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August 12, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

The Local Government Advisory Committee (LGAC) would like to take the opportunity to provide input on EPA activities surrounding hydraulic fracturing. The LGAC thanks the agency for providing continued briefings and updates to the committee on hydraulic fracturing. The LGAC acknowledges that EPA's authority to regulate hydraulic fracturing is limited– most regulatory and enforcement activities regarding hydraulic fracturing are held within the authority of States.

The LGAC also recognizes that the EPA is focused on advancing and providing clarity on the science regarding the impacts of hydraulic fracturing and providing guidance concerning the best protections of existing regulations to safeguard the environment and public health. The LGAC would like to put forward our findings and recommendations to the agency in regard to hydraulic fracturing.

Background: Although hydraulic fracturing has been used for decades, the rapid expansion of this technology near densely populated areas, agricultural districts, and regions less familiar with its use has called greater attention to the potential effects on human and environmental health. At the local level, we have received escalated reports of concerns on the potential impacts to groundwater, runoff, drinking water sources, air quality, waste disposal, agricultural production, tourism and safety. Further, there has been an increase in reported seismic activity in some regions. This trend has prompted studies examining whether there is a direct link between earthquakes and the Class II underground injection wells used to dispose of waste water from hydraulic fracturing or produced water from oil and natural gas production. For example, the State of Oklahoma has experienced 653 magnitude 3 or greater earthquakes in 2015, compared to 109 events recorded in 2013.¹

The LGAC is aware that State legislatures and state regulatory agencies are taking actions to protect water resources, such as requiring certain wastewater treatment measures. Although states have been delegated

¹ <https://earthquakes.ok.gov/>

certain authorities to address aspects of hydraulic fracturing activities under the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act, states rely significantly on their own authorities under state law to ensure safe management and enforcement of hydraulic fracturing activities.

Finding: The committee represents diverse and wide geographic perspectives and does not necessarily agree on all issues regarding hydraulic fracturing. While some committee members advocate for a more expansive federal role, some argue for a more local approach. Some committee members would advocate for more regulatory approaches among states, and argue that a national framework is needed to ensure a consistent set of standards for the natural gas industry. Many areas, namely small western communities, have a long history of oil and gas extraction providing an economic mainstay and do not necessarily advocate for a larger federal role. Yet, there are some states, such as New York, that have banned hydraulic fracturing to prevent harm to human health and the environment. There are also many environmental justice (EJ) communities particularly at risks to the public health impacts of hydraulic fracturing.

Finding: There is wide agreement amongst the committee that there is a greater need for clarity of the environmental and public health risks posed by hydraulic fracturing. We also agree that the EPA should provide support and guidance to the states, local governments, and tribes to ensure hydraulic fracturing does not negatively impact the health, safety and welfare of the community.

Recommendation: The LGAC recommends that the EPA enter into a focused dialogue with states, tribes and local governments to hear and discuss concerns, advance a greater intergovernmental understanding of the complexity of the issues, and promote greater cooperation at all levels of government concerning hydraulic fracturing.

Recommendation: As local, state and tribal officials, we have an ongoing concern for the health of our environment and communities. The LGAC recommends that the EPA continue its efforts to gain a better understanding of the risks of hydraulic fracturing and continue efforts to develop better management tools. The LGAC also asserts that the EPA is in a good position to advance these efforts at the state, tribal and local levels. Therefore, we urge the EPA to incorporate cumulative risk and its health impacts in any health assessment and provide guidance on these health impacts, especially for small, rural and EJ communities that already face critical health disparities.

Recommendation: The LGAC also recommends that the EPA provide states, tribes and local governments with the ongoing support to protect the environment and its watersheds when they identify concerns regarding hydraulic fracturing.

Recommendation: The LGAC recommends that the EPA avail itself of the best practices related to hydraulic fracturing that have already been compiled – and continue to be compiled – by national associations representing state and local governments, including but not limited to the Groundwater Protection Council, the National Governors' Association Center for Best Practices, the National League of Cities, the National Conference of State Legislatures and the Interstate Oil and Gas Compact Commission.

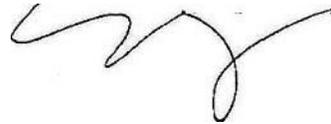
Recommendation: The LGAC further recommends that the EPA help to identify opportunities to share emerging best practices with other stakeholders, including citizens, non-profit organizations, businesses and federal agencies.

In summary, the LGAC would like to offer our assistance to help in EPA's efforts to gain more clarity of state and local issues and of how to better address these issues at the local level. We also urge the EPA to continue dialogue between states, tribes and local governments so that we can all gain a collective and shared understanding of the impacts and any potential harms of hydraulic fracturing. To further advance this dialogue is critical for all of our communities. Lastly, the committee wishes to thank you, Administrator McCarthy, for the opportunity to provide you with our perspective from the local level and for the valuable relationship we have with you and the EPA.

Sincerely,



Mayor Bob Dixon
Chairman



Ms. Susan Hann, Chairwoman
Protecting America's Waters
Workgroup