

## Homeland Security Committee approves chemical security legislation

The House Homeland Security Committee approved draft legislation to extend and modify federal authority to regulate security at chemical plants. The new Chemical Facility Anti-Terrorism Act would make permanent the interim chemical security regulations recently issued by the Department of Homeland Security (DHS).

The DHS regulations require owner and operators of plants housing certain quantities of specified chemicals to complete preliminary screening assessments to determine the facilities' level of risk. Owners and operators of facilities preliminary qualified as high-risk must prepare and submit assessments of vulnerabilities and site security plans. Water and wastewater facilities were originally exempted from DHS regulations.

The new legislation contains measures requiring owner and operators of covered facilities to include in their security plans an assessment of methods to reduce risks, such as implementing inherently safer technology (IST). The committee approved an amendment that would bar DHS from requiring publicly owned drinking water and wastewater treatment facilities to implement methods to reduce the consequences of a terrorist attack unless the facility receives DHS grant funding.

APWA, along with other national industry associations, is advocating for water and wastewater facilities to be

exempt from the legislation, arguing that the facilities are not private chemical companies and should not be included in this legislation. The bill has been referred to the House Energy and Commerce Committee.

### *Final rule on solid waste bonds expected soon*

The Department of Treasury is expected to release final regulations covering tax exempt bonds for solid waste projects by the end of June. The new rules will update existing regulations that stipulate a solid waste facility will not qualify as a solid waste disposal facility, for tax exempt purposes, if the materials processed at the facility have any market or other value.

The new rules will provide guidance on the types of materials that constitute solid waste and the types of activities that are permitted uses of solid waste disposal facilities, which include final disposal, conversion, recovery and transformation processes as well as preliminary functions and functionality-related and subordinate activities. The Department reported receipt of extensive comments complaining the proposed rules are too restrictive with regard to recycling projects, an issue to which the final rules should be sensitive.



Image courtesy of the APWA Jim Martin Public Works Photo Library at [www.apwa.net](http://www.apwa.net).

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## **EPA hosts 2008 National Resource Conservation Challenge training**

The Environmental Protection Agency's (EPA) Resource Conservation Challenge (RCC) is a national effort to conserve natural resources and energy by managing materials more efficiently. The RCC focuses on core areas, including municipal solid waste recycling, industrial materials recycling, priority and toxic chemical reductions and green initiatives (electronics).

The RCC conserves energy and preserves natural resources by committing to reduce more waste, reuse and recycle more products, buy more recycled and recyclable products and reduce toxic chemicals in waste. Through the RCC, EPA works with states, industry, businesses and individuals to find smarter faster ways to accomplish the RCC goals.

Participants at the workshop included EPA regional staff, state and local government representatives, national industry associations and representatives from the private sector. Susan Bodine, EPA Office of Solid Waste, welcomed participants and laid out the workshop goals: to provide an update on the RCC programs; to discuss successes and challenges; to assess and measure the programs' progress and plan for the future of the RCC programs' success. The workshop created opportunities for networking and sharing of information about new tools and expertise to partners and stakeholders engaged in the RCC program.

More information on the RCC is available at <http://www.epa.gov/rcc>.

## **Water Resources Coalition urges budget committees to provide \$6.8 billion for Army Corps and Bureau of Reclamation programs**

The Water Resources Coalition (WRC) recently urged both the House and Senate Budget Committees to recommend that the fiscal year (FY) 2009 Congressional Budget Resolution provide \$6.8 billion for the Army Corps civil works program. This request includes \$200 million for investigations; \$2.9 million for operation and maintenance; \$2.6 million for construction; \$400 million for ME&T; \$220 million for REG; \$60 million for FCCE; \$200 million for FUSRAP and \$200 million for expenses. The Coalition also urged that a minimum of \$200 million be added to the Water and Related Resources Budget for the Bureau of Reclamation.

Last year Congress passed the Water Resources Development Act of 2007 and authorized more than \$23 billion for new water resource projects and studies. The President's FY09 budget proposal offers nearly \$1 billion less than the enacted level of \$5.6 billion for the current year.

The Coalition also submitted testimony to the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment for a hearing on "Comprehensive Watershed Management and Planning: Drought-Related Issues in the Southeastern United States." The WRC's testimony urged the committee to acknowledge

the need for a comprehensive national water resources policy that is developed, implemented and funded to provide a sustainable and productive economy, a healthy aquatic ecology and, public health and safety. The Coalition also provided the committee with a list of Water Resources Planning Principles published in 2006 by the American Society of Civil Engineers (ASCE).

The WRC is comprised of organizations including APWA, American Society of Civil Engineers, Associated General Contractors, Association of Civil Engineers, American Shore and Beach Preservation Association, Association of California Water Agencies, Dredging Contractors of America, National Association of Regional Councils, National Stone Sand and Gravel Association, and Oregon Water Resources Congress.

Additional information is available at [www.waterresources.org](http://www.waterresources.org).

## **No effluent limits for drinking water treatment plants**

The Environmental Protection Agency (EPA) has decided to stop work on a proposed rule that would have set effluent limits for drinking water treatment plants. Under the Clean Water Act, EPA is required to identify industries not regulated by effluent guidelines that may be discharging more than trivial amounts of toxic or non-conventional pollutants, such as nutrients.

In 2004, EPA proposed rules to establish effluent guidelines for drinking water treatment plants because the facilities may be discharging sediment, residual

chlorine compounds and metals. The Agency stopped work on the proposed rules because the rules are not necessary given recent changes which added technology-based rules to the effluent guidelines program.

## ***EPA proposes new rule to regulate injection of carbon dioxide***

The Environmental Protection Agency (EPA) is planning release of a proposed rule to regulate the injection of carbon dioxide deep underground while ensuring the safety of underground drinking water sources. The proposed rule will address issues including the relationship between state and federal authorities, property rights, surface access to injection well sites and long-term care of injection wells.

The regulations will ensure a consistent and effective permit system under the Safe Drinking Water Act (SDWA) for commercial scale geologic sequestration program to help reduce the effects of climate change. However, the rule will not address climate impacts of carbon sequestration such as carbon credits and releases to the atmosphere.

The proposed rule will building on the existing regulatory framework of the Underground Injection Control Program under the SDWA. The new rules are anticipated in 2011.

## ***FHWA proposes advance construction rulemaking***

The Federal Highway Administration (FHWA) has issued a notice of proposed rulemaking (NPRM) revising the advance construction of federal-aid projects and is requesting comments on the proposal.

FHWA is proposing to revise the regulation by removing the restriction that a state must obligate all of its allocated or apportioned funds, or demonstrate that it will use all obligation authority allocated to it for Federal-aid highways and highway safety construction, prior to the approval of advance construction projects; and clarifying that advance construction procedures may be used for all categories of federal-aid highway funds, and that any available federal-aid funds for which a project is eligible may be used when a project is converted to a federal-aid project.

These revisions will make the regulation consistent with the advance construction statute, which was amended by a provision enacted in SAFETEA-LU. Comments must be received on or before May 5. Late-filed comments will be considered to the extent practicable.

For more information, contact Dale Gray, Federal-Aid Financial Management Division, at (202) 366-0978, or see the March 6 Federal Register, Federal Highway Administration proposed rules: [http://www.access.gpo.gov/su\\_docs/fedreg/a080306c.html](http://www.access.gpo.gov/su_docs/fedreg/a080306c.html).

## ***Guidance on rights-of-way access available from U.S. Access Board***

The U.S. Access Board (Board) is developing guidelines for public rights-of-way that will address unique access challenges not encompassed by existing guidelines or standards so practitioners have an established reference for achieving accessible streets and sidewalks.

Public streets and sidewalks present unique access challenges not encompassed by existing guidelines or standards. Access at street crossings for pedestrians with vision impairments, on-street parking and constraints posed by terrain and space limitations are just some of the issues that often arise.

While work on these guidelines continues, interim guidance is available from the Board through an active outreach program on rights-of-way accessibility. The Board routinely provides training on the subject to various audiences at different conferences across the country as well as technical assistance on issues and specific projects in response to individual inquiries. In addition, it supports research to collect needed information and has produced design guides and other resources.

Visit [www.access-board.gov/porwac](http://www.access-board.gov/porwac) for more information or contact the Board at [row@access-board.gov](mailto:row@access-board.gov), (202) 272-0025 (v) or (202) 272-0082 (TTY).

## ***New rural road safety initiative announced***

The U.S. Department of Transportation (DOT) announced a new initiative focused on improving rural road safety and issued a notice of solicitation for applications to enter into agreements for funding to support qualified Rural Safety Innovation Program projects.

The goal of the Rural Safety Innovation Program is to improve rural road safety by assisting communities in addressing highway safety problems and providing the opportunity to compete for project funding to address these problems. The program will encourage states and rural communities to develop creative, locally crafted solutions to roadway safety problems, document their efforts and outcomes, and share the results with other communities across the country.

Through the Rural Safety Innovation Program, DOT aims to heighten awareness and interest in rural safety issues and promote the benefits of rural safety countermeasures which can reduce rural crashes and fatalities nationwide. By providing technical assistance and best practice guidance from the program, DOT will give states and rural road owners better tools to improve road safety in their communities.

The primary objectives of the Rural Safety Innovation Program are to:

- Improve safety on local and rural roads with innovative approaches in which rural communities develop and design local solutions to their roadway safety problems
- Provide best practices and lessons learned on innovative safety

technologies to assist local and rural road owners and operators in the development and implementation of infrastructure-based rural safety countermeasures that complement behavioral safety efforts

- Promote national awareness and interest in addressing rural safety issues
- Promote the use of Intelligent Transportation Systems (ITS) technologies to improve safety on rural roads

Applications must be received on or before April 14. Proposals for applications selected for potential funding will be due in June 2008. For more information contact John Dewar, Federal Highway Administration Office of Safety, at (202) 366-2218 or [john.dewar2@dot.gov](mailto:john.dewar2@dot.gov).

To view the February 29 Federal Register notice, look for Rural Safety Innovation Program under the heading Federal Highway Administration at [http://www.access.gpo.gov/su\\_docs/fedreg/a080229c.html](http://www.access.gpo.gov/su_docs/fedreg/a080229c.html).

## ***Department of Justice submits notice adopting New ADA standards***

Late last year the U.S. Department of Justice (DOJ) submitted a notice to update Americans with Disabilities Act (ADA) standards for Administration review and clearance. If approved within the customary time frame, the notice may be published for public comment in April.

DOJ is expected to update its ADA standards according to revised guidelines issued by the U.S. Access

Board. These standards apply to the construction and alteration of all facilities covered by ADA except transportation facilities, which are subject to standards previously updated by the Department of Transportation. In addition to updating the standards, the DOJ notice is likely to address other topics covered by its regulations. A public comment period, expected to be 60 days in duration, will follow publication.

DOJ will need to issue a final notice to complete action which will include an effective date for the updated standards. Until that date, the existing standards remain in effect for all facilities other than transportation facilities. Current DOJ regulations require private sector facilities to meet the original ADA standards. State and local government facilities must comply with either these standards or the Uniform Federal Accessibility Standards (UFAS).

Updated standards are in effect or pending for Federal facilities which are covered by the Architectural Barriers Act (ABA). Most Federal facilities, including postal facilities, are subject to updated standards adopted by the General Services Administration and the U.S. Postal Service. Military facilities and federally funded housing remain subject to the existing standards (UFAS) until the Department of Defense and the Department of Housing and Urban Development adopt updated versions. Once these agencies and DOJ implement the new standards, a consistent level of access will be specified for all facilities covered by the ADA or the ABA.

Additional information is available at [www.access-board.gov/ada-aba/standards-update.htm](http://www.access-board.gov/ada-aba/standards-update.htm).

## **FEMA to expedite relocation of Gulf Coast residents living in travel trailers**

Federal Emergency Management Agency (FEMA) Administrator David Paulison recently announced FEMA will move quickly to relocate residents living in travel trailers and mobile homes in the Gulf Coast Region. The announcement follows release of preliminary results from recent testing that found higher than typical indoor exposure levels of formaldehyde in the manufactured housing units. Paulison made the announcement at a joint news conference with Centers for Disease Control and Prevention (CDC) Director Dr. Julie Gerberding.

Paulison told reporters FEMA will “continue our aggressive action to provide for the safety and well-being of the residents of these travel trailers by finding them alternative housing.” He said the agency has already moved 105,000 households in Louisiana and Mississippi out of temporary housing units as residents return home or move into long-term housing. He added that FEMA continues to move between 800 and 1,000 households per week.

Dr. Gerberding said the formaldehyde levels “were found in December and January, and as we know that higher temperatures can cause formaldehyde levels to go up, we think it’s wise for people to be relocated before the hot weather arrives in summer.” In February, CDC public health professionals and FEMA representatives began going door-to-door to deliver the results to people living in the tested units. The teams will answer residents’ health questions and help occupants understand their housing options.

A press release about the announcement is available at <http://www.fema.gov/news/newsrelease.fema?id=42606>. Additional information is also available from the CDC Web site at <http://www.cdc.gov/nceh/ehhe/trailerstudy/>.

organization, equipment, training and exercise needs in building and sustaining capabilities to prevent, protect against, respond to and recover from threats or acts of terrorism.

### **Metropolitan Medical Response System (MMRS)**

The MMRS provides \$39,831,500 in funding support to designated localities to assist in maintaining and updating plans, delivering training, purchasing equipment and pharmaceuticals, and conducting exercises.

### **Citizen Corps Program (CCP)**

The CCP provides \$14,572,500 in funding support to bring community and government leaders together to coordinate the involvement of community members in emergency preparedness, planning, mitigation, response and recovery.

## **FY08 Urban Areas Security Initiative Nonprofit Security Grant Program**

The fiscal year 2008 Urban Areas Security Initiative Nonprofit Security Grant Program (ASI NSGP) provides \$15 million in funding support for target hardening activities to nonprofit organizations at high risk of international terrorist attack. While this funding is provided specifically to high-risk nonprofit organizations via states, the program seeks to integrate nonprofit preparedness activities with broader state and local preparedness efforts.

## **FY08 Homeland Security Grant Program**

The Homeland Security Grant Program (HSGP) is one tool among a comprehensive set of measures authorized by Congress and implemented by the Administration to help strengthen the Nation against risks associated with potential terrorist attacks.

### **State Homeland Security Program (SHSP)**

The SHSP provides \$862,925,000 in funding support to build capabilities at the State and local levels and to implement the goals and objectives included in State Homeland Security Strategies and initiatives in the State Preparedness Report.

### **Urban Areas Security Initiative (UASI)**

The UASI program dedicates \$781,630,000 in funding support to select high-threat, high-density Urban Areas in order to address their unique multi-discipline planning,

## **FY07 and 08 Regional Catastrophic Preparedness Grant Program**

The fiscal years (FY) 2007 and 2008 Regional Catastrophic Preparedness Grant Program (CPGP) provides approximately \$60 million to advance catastrophic incident preparedness to Tier I and selected Tier II UASI Urban Areas. RCPGP is intended to support an integrated planning system that enables regional all-hazard planning for catastrophic events and the development of necessary plans, protocols and procedures to manage a catastrophic event.

The State Administrative Agency (SAA) is the only agency eligible to apply for FY08 HSGP, NSGP, OPSG, and RCPGP funds. Completed FY08 HSGP, NSGP, OPSG and RCPGP applications must be received by FEMA no later than May 1, 2008, 11:59 p.m., Eastern Daylight Time. FEMA will evaluate applications and act on these applications within 90 days of the submission deadline.



*Image of post-Hurricane Katrina damage taken during a visit by the APWA Executive Committee in 2007.*

## **FY08 Infrastructure Protection Program**

The fiscal year (FY) 2008 Infrastructure Protection Program (IPP) is comprised of seven grant programs designed to strengthen the Nation's ability to protect critical infrastructure facilities and systems.

The Transit Security Grant Program (TSGP) provides \$388,600,000 to the Nation's high-threat urban areas for enhancement of security measures at critical transit infrastructure. Certain ferry systems are eligible to participate in the FY08 TSGP and receive funds under the Tier I cooperative agreement process. However, any ferry system electing to participate and receive funds under the FY08 TSGP cannot participate in the FY08 Port Security Grant Program (PSGP) (and will not be considered for funding under the FY08 PSGP). Likewise, any ferry system that participates in PSGP cannot be considered for funding under TSGP.

The PSGP provides \$388,600,000 for port security grants, including \$5,600,000 to high capacity ferry systems. All entities covered by an Area Maritime Security Plan (AMSP) may submit an application for consideration of funding.

The Buffer Zone Protection Program (BZPP) provides \$48,575,000 to states to secure critical infrastructure including chemical facilities, financial institutions, nuclear and electric power plants, dams, stadiums and other high-risk/high-consequence facilities. The State Administrative Agency (SAA) is the only entity eligible formally to apply for BZPP funds.

Completed FY 2008 IPP applications must be received by FEMA no later than March 17, 2008, 11:59 p.m., Eastern Daylight Time.

Detailed guidance and application instructions for all of the aforementioned grant programs is provided at <http://www.fema.gov/grants>. Additional questions may be directed to your Preparedness Officer or the Centralized Scheduling and Information Desk at [askcsid@dhs.gov](mailto:askcsid@dhs.gov) or 1-800-368-6498.

## **FY08 Emergency Management Performance Grants**

Emergency management is a vital part of the Department of Homeland Security's preparedness mission and Emergency Performance Grants (EMPG) directly supports the Nation's emergency management community. The fiscal year (FY) 2008 EMPG Program provides \$291,450,000 in critical assistance to sustain and enhance state and local emergency management capabilities. FY08 EMPG allowable costs remain consistent with previous fiscal years and have been divided into planning, organization, equipment, training and exercises categories. The State Administrative Agency (SAA) is the only agency eligible to apply for FY08 EMPG funds.

The completed FY08 EMPG application must be received by FEMA no later than March 1, 2008, 11:59 p.m., Eastern Standard Time. FEMA will evaluate applications and act on these applications within 30 days of the submission deadline.

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