

**Local
Government
Advisory
Committee**



October 22, 2014

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The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

On behalf of EPA's Local Government Advisory Committee, we are writing in support of EPA's efforts to promote a clean and safe environment. A clean environment is essential to the prosperity and quality of life of our citizens and our communities but especially to the wellbeing of vulnerable and small communities with disproportionate health and economic risk impacts. As your local advisors, we are in continual dialogue with the EPA to provide feedback and recommendations to the EPA on environmental and public health issues affecting local, state and tribal governments. As state, local and tribal officials, we also represent our citizens so that we also write on their behalf to support the EPA's efforts to develop carbon pollution-reduction frameworks for existing power plants under Clean Air Act (CAA) § 111(d). We are writing to provide recommendations to the EPA to further explore ways to engage us at the local level to promote flexibility, affordability and to strengthen our intergovernmental partnership to achieve the goals and objectives of CAA § 111(d).

Background

Power plants are one of the largest source of greenhouse gas emissions in the United States. In 2012, fossil fuel fired power plants emitted more than 2 billion metric tons of carbon dioxide (CO₂), equivalent to 40% of U.S. carbon pollution and nearly one-third of total U.S. greenhouse gas emissions (GHG).¹ In *Massachusetts v. EPA*, the Supreme Court ruled that the Clean Air Act's

¹ DRAFT Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2012, at ES-5 to ES-7, tbl. ES-2 (Feb. 2014), available at <http://www.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2014-Main-Text.pdf>

protections encompass greenhouse gas emissions.² It was also determined that GHG emissions endanger public health and welfare.³ EPA along with the states are in the process of developing standards that will drive cost-effective reductions in carbon pollution and at the same time spur the nation's transition to a cleaner and sustainable energy and power infrastructure.

Why do Local Governments Care?

Our communities and citizens' health and well-being are our paramount concern. This is a responsibility we do not take lightly. For many in our communities, in particular vulnerable persons with important health disparities or who live in small and underserved communities, exposure to cumulative risks from carbon emissions impacts acute health conditions and long term health. Therefore air quality is a life and death issue, especially among those individuals suffering from chronic respiratory and cardiopulmonary diseases, those who are immunocompromised and more generally among women and children. Public health statistics indicate a rise across the nation of air contaminants which trigger exposure to irritants, and health related impacts on heart disease, immune-compromised health conditions, cancer, and respiratory diseases.

In the last decade, the proportion of people with asthma in the United States grew by nearly 15%. In 2009, asthma caused 479,300 hospitalizations, 1.9 million emergency department visits and 8.9 million doctor visits. In 2010: 18.7 million adults had asthma (approximately 1 in 12 adults) and 7 million children (1 in 11 children). The mortality rate of asthma sufferers is about nine lives lost each day.⁴ For us at the local level these statistics are more than significant as even one death related to environmental causes is unacceptable. With climate change, we can expect an increase in air contaminant triggers and this will impact all of us but environmental justice communities will be impacted disproportionately. As local officials, we fully support the EPA in strengthening environmental standards that reduce harmful emissions while promoting healthy communities.

Additionally many of the LGAC communities have been working on numerous carbon reduction/greenhouse gas reduction initiatives for over a decade, taking the lead in this critical work. A paramount reason for this was the concern over the inability of the United States to make important and significant changes in climate protection in a timely way. Hundreds of our local governments have created energy plans, have enacted local laws and regulations to enhance climate protection, and have set measurable goals and standards to mark forward progress. The LGAC understands that the proposed plan is directed to the state level however local governments have often stated that they have been leading the way in greenhouse gas reduction initiatives. Although LGAC members may have specific concerns about the Clean Power Plan, in general, a step such as this one is one that is appreciated.

² 12 549 U.S. 497 (2007).

³ Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66,496 (Dec. 15, 2009).

⁴ **Asthma's Impact on the Nation Data from the CDC National Asthma Control Program**
http://www.cdc.gov/asthma/impacts_nation/asthmafactsheet.pdf

Findings and Recommendations:

Flexibility

The CAA § 111(d) establishes a collaborative federal-state process for regulating existing sources whereby the EPA establishes quantitative emission guidelines and the states deploy locally tailored and potentially innovative solutions to achieve the required emission reductions. We urge EPA to prioritize innovative emissions reduction to lessen the health impacts to vulnerable communities with significant health disparities.

The LGAC fully supports the flexibility of CAA § 111(d) for states and tribes to use their discretion to develop plans to achieve the emission reductions, whereby the EPA reviews plans to ensure they are meeting the relevant statutory criteria.

Recommendations:

-The LGAC recommends that the EPA work closely with local, state and tribal governments to identify innovative state, local and tribal programs which achieve these reductions.

-The LGAC also recommends that the EPA share these approaches for other programs to potentially adopt. At the state and local level we learn from each other and this will provide a means to access this information readily.

-The LGAC recommends that the EPA work closely with the states and tribes to engage with local governments to employ innovative collaborations with their public utilities and the private sector to promote these reductions.

Affordability

Communities across the nation are working with their local power companies to reduce emissions of fossil fuel fired power plants by making these plants more efficient; increasing the use of lower-carbon generation capacity and zero-emitting energy; and by investing in demand-side energy efficiency.⁵

Many cities and small communities are developing plans at the local level to reduce harmful greenhouse gas emissions while aiding in climate change adaptation.

- Salt Lake City plans on increasing the number of energy efficient buildings in its city by 10% through incentives. It also plans on reducing greenhouse gas emissions from cars and city buildings by 13% and the city plans on expanding its renewable energy portfolio, particularly solar.
- Through outreach education and below market prices, communities in Tompkins County, NY are outfitting their homes with solar panels. This initiative, also occurring in other parts of the nation, strives to significantly increase an area's renewable energy usage but can serve to significantly reduce GHG emissions as well.

⁵ See generally World Resources Institute, GHG Mitigation in the United States: An Overview of the Current Policy Landscape, at 10-12 (2012), available at <http://www.wri.org/publication/ghg-mitigation-us-policy-landscape>; Database of State Incentives for Renewables & Efficiency, <http://www.dsireusa.org/> (last visited Feb. 27, 2014).

In addition, we need to engage environmental justice communities for their recommendations on GHG emissions reduction. We have at the local level many tools to employ to radically reduce GHG emissions such as transportation planning, green buildings, green infrastructure and land use planning. These tools have the potential to reduce greenhouse gas emissions while providing the community the opportunity to participate in building sustainable energy economies at a greater cost-savings.

Recommendations:

-The LGAC recommends that the EPA work with states to engage local governments to promote emission reductions and to share these approaches through multimedia outreach. Local governments have many tools such as land-use planning, permitting and private-public sector partnerships which can be used to promote emission reductions.

-The LGAC recommends that the EPA work with states and tribal governments to provide incentives to achieve and implement these innovative emission reducing approaches.

-The LGAC recommends further efforts to work with states on broad targets for consideration of environmental justice communities that have the most critical health concerns and vulnerable populations.

--The LGAC recommends that the EPA work with States to provide incentives for private sector partnerships which aim at reducing harmful emissions.

--The CAA § 111 could potentially employ a more expansive system than the typical pollution-control technology at a power plant and employ a systems approach to reduce emissions through an averaging system. This could involve: improving efficiency at plants, deploying zero-emitting energy on the grid, investing in demand-side energy efficiency to reduce demand, and shifting utilization towards lower-emitting generation all reduce emissions from fossil fuel fired units as a group.

Recommendations:

-The LGAC supports and recommends that the EPA continue to work with states to design an averaging framework to meet their CAA 111(d) goals with a greater level of affordability and flexibility to identify the most cost effective emission reductions across emission sources. For example, this would allow a more comprehensive approach to reductions that will reduce emissions onsite or achieve emission reductions from other sources that can achieve reductions beyond those necessary for individual compliance at a lower cost.

-The LGAC promotes the use of low-carbon generation, shifts in utilization toward lower- or non-emitting generation, and improvements in demand-side energy efficiency, and recommends that the EPA continue to work with states and tribes to build flexibility for regulated sources.

Local Solutions-Nationwide Benefits

The CAA § 111 language appears to give EPA broad interpretative and expansive authority to determine which system of emission reduction best serves the CAA statutory goals.

Recommendations:

- The LGAC recommends that the EPA continue to work with states, tribes and local governments to explore ways to employ beyond the ‘end-of-pipe’ control technologies.

-The LGAC supports more regional approaches and recommends that the EPA provide further incentives for regional collaborations which achieve a more unified cost-effective grid system that reduces emissions from a fossil fuel fired power source as an interconnected group by averaging emissions across plants.

- The LGAC supports the “best system of emission reduction” and the EPA’s broad interpretation for state standards of performance to apply a “standard for emissions” to “any existing source” in the listed category. While the EPA must seek out the system that best serves the goals of CAA § 111, there are many available options for reducing carbon emissions from existing power plants through upgrades at these facilities. The LGAC recommends that the EPA work with state, local and tribal governments to explore and promote local approaches to spur renewable energy sources that in turn also promote local solutions.

-The LGAC urges prioritizing emission reduction strategies in communities with health disparities. The committee also recommends considering reducing high carbon emissions development in environmental justice and small communities where adequate infrastructure support to address clean air emissions goals and standards do not exist.

- The LGAC recommends that EPA continue to work with Nuclear Regulatory Commission to monitor nuclear plants, particularly after refueling. The LGAC believes this will help to minimize the health risks that are associated with radioactive gas plumes and which primarily affect children and vulnerable populations.

In Summary

The LGAC appreciates the consultation and collaborative approaches the EPA has built with local, state and tribal governments. As Administrator, you have made efforts to get outside of the Beltway and visit communities which are struggling to make critical choices on the environment and the economy. The LGAC appreciates and supports the EPA’s efforts on this ground-breaking national standard and methodology to protect the environment by reducing greenhouse emissions and to promote healthy communities especially for the most vulnerable-women, children and those with chronic diseases. Therefore, the LGAC supports EPA efforts to achieve a protective standard for public health and the environment, which also gives flexibility for state, tribal and local government to promote innovation and cost-effective solutions which also conserve our natural resources. We also stand committed to assisting the EPA in identifying local best practices which support the goals of CAA § 111 while affirming the health and environmental benefits to communities across the nation.

Sincerely,



Mayor Bob Dixon
Chair



Commissioner Carolyn Peterson
Chairwoman
Air, Climate & Energy Workgroup