



**MAY 11 2012**

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Frances Eargle, DFO

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) advises you and the U.S. EPA on a wide range of environmental and health issues which impact local governments. On December 13, 2011, the LGAC provided a letter for the LGAC's support and recommendations on EPA's *Plan EJ 2014*. Moreover, we are grateful to have this additional opportunity to comment on *Plan EJ 2014: Considering Environmental Justice in Permitting – Guidance to EPA-issued Permit Applicants: How to Conduct Enhanced Public Participation*. The purpose of this guidance is to encourage the business community to reach out to residents and to talk about their applications and other environmental activities early in the process.

The LGAC therefore commends EPA for development of this guidance and furthermore recommends that EPA publish this guidance with the intent to building stronger relationships of all affected parties. **We also recommend EPA to develop an outreach plan to achieve the stated goals and objectives to fully realize the tenets of "collaboration, respect and building mutually beneficial relationships."**

*The LGAC has made the following findings and recommendations:* Local governments have a relationship and a role in this dialogue because of economics, environmental consequences, public health and the trust we have in our communities. We are empowered through our local zoning ordinances and land use policies and have a keen interest in promoting this collaborative engagement of our citizens in this dialogue with the business community, and to foster this dialogue at the local level for early engagement of our communities in the pre-permitting process.

Enhancing information and outreach is very important to the community and stakeholders. Communities who have advance information on a facility's plans, any possible pollutants and other issues regarding its business operations are of value in

helping to foster meaningful dialogue to incorporate potential two-way solutions. Additionally, local governments have important interaction and dialogue with local leaders in which to foster proactive decision-making. Disadvantaged, minority, and underserved communities have greater challenges in communicating the impacts to the community. Local governments are information sources on how best to communicate information to the communities we serve.

The LGAC hereby recommends the following:

**Recommendation # 1:** The LGAC concludes that local governments should be recognized as a necessary partner with the EPA. Early engagement of the business community with local governments and citizens should occur in order to ensure greater compliance, better permit limits, and to establish trust in the relationship.

Three principal areas in which local governments should serve are:

- As a co-regulatory role with other sectors of government, and in establishing the trust of our communities;
- As a central source of information for our communities and in serving to counter misinformation to the public; and
- As facilitators, such as in holding public meetings, developing stakeholder engagement, and building better collaborative processes, especially in regard to permitting.

**Recommendation # 2:** The LGAC recommends that local governments have a stronger and more substantive role as a facilitator in this dialogue, and potentially serve as a 'host' for facilitation services for public meetings where facility, staffing and capacity exist. If small communities do not have resources to facilitate dialogue then EPA should provide facilitation services in consultation with local leaders.

**Recommendation # 3:** The LGAC recommends that the guidance incorporate a stronger position, and add a section to the current guidance, to include a more descriptive narrative on communication with local governments. The LGAC, further recommends that EPA develop an outreach strategy to local governments to consider the following: identification of stakeholders and organizations (Rotary clubs, faith communities, health and academic institutions etc.), timing, sequencing, how to, and the benefits of this outreach to local governments.

**Recommendation # 4:** The LGAC recommends that EPA develop a comprehensible and searchable online database for local communities and governments to access. The database would include information including basic demographic issues which target information sources, online tools, and checklists to help local governments be proactive. It should also recognize that municipalities could play a broader role on issues. The database should be created before the permitting process begins.



**Recommendation # 5:** The EPA should incorporate into the process an analysis of potential harmful impacts on local governments and inform the authority of the local government (town manager, mayor, etc), of any impact, within a reasonable amount of time, upon identification of a project involving EPA permitting. If no local authority can be identified, EPA should contact the county or state government for guidance on communication with the local government.

**Recommendation # 6:** The LGAC recommends EPA to add a section to this guidance that identifies the impediments getting in the way of this meaningful dialogue and what advice to give to residents regarding these identified impediments. Examples of impediments could include language, income, or resources. The guidance strongly encourages business to be a good neighbor with citizens.

**Recommendation # 7:** The LGAC also recommends that the guidance cite the specific statutes, such as Title VI, other laws and executive orders which address permitting in environmental justice communities. This is particularly important with EPA's priority on Title VI implementation.

**Recommendation # 8:** The LGAC recommends that EPA consider adding a section on public health and the disproportionate risk of exposure in environmental justice communities. Ways to address these issues in the pre-permitting application phase should be included in this dialogue.

**Recommendation # 9:** The LGAC finds that designating a point of contact may provide greater and more effective application of this guidance. The LGAC therefore recommends EPA designate a point of contact in the EPA Regions and Headquarters to help facilitate these local government connections. The intergovernmental contacts may help to serve as a link to databases of local government contacts. This could be furthered to enhance EPA's current web-based tools such as *Surf your Watershed*, (accessible by zip code).

The Committee acknowledges the great work of the Agency in moving forward this very valuable guidance to businesses and communities in order to help foster better working relationships. As an offshoot, the guidance could potentially open more honest dialogue with communities and businesses which could develop more job opportunities in these communities.

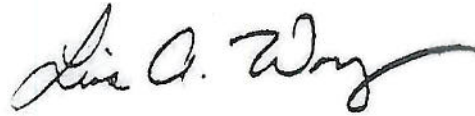
Thank you for the opportunity to comment on this guidance, and we look forward to our continued work with the Agency on this effort.

Sincerely,

Sincerely,



The Honorable Heather McTeer  
Chairwoman



The Honorable Lisa Wong  
Chairwoman, Expanding the  
Conversation (EJ)Workgroup

Cc: Lisa Garcia  
Charles Lee