

APWA Washington REPORT

May 2007

INTERGOVERNMENTAL AFFAIRS

National Public Works Week

U.S. HOUSE PASSES NATIONAL PUBLIC WORKS WEEK RESOLUTION

On May 15, the U.S. House of Representatives passed H.Res. 352, a resolution supporting National Public Works Week, May 20-26, 2007. Instituted as a public education campaign by APWA in 1960, National Public Works Week calls attention to the importance of public works in community life.

The resolution urges “citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies designed to pay tribute to the public works professionals of the Nation and to recognize the substantial contributions that public works professionals make to the Nation.”

Introduced by Transportation and Infrastructure Committee Chairman James L. Oberstar (D-MN) and co-sponsored by Ranking Member John Mica (R-FL) and more than 20 Congressional leaders, H. Res. 352 passed the House by voice vote.

“We applaud Chairman Oberstar and our Congressional Leaders for recognizing the public works professionals who provide critical services to their communities,” said Bill Verkest, APWA president. “This celebration recognizes the professionals who serve the public good every day.”

National Public Works Week 2007, observed May 20-26, celebrates public works professionals who are “Moving Life Forward.”

The occasion is marked with scores of resolutions and proclamations from mayors and governors. In 1960, the United States Senate passed a resolution affirming the first NPWW. Presidents Dwight D. Eisenhower, Lyndon B. Johnson and George W. Bush sent letters of acknowledgement and a Presidential Proclamation was signed by John F. Kennedy in 1962.

To see the full resolution, visit <http://www.apwa.net/SuperPush/preview.asp?ID=84>.

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110TH CONGRESS
1ST SESSION

H. RES. 352

[Report No. 110-135]

Supporting the goals and ideals of National Public Works Week.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2007

Mr. OBERSTAR (for himself, Mr. MICA, Mr. RAHALL, Mr. PETH, Mr. COSTELLO, Mr. COBLE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN, Mr. CUMMINGS, Mr. BAKER, Mrs. TAUSCHER, Mr. BROWN of South Carolina, Mr. BOSWELL, Mrs. CAPITO, Mr. HIGGINS, Mrs. MILLER of Michigan, Mr. CAERNAHAN, Mr. BUCHANAN, Mr. LIPINSKI, Ms. MATSUI, and Mr. ALTMIRE) submitted the following resolution, which was referred to the Committee on Transportation and Infrastructure

MAY 8, 2007

Additional sponsors: Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. PILNER

MAY 8, 2007

Referred to the House Calendar and ordered to be printed

RESOLUTION

Supporting the goals and ideals of National Public Works Week.

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and well-being of the people of the United States;

H.Res. 352 was passed by the U.S. House of Representatives on May 15, 2007, in honor of National Public Works Week.



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APWA Advocacy

APWA MEMBERS MEET WITH FEDERAL OFFICIALS

APWA's Government Affairs Committee (GAC) members met in Washington, D.C., April 23 and 24 for meetings with senior-level federal agency officials and Congressional representatives to discuss public works issues and priorities.



APWA GAC members met in April to discuss APWA priorities with federal agency officials and Congressional leaders.

Marko Bourne, Federal Emergency Management Agency (FEMA) Director of Policy & Program Analysis, spoke about FEMA's recent reorganization and what it means for public works officials and other first responders. According to Bourne, one of the biggest challenges facing the agency is the altered mission of FEMA, which will now focus on both protection and prevention. The Agency is exploring how their various stakeholders, including APWA, integrate preparedness initiatives into their own organization. As part of this effort, FEMA has filled more than 2,200 positions since Hurricane Katrina struck the Gulf Coast in August 2005, and made a number of administrative changes that took effect on April 1, 2007. After discussing the expansion of regional offices and the updated National Response Plan, Bourne reiterated FEMA Director Paulison's continued desire to work closely with APWA.

David DeGennaro, Legislative Assistant for Rep. Ron Kind (D-WI), discussed Farm Bill reauthorization. According to DeGennaro, the largest portion funding is slated for innovative conservation projects. Although 62 percent of Farm Bill funding goes to nutrition programs, the bill places emphasis on public works issues including smart growth, watershed management and conservation. There are currently 92 co-sponsors of the bill.

Susan Binder, Federal Highway Administration's Deputy Associate Administrator for Policy and Government Affairs and Revenue Commission Executive Director, discussed the National Surface Transportation Policy and Revenue Study Commission. According to Binder, the Commission is looking for long-term strategies to "create and sustain the best transportation system in the world." The commission is holding field hearings to gather input on the future of transportation funding. A new Web site, including transcripts from the hearings, witness statements and public hearing/meeting information, is available at www.transportationfortomorrow.org. The Commission's report is expected to be completed by the end of the year.

On day two of GAC meetings, APWA members met with Ryan Seiger, Majority Staff Director for the Subcommittee on Water Resources and the Environment under the House Transportation and Infrastructure Committee (T&I). Seiger discussed T&I Committee Chair James L. Oberstar's (D-MN) priorities and vision. The Clean Water State Revolving Fund remains a priority for the Committee, and work is being done to restore funding levels, which were cut due to spending. The two biggest accomplishments of the Committee have been H.R. 720, the Water Quality Financing Act of 2007, and the Water Resources Development Act (WRDA). The Committee will continue to press forward on legislation that supports and sustains the nation's critical infrastructure.

After breakfast GAC members met with their Congressional representatives to advocate APWA's priorities on water infrastructure investment, transportation funding and emergency management needs.

GAC Committee members are Ken Hill, Chair; Bob Albee; Mike Asbury; David Barber; Ann Burnett-Troisi; Vanessa Conrad; George Crombie; Bud Curtis; Neil Dobler; Greg Dore; Jimmy Foster; John German; Andy Haney; Diane Linderman; Farhad Moghimi; Bill Murphy; Richard Ridings and Gary Stockhoff. APWA President Bill Verkest, President-elect Larry Frevert and Past-president Bob Freudenthal joined members for the meetings.

TRANSPORTATION

Environmental Streamlining

CALIFORNIA, FHWA PROPOSE MOU

Under provisions enacted in SAFETEA-LU, California would be the first state to enter into a Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA) to transfer to the state FHWA's authority and responsibility for determining whether certain designated activities within California are categorically excluded (CE) from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969.

The proposed MOU also would assign to the state the responsibility for carrying out certain other environmental review, consultation and related activities for those CE federal-aid highway program projects within California. CEs are a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment nor an environmental impact statement is required.

The MOU provision is one of several changes in SAFETEA-LU aimed at improving and streamlining the environmental review process for transportation projects.

Transportation Conformity

EPA ISSUES PROPOSED RULE TO IMPLEMENT SAFETEA-LU PROVISIONS

The U.S. Environmental Protection Agency (EPA) is proposing to amend the transportation conformity rule to make it consistent with Clean Air Act section 176(c) as amended by SAFETEA-LU. The Clean Air Act requires federally supported transportation plans, transportation improvement programs and projects to "conform to" the purpose of the state air quality implementation plan.

To make the transportation conformity rule consistent with SAFETEA-LU's revisions to the Clean Air Act, EPA's proposal would change the regulations to reflect that the statute now provides more time for state and local governments to meet conformity requirements, provides a one-year grace period before the consequences of not meeting certain conformity requirements apply, allows the option of shortening the timeframe conformity determinations, and streamlines other provisions.

EPA is also including other proposals not related to SAFETEA-LU, such as a proposal to allow the Department of Transportation (DOT) to make categorical hot-spot findings for appropriate projects in carbon monoxide areas. EPA has consulted with DOT, and they concur with this proposal.

Comments must be received on or before June 1, 2007. More information is available in the May 2 *Federal Register* under Environmental Protection Agency Air Programs, http://www.access.gpo.gov/su_docs/fedreg/a070502c.html.

U.S. Access Board

BOARD RELEASES DRAFT REVISIONS TO GUIDELINES FOR BUSES/VANS

The U.S. Access Board (Board) is undertaking a review and update of its Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles. Published in 1991, these guidelines cover a range of vehicles, including buses and vans, rail cars, trams and other modes of public transportation. As part of this effort, the Board has released for public comment draft revisions to sections of the guidelines covering access to buses and vans. The deadline for comment is June 11, 2007.

The released draft updates provisions that apply generally to buses and vans and includes revisions that cover new or variant forms of service, such as bus rapid transit. It includes changes to specifications for wheelchair and other mobility aid space requirements, onboard accessible routes, vehicle lifts, ramps, and bridgeplates, signs, stop announcement systems and lighting. A discussion provided with the draft text describes these changes. In addition, the Board has included questions seeking comment on minimum space requirements for mobility aids, widths of onboard accessible routes, lift design loads and specifications for seat belts and shoulder harnesses.

The revisions are based on the Board's review of the guidelines and input it received at an industry roundtable in January and public meetings held last September and July. Both the draft and the notice for public comment are available on the Board's Web site at www.access-board.gov/vguidedraft.htm. Drafts covering other sections of the vehicle guidelines will be released as they become available. For further information, contact Dennis Cannon at cannon@access-board.gov, (202) 272-0015 (v), or (202) 272-0082 (TTY).

Construction Tolerances

MEETING HELD ON TOLERANCES FOR SURFACE SMOOTHNES/SLOPE

APWA member Mark Macy represented the Association at a U.S. Access Board (Board) meeting in Washington, D.C., to identify strategies and considerations for the development of guidance on construction tolerances, particularly those pertaining to slope, flatness and smoothness of ground and floor surfaces.

The Board's accessibility guidelines for facilities, including those issued under the Americans with Disabilities Act, recognize conventional industry tolerances for field conditions. The Board receives many inquiries from design, construction and code professionals on what tolerances are acceptable for a given specification.

Participants in the March meeting included representatives from various trade associations, professional societies, government agencies and research organizations. Discussion focused on available measurement protocols for surface flatness, smoothness and slope in relation to construction materials and methods.

Additional information is posted on the Board's Web site at www.access-board.gov/news/tolerances-workshop.htm.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

DHS Grants

DHS AWARDS \$445 MILLION TO SECURE NATION'S CRITICAL INFRASTRUCTURE

The U.S. Department of Homeland Security (DHS) announced final awards totaling \$445 million in grant programs that strengthen the ability of ports, transit and intercity bus systems to prevent, protect against, respond to and recover from terrorist attacks, major disasters and other emergencies. The awards are part of the fiscal year (FY) 2007 Infrastructure Protection Program (IPP), which has provided nearly \$2 billion in grants to strengthen critical infrastructure facilities and transportation systems.

“These grants will help to protect our nation’s critical infrastructure from threats and hazards that could cause major loss of life, economic impact and disruption of services,” said Homeland Security Deputy Secretary Michael Jackson. “These risk-based investments will increase security for vital assets such as ports, mass transit systems, long-distance bus carriers, chemical facilities and nuclear power plants.”

Funding was directly allocated in January as part of the IPP to Tier I Transit grants, the Buffer Zone Protection Program and the Trucking Security Program. The announcement outlines the final competitively-bid portions of these grants, which includes Port Security grants, Tier II Transit Security grants and Intercity Bus Security grants.

Final awards for the FY 2007 IPP include:

- **Port Security Grant Program (PSGP):** \$202 million (Tiers I – IV). The FY 2007 PSGP will provide a total of \$202 million to 183 public and private entities to create sustainable, risk-based efforts to protect critical port infrastructure from terrorism. Eight of the highest risk port regions were placed in Tier I and were eligible to apply for a combined total of \$120 million, or roughly 60 percent of total FY 2007 PSGP funding. Port areas in Tiers II, III and IV were eligible to compete for the additional 40 percent of available funds. Funding priorities included training, exercises and other activities to mitigate the risk of improvised explosive devices (IEDs) and to improve employee credentialing and access controls. In some cases, multiple port areas were grouped together to reflect geographic proximity, shared risk and a common waterway.
- **Transit Security Grant Program (TSGP):** \$14.2 million (Tier II) and Ferry Security (\$7.2 million). The FY 2007 TSGP will provide a total of \$171 million to high-risk urban areas. \$141 million was announced in January for the eight highest-risk Tier I urban areas; 24 Tier II urban areas will receive a total of \$14.2 million; 17 ferry systems in 13 regions will receive a total of \$7.2 million; and the National Passenger Railroad Corporation (Amtrak) will receive a total of \$8.3 million. To provide local transit agencies greater flexibility in allocating TSGP funds, in FY 2007, DHS combined transit rail grants and transit bus grants to allow them to decide where they can better focus their resources.

The following grant programs received direct allocation funding and were announced in January:

- **Transit Security Grant Program – Tier I:** \$141 million. The eight highest-risk urban areas will receive \$141 million to protect their mass transit systems. This represents roughly 90 percent of the total FY 2007 TSGP funding for intracity rail and bus systems. In January, DHS identified specific target investment levels for each of these eight areas.

Each Tier I applicant must still submit a fully compliant application, which will undergo a preliminary review prior to final submission. Once completed, these grants will be awarded through cooperative agreements with the state, who in turn works with the transit system. Final Investment Justifications are due 90 days from the date the grant is awarded by DHS.

- **Buffer Zone Protection Program (BZPP):** \$48.5 million. The FY 2007 Buffer Zone Protection Program (BZPP) will provide a total of \$48.5 million and will be awarded to states through their State Administrative Agency. BZPP provides grant funding to build security and risk-management capabilities at the state and local level to secure pre-designated Tier I and Tier II critical infrastructure sites, including chemical facilities, financial institutions, nuclear and electric power plants, dams, stadiums, and other high-risk/high-consequence facilities.

In making grant determinations, the Department considered the threat, vulnerability and consequences of an attack on critical infrastructure as well as the effectiveness of proposed solutions. The IPP grants affirm Homeland Security's commitment to risk-based funding and deepen the department's commitment to assisting with regional planning and security coordination. The risk-based methodology for the IPP programs is consistent across the modes and is linked to the risk methodology used to determine eligibility for the core Homeland Security state and local grant programs.

For the list of individual grants and further information on the Infrastructure Protection Program, please visit www.dhs.gov

National Response Plan

FEMA Comments on Revised Timeline for Release of National Response Plan

According to a statement by the Federal Emergency Management Association (FEMA), the agency remains committed to producing a revised National Response Plan (NRP) in a timely manner, and ensures that any new deadline will include adequate time to allow stakeholders to review and comment on the document. The letter was sent to stakeholders, including APWA, as well as Members of Congress and was intended to serve as a notification of a possible delay.

FEMA says it will continue to work closely with stakeholders to establish objectives and revise the NRP, with primary emphasis being placed on coordination with state and local governments and the private sector.

To create a more user-friendly document that better addresses the roles and responsibilities of stakeholders and incident management structures, FEMA is requiring substantial format changes to the NRP. With a goal that the underlying operational principles of the NRP remain intact, FEMA may request additional time to resolve complex issues that require national-level policy decisions.

Prior to the release of any revisions to the NRP, the structures and mechanisms of the original plan, with modifications from the May 2006 Notice of Change, are still intact and will be used for any hazard or threat occurring prior to the approval and release of the revised NRP.

DHS

Anne P. Petera Appointed as Assistant Secretary for Intergovernmental Programs

Anne P. Petera has been appointed as Assistant Secretary for Intergovernmental Programs at the Department of Homeland Security (DHS). According to a statement by DHS Secretary Chertoff, “Anne brings considerable experience in state government and management expertise to my senior leadership team, and I will rely on her heavily to forge even stronger ties with state and local partners.”

Petera joined the department last year as Senior Advisor to the Under Secretary for Management after 10 years of service to the Commonwealth of Virginia as Director of Administration in the Office of the Attorney General, Secretary of the Commonwealth in former Governor Gilmore's Cabinet and Chairman of Virginia's Alcoholic Beverage Control Board. She brought more than 20 years of private sector experience in banking and real estate to her duties in the Commonwealth. Petera is a graduate of Virginia Commonwealth University and has been active on numerous state and university boards.



Anne P. Petera, recently appointed DHS Assistant Secretary for Intergovernmental Programs. *Image courtesy of <http://www.lva.lib.va.us>.*

The Office of Intergovernmental Programs is established within the National Protection and Programs Directorate. The office will comprise elements of the previous Office of State and Local Coordination and will continue to serve as my primary conduit for coordinating with state and local governments.

ENVIRONMENT

Water Infrastructure

FINDINGS, RECOMMENDATIONS UTILITY MANAGEMENT STRATEGY REPORT RELEASED

APWA, the Environmental Protection Agency (EPA) and five other leading associations that collectively represent the U.S. water and wastewater sector released a final report at the Clean Water Policy Forum this week. The report culminates a year-long effort designed to advance effective utility management practices. The release of the report is accompanied by a statement of support and an action list from the collaborating organizations as well as a fact sheet for utility managers.

According to Ben Grumbles, Assistant Administrator for EPA's Office of Water, “This initiative is a historic step forward in strengthening our partnership with the associations and the utilities they represent. This continuing partnership will allow us to take a major step forward to recognize, reward and measure excellence in utility management to ensure that utility operations and infrastructure are sustainable.”

Formalized in a joint Statement of Intent last May, the Effective Utility Management Collaborating Organizations – APWA, American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA), National Association of Clean Water Agencies (NACWA), National Association of Water Companies (NAWC), the Water Environment Federation (WEF) and EPA – appointed a steering committee of 16 water utility leaders from across the country to develop recommendations for a joint water utility sector management strategy applicable to water, wastewater and combined water/wastewater utilities.

"Our utilities have a history of innovation and initiative," said WEF Executive Director Bill Bertera. "Sharing insights gained is especially important now when we need policymakers and ratepayers to make water infrastructure a higher priority."

With input from two focus groups, the steering committee identified common challenges facing the water sector and explored barriers that can limit utilities from making management improvements. According to APWA Executive Director Peter B. King, the "single biggest challenge for public works professionals is sustaining infrastructure performance" adding that learning more about the challenges and barriers facing utilities "will help us more effectively promote innovative approaches to reduce costs and improve performance across utility operations."

The report's findings and recommendations, "provide excellent guidance for optimizing water system management," said AMWA Executive Director Diane VanDe Hei. They include the definition of ten attributes of effectively managed utilities and keys to management success; developing a management "tool box" of training and other resources for interested utilities; and suggested sample performance measures to improve utility management across the sector.

The overall effort, said NACWA Executive Director Ken Kirk, has been productive and "underscores our industry's commitment to continuously improve the way we manage our nation's water and wastewater resources". AWWA Executive Director Jack Hoffbuhr concurred and stressed that his organization would continue "its longstanding commitment to water providers by working with EPA and the other associations to extend this important work".

Recommended next steps for the group include rolling out the strategy to the water industry; preparing a brief, stand-alone primer for water sector utility managers; continuing the collaboration among the seven organizations; and employing a continual improvement approach to the strategy's implementation over time.

The announcement of the report's release was made by EPA Administrator Stephen L. Johnson during the 2007 National Clean Water Policy Forum in Washington, D.C. A joint effort between WEF and NACWA, the three-day event brings together elected and appointed U.S. officials, government employees and water quality experts to discuss recent trends in U.S. environmental policy, legislation and regulation.

A link to the report is available at www.apwa.net/advocacy. Contact Julia Anastasio for additional information at janastasio@apwa.net or at (202) 218-6750.

Drinking Water

EPA RELEASES PRELIMINARY DETERMINATIONS ON 11 UNREGULATED CONTAMINANTS, MAKES NO DECISION ON PERCHLORATE

On May 1 the Environmental Protection Agency (EPA) published a proposed rule and preliminary determinations regarding contaminants on the second drinking water contaminant candidate list (CCL2) (72 FR 24016 (May 1, 2007)). Under the Safe Drinking Water Act, EPA is required to make regulatory determinations on at least five unregulated contaminants and decide whether to regulate these contaminants under a National Primary Drinking Water Regulations (NPDWR). EPA's recent action presents preliminary regulatory determinations for 11 of the 51 contaminants identified on the CCL2. These contaminants include:

- Boron
- Mono-Acid Degradates of Dimethyl Terachloroterephthalate
- Di-Acid Degradates of Dimethyl Terachloroterephthalate
- 1,1-Dichloro-2, 2-bis(*p*-chlorohenyll) ethylene
- 1,3- Dichloropropoene (1,3-DCP; Telone)
- 2, 4- Dinitrotoluenes (2,4 DNT)
- 2,6- Dinitrotoluenes (2,6 DNT)
- s-Ethyl dipropylthiocarbamate (EPTC)
- Fonofos
- Terbacil
- 1,1,2,2-Tetrachloroethane

After reviewing and evaluating the relevant data, EPA determined that an NPDWR is not appropriate for any of the 11 contaminants evaluated by the agency. EPA bases its determination on an evaluation of the adverse health effects of the contaminant, the known or likely occurrence of exposure and whether a meaningful opportunity for health risk reduction exists. The agency is seeking comment on these preliminary determinations.

EPA also announced in the same notice that it has not made a preliminary determination whether it is appropriate to regulate perchlorate with an NPDWR. The agency is requesting comment on the information and options that it is considering in evaluating perchlorate and welcomes the submission of relevant, new information and or data that may assist the agency in making its determination. EPA will accept comments on the proposed rule on or before July 2, 2007.

Water Resources

WATER RESOURCES DEVELOPMENT ACT PASSES SENATE

The Senate recently passed the long delayed Water Resources Development Act (WRDA), which authorizes U.S. Army Corps of Engineers public works projects. The House and Senate have failed for the past seven years to enact WRDA, leaving many important projects stalled while awaiting federal authorization.

WRDA authorizes flood control, shoreline protection, inland navigation and environmental restoration projects. The Senate version also includes provisions requiring the federal government to pick up a greater proportion of the costs of projects to ease the financial burden faced by local governments and communities. The Congressional Budget Office estimates that S. 1248 will cost \$5.5 billion until 2012 and another \$26 billion until 2022.

The House passed its WRDA legislation in April.

Visit www.apwa.net/advocacy and click on Federal Legislation for additional information and updates on WRDA.

Flow Control

THE SUPREME COURT UPHOLD FLOW CONTROL ORDINANCES

The United States Supreme Court recent ruled that county flow control ordinances do not violate the interstate commerce clause when they treat in-state private business the same as out-of-state businesses. The court's decision in *United haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, (Case No. 05-1345, released April 30, 2007), upheld the right of local governments to direct the flow of solid waste to publicly owned waste facilities without running afoul of the U.S. Constitution.



Ryan Seiger, Majority Staff Director for the Subcommittee on Water Resources and the Environment under the House Transportation and Infrastructure Committee, addressed GAC members in April about water legislation, including WRDA.

The case involved review of a Second Circuit Court of Appeals ruling that a municipal flow control ordinance enacted in upstate New York did not violate the dormant commerce clause of the Constitution because any burden to interstate commerce would not be excessive in relation to the local benefits. The Court determined that a municipal flow control ordinance “does not discriminate against out-of-state interests in violation of the Commerce Clause when it directs all waste to publicly owned facilities.”

Flow control ordinances allow state and or local governments to designate where municipal solid waste is taken for processing, treatment or disposal. The Oneida-Herkimer flow control ordinances required all municipal solid waste generated within the county boundaries be directed to processing facilities controlled by a public solid waste authority that had been created by the New York legislature at the request of the counties. Under the ordinances, failure to direct solid waste to these facilities was punishable by fine or imprisonment. According to the Court, the counties in this case adopted an expensive and comprehensive waste disposal management regime that accepted recyclables and hazardous wastes for free in order to promote recycling and separation and that the system they derived enhanced their ability to enforce their local recycling laws. Since the public benefits outweighed any burden that was placed on interstate commerce, the Court determined that there was no Constitutional violation.

For more information contact Julia Anastasio at janastasio@apwa.net or (202) 218-6750.

Solid Waste

EPA PROPOSES REVISIONS TO THE DEFINITION OF SOLID WASTE

The Environmental Protection Agency (EPA) recently published a proposed rule in the *Federal Register* revising the definition of solid waste to exclude certain hazardous secondary materials sent for recycling from regulation under the Resource Conservation and Recovery Act (RCRA). (72 FR 14174 (Mar. 26, 2007)).

EPA is proposing an exclusion for certain hazardous secondary materials (i.e. spent materials, listed sludges and listed byproducts) that are generated and legitimately reclaimed, and not speculatively accumulated, within the United States. The purpose of the revised definition is to encourage safe, environmentally sound recycling and resource conservation. EPA will accept comments on the proposed revisions until June 25, 2007.

For more information visit www.apwa.net/advocacy and click on Federal Regulation or contact Julia Anastasio at janastasio@apwa.net or at (202) 218-6750.

APWA Washington Report contributors include Julia Anastasio, Jim Fahey, Dan Jensen and Elizabeth Kelsey. Becky Wickstrom is editor of the Report.