that the PFAS cost analysis will be adjusted to a more realistic number so that the rule impact can properly be reflected not only to understand costs and benefits, but for the implementation by smaller systems. Mr. Moody's final point was to emphasize aging infrastructure and the need to be replaced, lead, the need to get ahead of corrosion control and cyber security. Mr. Moody closed by urging EPA to make sure that the rule is defensible with data and the science.

Closing Remarks

SCAS Co-Chairs thanked members for the discussion, thanked EPA for the updates and public comments and encouraged subcommittee members to attend the meeting at the end of the month.



Meeting Attendees:

Supervisor Ann Mallek, Albermarle, VA

Commissioner Lowery, Cibola County, NM

Mayor Jonathan Godes, Glenwood Springs, CO

Mayor Ella Jones, Ferguson, MO

Kevin Dumas, Mansfield, MA

Mayor Rey Leon, Huron, CA

Denise Koch, Juneau, AK

Tom Carroll, Cambridge, MD

Councilmember Sophie Swope, Bethel, AK

Alderman and Mayor Pro Tem Kimberly Rich, Willow Springs, MO

Kevin Shropshire, Rockledge, FL

Michele Zolezi, Manchester, NJ

Tyler Palmer, Moscow, ID

LGAC Members:

Gary Brown, Detroit, MI

Miki Esposito, Los Angeles County, CA

EPA Attendees

Lynzi Barnes, EPA's Office of Congressional and Intergovernmental Relations

Jack Bowles, EPA's Office of Congressional and Intergovernmental Relations

Public Attendees:

Steve Via, AWWA

Chris Moody, AWWA



EPA's Small Community Advisory Subcommittee

Catherine Tulley, Southwestern Pennsylvania Commission