

# APWA Washington REPORT

June 2004

## TRANSPORTATION

### TEA-21 Reauthorization

#### **HOUSE NAMES CONFEREES; RECONCILING HIGHWAY, TRANSIT BILL BEGINS**

The week after Congress returned from its Memorial Day recess, the House of Representatives named 52 conferees to reconcile differences between House and Senate transportation reauthorization bills. The House appointments bring the total number of conference committee members to 73. The Senate named 21 conferees on May 20, 2004.

Once the House made its appointments, conferees began work June 9, 2004 negotiating a compromise bill from among the House and Senate versions. Sen. James Inhofe (R-OK) will chair the conference.

The two bills, as passed, have numerous differences, but the first major issue conferees will need to settle is the funding level. The Senate's six-year bill, known as SAFETEA, would authorize \$318 billion over six years. The House-passed bill, TEA-LU, would authorize \$256 billion over six years. The Bush Administration has issued veto warnings against both the House and Senate funding levels.

Although not the largest number of conferees appointed to reach a compromise on highway and transit reauthorization, this conference is larger than the one assembled for TEA-21 in 1998, which consisted of 50 House and Senate lawmakers. The largest conference committee was ISTEA in 1991 which included 92 lawmakers.

The House appointments marked the end of two month's of attempts to produce a conference committee. Efforts in the Senate had stalled for about six weeks while Democrats sought assurances from Republicans for a substantive role in the negotiations.

As House and Senate conferees meet, they will make critical decisions on total funding and programmatic and structural changes to TEA-21. APWA members are urged to contact conferees and their Congressional delegation to urge support of a six-year transportation reauthorization funded at no less than \$318 billion. Visit APWA's Legislative Action Center, [www.apwa.net/govtaffairs](http://www.apwa.net/govtaffairs) and click on the icon flashing: Alert, Contact Congress Now. Look for the letter titled, "Urge Conferees to Finalize \$318 billion Transportation Reauthorization" and follow the instructions to send your message. Following is a list of conferees:

#### **House Conferees**

**Alabama:** Spencer Bachus (R). **Alaska:** Don Young (R). **California:** David Dreier (R); Bob Filner (D); Gary Miller (R); George Miller (D); Richard Pombo (R); Bill Thomas (R); Henry Waxman (D). **Colorado:** Bob Beauprez (R). **Connecticut:** Christopher Shays (R). **District of Columbia:** Eleanor Norton (D). **Florida:** Corrine Brown (D); John Mica (R). **Illinois:** Judy Biggert (R); Jerry Costello (D); William Lipinski (D). **Iowa:** Jim Nussle (R). **Louisiana:** Jim McCrery (R). **Maryland:** Wayne Gilchrest (R). **Michigan:** John Conyers (D); John Dingell (D); Vernon Ehlers (R); Peter Hoekstra (R). **Minnesota:** James Oberstar (D). **Mississippi:** Charles Pickering (R). **Montana:** Dennis Rothberg (R). **Nevada:** James Gibbons (R). **New Jersey:** Robert Menendez (D). **New York:** Sherwood Boehlert (R); Jerry Nadler (D); Charles Rangel (D). **North Carolina:** Cass Ballenger (R); Howard Coble (R). **Ohio:** Steve LaTourette (R). **Oregon:** Peter DeFazio (D). **South Carolina:** John Spratt (D). **Tennessee:** John Duncan (R); Bart Gordon (D). **Texas:** Joe Barton (R); Tom Delay (R); Martin Frost (R); Eddie Johnson (D); Randy Neugebauer (R); Peter Sessions (R); Lamar Smith (R); **Virginia:** Tom Davis (R); Edward Schrock (R). **West**

#### **INSIDE YOU'LL FIND**

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Guidelines for Emergencies, Homeland Security Authorization Bill; **P6:** Intelligence Sharing Plan, Transit Security; ENVIRONMENT--Non-Compliance Waivers, **P7:** Water Infrastructure, Hazardous Waste, STATE ADVOCACY--Out of Country Solid Waste



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**Virginia:** Nick Rahall (D). **Wisconsin:** Ron Kind (D); Tom Petri (R); James Sensenbrenner (R).

### **Senate Conferees**

**Alabama:** Richard Shelby (R). **Arizona:** John McCain (R). **California:** Barbara Boxer (D). **Connecticut:** Joseph Lieberman (D). **Florida:** Bob Graham (D). **Iowa:** Charles Grassley (R). **Kentucky:** Mitch McConnell (R). **Maryland:** Paul Sarbanes (D). **Mississippi:** Trent Lott (R). **Missouri:** Christopher Bond (R). **Montana:** Max Baucus (D). **Nevada:** Harry Reid (D). **North Dakota:** Kent Conrad (D). **Ohio:** George Voinovich (R). **Oklahoma:** James Inhofe (R); Don Nickles (R). **South Carolina:** Ernest Hollings (D). **South Dakota:** Thomas Daschle (D). **Utah:** Orrin Hatch (R). **Vermont:** James Jeffords (I). **Virginia:** John Warner (R).

The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) expired on September 30, 2003. The third short-term funding extension enacted since the end of TEA-21 expires on June 30, 2004. Earlier conference negotiations required two months to produce a compromise. A fourth funding extension is expected.

*For more information contact Jim Fahey in APWA's Washington Office at 202-409-9541 or email [jfahey@apwa.net](mailto:jfahey@apwa.net).*

### **MUTCD**

#### **FHWA ISSUES INTERIM RULE ON SIGNS TO LOCATE 24-HOUR PHARMACIES**

The Federal Highway Administration (FHWA) has issued an interim final rule amending an earlier rule prescribing the use of the 2003 edition of the Manual on Uniform Traffic Control Devices (MUTCD) to permit the use of Specific Service and General Service signing to assist motorists in locating licensed 24-hour pharmacy services open to the public. FHWA is seeking comments to the interim final rule.

The changes are designated as Revision No. 1 to the 2003 Edition of the MUTCD. The interim final rule is effective July 21, 2004. Comments relating to the technical details of the MUTCD amendment must be received on or before June 30, 2004.

*For more information, contact: Ernest Huckaby, Office of Transportation Operations at (202)366-9064, or Raymond Cuprill, Office of the Chief Counsel (202) 366-0791, Federal Highway Administration.*

### **One Call**

#### **RULE PROPOSED TO IDENTIFY CALL NUMBER FOR EXCAVATION NOTIFICATION**

The Federal Communications Commission (FCC) issued a proposed rulemaking to identify an easy-to-use number for the nation's One Call notification system. The One Call system is designed for excavators and the public to notify operators of underground facilities in advance of excavation activities.

The proposed rulemaking will consider possible nationwide abbreviated dialing arrangements to access One Call Centers. The rulemaking is mandated by the Pipeline Safety Improvement Act of 2002, which calls for the establishment of a 3-digit nationwide toll-free telephone number system to be used by state one call notification systems.

Information on submitting comments and on the proposed rulemaking is available on FCC's website by visiting: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-111A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-111A1.doc).

### **Appropriations**

#### **SOME HOUSE APPROPRIATIONS COMMITTEES FACE AUSTERE BUDGET NUMBERS**

House Appropriations Committee Chairman Bill Young (R-FL) released funding allocations to the 13 appropriations subcommittees in early June and described the allocation levels of several committees as "austere."

The Appropriations Committee this year is working with an overall allocation in discretionary spending of \$821.4 billion, which is only \$35.5 million over current discretionary spending levels. (Discretionary spending is what the Congress appropriates and the President signs for the next year through the 13 annual appropriations bills. Mandatory spending is authorized by permanent laws, not by the 13 annual appropriations and includes entitlements such as Social Security and Medicare, interest on the national debt and interest on government securities.)

The funding constraints fall heaviest on the Transportation and Treasury subcommittee, whose allocation was reduced  
*APWA Washington Report, June 22004*

by \$2.9 billion to \$25.4 billion for FY2005. The funding, however, does not reflect the guaranteed funding levels for the highway, transit and aviation programs. The Agriculture committee also received a cut. Its funding allocation was trimmed by \$67 million to \$16.8 billion.

Defense and homeland security will remain a top funding priority this year, with increases allocated to the Defense, the Homeland Security and the Military Construction Subcommittees. Other Subcommittees receiving increases include: Foreign Operations; Veterans Affairs, Housing and Urban Development and Independent Agencies; Commerce-Justice-State; and Labor and Health and Human Services.

Smaller increases were made available to the Energy and Water, the Interior, the Legislative Branch and District of Columbia Subcommittees.

The allocations are used by the Subcommittees to establish program funding for the various agencies under each Subcommittee's jurisdiction as part of the process of drafting and passing spending bills required to keep the federal government operating.

The Senate has not yet approved its appropriations budget numbers and could accept the House approved \$821.4 billion discretionary level.

## INTERGOVERNMENTAL

### **Public Works Week "On the Hill"**

#### **CAPITOL HILL WEEK LONG EVENTS INITIATED SUCCESSFULLY**

APWA's Washington, DC office successfully kicked off the first annual National Public Works Week "On the Hill." The week-long series of briefings and discussions was held in legislative office buildings surrounding the Capitol.

In the spirit of National Public Works Week (NPWW), these sessions were offered to educate members of Congress, their staffs and the public about the essential role of public works in everyday life. Sessions included discussions of the Rural Transit Assistance Program (RTAP), the Local Technical Assistance Program (LTAP), an APWA partnership with EPA, the marriage of FEMA to the Department of Homeland Security, and urban traffic problems. In addition a short film produced by the Los Angeles Department of Public Works, entitled "A Day Without Public Works," was screened by members of Congressional staff.

The highlight of the NPWW 'On the Hill' was Public Works Showcase, an exposition of services provided by select APWA member public works departments and latest technologies offered by the private sector currently being used in public works departments.

APWA's Washington Office is enthused about having another celebration in 2005 and hopes that more departments will be able to participate in Washington next year. For more information and updates on NPWW On the Hill, please visit <http://www.apwa.net/onthehill> and follow the links to the daily events which provides information on the guest speakers, sponsors, and members who participated.

Public works departments interested in "showcasing" services next year, *please contact Kristina Tanasichuk in APWA's Washington Office at 202-408-9541 or email [ktanasichuk@apwa.net](mailto:ktanasichuk@apwa.net).*

### **"Competitive Sourcing"**

#### **OMB REPORT SAYS GOVERNMENT WORKERS MORE EFFICIENT THAN PRIVATE CONTRACTORS**

Ninety percent of the time, in announced competitions with private contractors, federal workers are more efficient in doing the same jobs according to a report released May 25, 2004, by the Office of Management and Budget (OMB).

This report comes as a buttress to the Bush administration's "competitive sourcing" initiative that encourages competition to promote greater efficiency in government work. Though the competitions cost the federal government a total of \$88 million in FY 2003, OMB projects savings of \$1.1 billion for FY 2004.

Federal union leaders are dismayed at the survey and contend that the projections for savings are grossly exaggerated.  
*APWA Washington Report, June 2004*

Opponents of the Bush initiative feel that “competitive sourcing” unnecessarily scares employees, wastes resources that could be used for programs, and rewards companies that support the Republicans in Congress with campaign contributions and contributions to the GOP.

“Anytime there is anything close to a fair competition, we do well,” insists John Gage, president of the largest federal employee union, the American Federation of Government Employees. He and similar federal union leaders called for an independent investigation of alleged savings.

Clay Johnson III, the deputy director of OMB says that what was learned in the first year is valuable information that “is a very positive sign for taxpayers and...for what the federal employees are capable of doing.”

## EMERGENCY MANAGEMENT/DISASTER MITIGATION

### **First Responders**

#### **DEBATE IN CONGRESS OVER “ALL HAZARDS” INTENSIFIES**

Characterized by the media as a tug of war between large metropolitan areas and smaller cities and rural communities, committees of jurisdiction over Chairman of the Select Committee on Homeland Security Chris Cox’s (R-CA) bill H.R. 3266, The Faster and Smarter Funding for First Responders Act, have fought to retain a minimum baseline of funding for every state.

As written, the Cox bill would eliminate the baseline funding for states in favor of dispersing homeland security funds based solely on threat based analysis. Under such a scenario, many states could receive no funding at all to prepare their first responders and other emergency personnel for a terrorist event.

APWA is leading development and delivery of a letter to Congress from supporters of the “all hazards” approach, and is urging Association members to contact the Select Committee to express support for this approach which represents small as well as large jurisdictions. Proponents point out that the recent capture of a suspected terrorist plotting to bomb an Ohio shopping mall highlights the need for all communities to have at least a minimum preparedness level in case of the unthinkable.

Chairman Steve LaTourette (R-OH) changed the Cox bill to reflect the concern of many that funneling all the terrorist funds to four or five cities in the US will leave too many areas unprepared for an attack. His compromise would allocate \$3.4 billion for first responder grants, with 30 percent divided by formula to each state and 70 percent allocated by threat based analysis.

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### **Homeland Security Appropriations**

#### **BALANCE FOUND WITH “ALL HAZARDS” ALLOCATIONS**

The House Appropriations Committee has allocated \$1.25 billion for “all hazards” grants and \$1 billion for high threat areas in its FY 2005 appropriation for the Department of Homeland Security. Specific grant levels include:

- \$1.250 billion for basic formula grants;
- \$1.000 billion for high-density urban areas, including no less than \$100 million for rail security;
- \$125 million for port security grants;
- 500 million for State and local law enforcement terrorism prevention grants;
- \$600 million for firefighter grants;
- \$170 million for Emergency Management Performance Grants; and
- \$185 million for First Responder training.

For more information on programs funded with the Appropriations bill, go to:

[http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=386&Month=6&Year=2004](http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=386&Month=6&Year=2004)

## **Performance Grants**

### **BIPARTISAN EFFORT UNDERWAY IN SENATE TO REJECT PROPOSED FUNDING LEVEL.**

Thirty-seven senators, including republicans and democrats, have banded together to reject the Bush administration's proposed \$10 million cut in spending on Emergency Management Performance Grants (EMPG) for FY 2005. Senator George V. Voinovich (R-Ohio) led the effort.

EMPG is the only grant program that has historically covered personnel costs. The Bush plan seeks to limit the amount of funding for personnel costs to 25 percent of each grant. Letters were sent to all 100 members of the Senate, but were specifically targeted at Senate Appropriations Subcommittee on Homeland Security Chair Thad Cochran (R-Miss.) and ranking member Robert C. Byrd (D-WV). APWA is in favor of keeping funding of EMPG grants at their current level (\$180 million per year).

## **DHS Employee Regulations**

### **DEMOCRATS, UNIONS OPPOSE NEW PERFORMANCE MANAGEMENT SALARY RANGES**

Senator Joseph I. Lieberman (D-NY) is among a number of members of Congress wary of proposed regulations to be imposed over federal homeland security employees. The regulations would involve the Department in establishing broad salary ranges for occupations which have establish performance management systems.

In a letter to DHS Secretary Tom Ridge and Office of Personnel Management Director Kay Coles James, Lieberman says that this type of action could "undermine the employee safeguards that prevent arbitrary and abusive workplace practices," and foster management "favoritism."

The actual scope of the regulations is unclear, which has added to the already-numerous complaints filed at a docket set up to receive feedback by the public, other federal employees, and their unions. The volume of complaints is one of the largest ever received for an internal government personnel matter. In defense of the proposed changes a DHS official says that "they [Congress] authorized this." The official says that the changes are intended to provide a framework for changes, not specific details – so that adjustments can be made while the initial changes occur. The department does not want to have to stop short and rewrite all the rules every time they want to make a change to the as-yet unrealized regulations.

## **Guidelines for Emergencies**

### **FEMA REPORT DETAILS PROCEDURES AND PLANS FOR RESPONSE TO NATIONAL DISASTERS**

A report titled "Responding to Incidents of National Consequence" was released May 27, 2004. Based on observations of the responses to the attacks of September 11, 2001, the report was originally completed in 2002, but had to be updated to be in line with recently-enacted DHS programs including the Initial National Response Plan and the National Incident Management System.

It enumerates and explains procedures designed for first responders in localities and regions to handle the emergencies caused by terrorist attacks or other man-made disasters. The report advises local communities to plan partnerships with other local communities and with nearby federal entities to be more prepared for attacks or disaster. It also instructs communities to mitigate possible bureaucratic inter-agency barriers that could slow response times in the event of a tragedy.

## **Homeland Security Authorization Bill**

### **COMMITTEE FACES UPHILL BATTLE; TURF ISSUES PARAMOUNT**

Rep. Christopher Cox (R-CA), Chairman of the House Select Committee on Homeland Security, has yet to officially announce his authorization bill on the floor of the House of Representatives and fellow representatives in his own party are already pouncing on it.

In his first and biggest legislative initiative since being named chair of the committee, Cox faces much adversity. Cox's bill would serve the same purpose for the Department of Homeland Security as the annual defense authorization does for the Pentagon. It would act as an annual review of DHS policies and strengthen congressional oversight of the one-year-old department. Most issues revolve around turf. A main point of contention is not the bill per se, but the existence of the Select Committee itself. The committee currently does not have permanent status. Only Speaker of the House J. Dennis Hastert (R-IL) has the authority to make the committee permanent. He has indicated support for Cox in the past, but has not taken a formal stand on whether or not he believes it should become a standing committee.

Since the Department of Homeland Security comprises over 20 former independent federal agencies, the Select Committee exerts oversight over areas of policy that prior to January 2003 would have been taken up by permanent committees. The strongest opponents to the committee itself are House Transportation and Infrastructure (T&I) Chair Don Young (R-AK) and Energy and Commerce (E&C) Chair Joe L. Barton (R-TX). Barton is vowing to “exercise all of our jurisdictional rights” over the authorization bill. Young has stated publicly that he believes Cox’s committee “[doesn’t] know what [it’s] doing.”

The bill’s contents have been kept quite secret by Cox, but APWA has learned that part of it involves a restructuring of management within the department, as well as giving the Information Analysis and Infrastructure Protection directorate more sway over issues of terrorism. One of Cox’s aides has said “We’re working with other committees...so there [won’t be] surprises or traffic jams in the bill’s passage.” However it is likely that the bill would be subject to scrutiny by T&I, E&C, and the Committee on Government Reform.

In defense of Cox, the committee’s ranking member Jim Turner (D-TX) has been quoted as saying, “It’s going to take some strong leadership...to get egos out of the way.”

### **Intelligence-Sharing Plan**

#### **FEDERAL, STATE, LOCAL LAW ENFORCEMENT AGENCY INFORMATION EXCHANGE LAUNCHED**

Coined the National Criminal Intelligence Sharing Plan (NCISP), Attorney General John Ashcroft launched a program in May 2004 for federal, state, and local officials to share information to help prevent terrorist and criminal activity

Co-released as a draft in 2003 by the Department of Justice and the International Association of Chiefs of Police, NCISP will essentially be the Justice Department’s version of the Department of Homeland Security’s National Incident Management System (NIMS).

Says Ashcroft, “By raising cooperation and communication among local, state, and federal partners...this groundbreaking effort will strengthen the abilities of the [law enforcement] community to detect threats and protect American lives and liberties.”

### **Transit Security**

#### **TRANSIT ASSOCIATION LEADERS POINT TO NEED FOR ADDITIONAL SECURITY MONEY**

American Public Transportation Association (APTA) President William W. Millar, speaking to the House Highways, Transit, and Pipelines Subcommittee identified over \$6 billion in transit security needs.

Based on a 2004 survey of transit agencies in the US, Millar said at least \$5.2 billion is needed in capital funding to maintain, modernize and expand transit system security and over \$800 million is needed each year in increased operating costs for security personnel, training, technical support and research and development. He pointed out that the FY 2005 budget did not include a line item to fund transit security.

The purpose of the House hearing was to “lay the groundwork” for the development of public transportation security legislation, according to Subcommittee Chair Tom Petri (R-WI). The Senate Banking, Housing and Urban Affairs completed legislation (S. 2453) May 6, 2004, that would authorize \$5.2 billion for public transit security.

## **ENVIRONMENT**

### **Non-Compliance Waivers**

#### **EPA RELAXES SMALL JURISDICTION PENALTIES IF NON-COMPLIANCE IS DISCLOSED**

In a victory for local governments, the US Environmental Protection Agency (EPA) has released the *Small Local Governments Compliance Assistance Policy* which establishes parameters whereby EPA will generally defer to a state’s decision to reduce or waive normal noncompliance civil penalties for a small local government violator.

The policy allows states to reduce or waive civil penalties for small local governments that correct noncompliance with environmental laws at only some of their municipal operations or that have implemented environmental management systems to address noncompliance.

The new policy revises and supersedes EPA’s previous policy, *Policy on Flexible State Enforcement Responses to Small APWA Washington Report, June 2004*

Community Violations, issued in 1995. APWA submitted comments supporting the ruling in January. APWA's New England chapter received the U.S. Environmental Protection Agency's Merit Award when they worked with EPA's Region I to disclose violations and come into compliance using the self-audit program.

The policy replaces the term community with "local government" in order to define the eligible entities. The policy now includes any local government with up to 10,000 permanent residents, as opposed to small communities with fewer than 2500 residents, which it had done in the previous policy. APWA supported this change allowing a greater number of communities to be eligible for the program. EPA recognized that smaller local governments have limited financial resources at their disposal due to fewer residents paying taxes.

### **Water Infrastructure**

#### **SENATE COMMITTEE DRAFTING WATER INFRASTRUCTURE LEGISLATION**

The Senate Environment and Public Works Committee (EPW) is working on a draft bill that would reauthorize \$20 billion over 5 years for the Clean Water Act State Revolving Fund (SRF) and \$15 billion for the Drinking Water SRF. The Clean Water Act State Revolving Fund (CWSRF) would receive:

- \$3.2 billion in FY 2005 & FY 2006,
- \$3.6 billion in FY 2007
- \$4 billion in FY 2008
- \$6 billion in FY 2009

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### **Hazardous Waste**

#### **EPA TO ISSUE CATHODE RAY TUBE RECYCLING RULE**

In 2002, the Environmental Protection Agency (EPA) estimated that about 57 million televisions and computers are sold annually in the United States, with an increasing number being discarded as they become obsolete. In an effort to address this growing problem, EPA plans to issue a final rule in early 2005 that would exempt cathode ray tubes (CRTs) and glass targeted for recycling, from hazardous waste rules.

EPA is also considering changing its proposal to create a separate rule for mercury.

Intended to streamline regulations under the Resource Conservation and Recovery Act to encourage recycling of CRTs EPA's rule was proposed June 12, 2002. CRTs are made primarily of glass and contain the video display components of televisions and computer monitors. EPA claims they contain as much as four pounds of lead and mercury, cadmium, and arsenic.

The rule also proposes that handlers of items with mercury would have to label it clearly or mark it and manage it in accordance with universal waste management standards currently in place for batteries, thermostats and lamps containing mercury. There is little to no resistance for the mercury ruling.

## **STATE ADVOCACY**

### **Out of Country Solid Waste**

#### **MICHIGAN TRIES TO STOP CANADIAN TRASH FROM ENTERING US**

Governor Jennifer Granholm recently signed 11 flow control bills into law in an effort to stop Canadian trash from entering the state's landfills. In response, the Washington, D.C.-based National Solid Wastes Management Association (NSWMA) filed a lawsuit challenging the laws under the U.S. Constitution's traditional, 'dormant' Commerce Clause and the foreign Commerce Clause.

According to Granholm's office, the new laws:

- Require the inspection of municipal solid waste (MSW) imported from Canada to determine if waste is being properly transported and does not threaten public health and safety.
- Expand prohibited products in landfills to include certain beverage containers, oil, lead acid batteries, tires, hazardous waste and low-level radioactive waste.
- Prohibit out-of-state or out-of-country waste unless unacceptable refuse has been removed or the other state or

province has solid waste stream standards equal to Michigan's.

The NSWMA challenged each of the new laws because, according to the association's General Counsel David Biderman, "they all suffer from the same Constitutional flaw. They are all enacted in an effort to discriminate against out-of-state waste, and in particular, waste originating in Canada," he says.

A new report titled, "Report on Waste Inspections at Michigan Landfills" conducted by the Michigan DEQ found that approximately 10 percent of all incoming landfill loads were contaminated with yard waste. Waste originating from Ontario had the highest percentage of refuse containing yard waste. However, with the exception of yard waste, a significant amount of other prohibited materials were not found during waste inspections. In fact, of the more than 4,600 loads inspected, only 18 contained prohibited waste, the report states.

To further fight flow control ordinances, the NSWMA also recently filed a lawsuit challenging a Davis County, Ky., law that requires municipal solid waste generated within the county be disposed of at a county-owned disposal facility. However, the law contains language that states it does not become effective until the federal court issues a ruling.

**Contributors to this month's Washington Report are: Beth Denniston, Heather McTavish Doucet, Jim Fahey and Kristina Tanasichuk**

**The APWA Washington Report is edited by Beth Denniston**