

This Week

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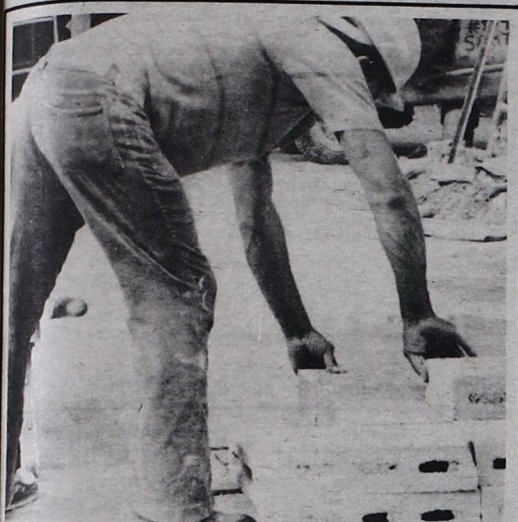
COUNTY NEWS

"The Wisdom to Know and the Courage to Defend the Public Interest"

NA Co

Washington, D.C.

October 15, 1979



CETA Works

... 1,400 Officials Expected in Louisville

Over 1,400 county officials will be attending NACo's eighth annual national employment policy conference in Louisville, Ky., this week. Rep. Carl Perkins (D-Ky.), chairman of the House Education and Labor Committee and prime mover behind last year's efforts to renew CETA, will deliver the opening speech. Other speakers include Secretary of Labor Ray Marshall and Assistant Secretary of Labor Ernest Green. Marshall has planned to tour Louisville (Jefferson County) CETA projects in areas dealing with weatherization, solar energy and youth offender programs.

Arguments Heard in Section 504 Suit

NACo, as a "friend of the court" in a lawsuit challenging federal regulations which require access to public transportation for the handicapped, heard oral arguments presented on its behalf by the American Public Transit Association (APTA). The case is being heard by Judge Louis F. Oberdorfer of the U.S. District Court for the District of Columbia. A decision is expected by November.

Arguments on both sides focused on conflicting interpretations of the legislative intent of the Department of Transportation regulations, which were issued under Section 504 of the Rehabilitation Act of 1973, and the statutory authority of the DOT Secretary to implement the rules. The rules require, among other things, that all buses purchased or refurbished after July 2, 1979 be equipped with wheelchair lifts.

Proponents of a "moratorium" on the regulations acknowledge that special efforts must be undertaken by local governments to increase transit accessibility for the nation's handicapped.

HOWEVER, IT was argued that DOT's attempt at "mainstreaming" handicapped citizens into a nationwide transportation system was in fact "incompatible" with the needs of handicapped persons because the rules: (1) mandate "mainstreaming" technology that is not yet feasible and which will never produce effective

mobility for most people; (2) fail to consider the local options that are and have been believed by DOT to be necessary to account for the disparate mobility problems in the various sections of the country, and (3) constitute an extraordinarily expensive means to aid the tiny portion of the elderly and handicapped

See ARGUMENTS, page 15

Sen. Cranston Offers New Refugee Aid Bill

Responding to a combination of congressional snags holding up funding of welfare and medical costs for Southeast Asian refugees, Sen. Alan Cranston (D-Calif.) has introduced a new bill which would simply extend the provisions of the Indochinese Refugee Migration Assistance Act of 1975 for two more years.

The Administration's omnibus refugee assistance bill passed the Senate early in September, but is bogged down in the House where sequential referral of H.R. 2816 to the Foreign Affairs Committee is pending. The bill was reported Sept. 19 by the Judiciary Committee.

Meanwhile, statutory authority to aid new refugees expired Sept. 30, and a continuing resolution which would have authorized payment until Dec. 31 failed in conference committee over disagreements on a congression-

al salary increase and abortion language. How quickly Cranston's new bill can be heard before the Labor and Human Resources Committee is not clear, but chances are good that the straightforward extension can move quickly, and relieve pressure to resolve immediately contested issues in the refugee policy which are unrelated to the 100 percent federal reimbursement NACo is seeking.

Refugees admitted to the United States under the expanded "boat case" rescue policy—some 14,000 per month—are beginning to have a significant impact on county welfare and health departments. Yet at the same time the 100 percent federal reimbursement to states and counties to pay for their welfare and Medicaid expenses has lapsed.

On Sept. 6 the Senate passed S.

Urban Action Grant Eligibility Increased

After repeated delays, stretching back to August, a House-Senate conference committee is moving toward final action on H.R. 3875, the Housing and Community Development Amendments of 1979. Late last week it resolved an outstanding area of disagreement—how to extend eligibility for the urban development action grant program (UDAG) to so-called "pockets of poverty" in otherwise healthy cities and urban counties.

The UDAG program was enacted by Congress in 1977 to provide one-time, competitive grants to cities and urban counties meeting minimum levels of physical and economic distress. The grants are intended to leverage private sector funds to promote economic redevelopment and reclaim deteriorated neighborhoods.

Because of a tilting of funds to communities in the Northeast and Midwest pressure has been building since 1977, with NACo in the forefront, to expand UDAG eligibility to pockets of poverty.

In an effort to break an impasse over the particular provisions defining pockets of poverty, Senate backers of the pockets concept—Sen. John Tower (R-Texas) joined by Sen. Alan Cranston (D-Calif.)—put forth a compromise, which, with some modification, was agreed to by the House conferees.

Under the compromise, a pocket of poverty in a city over 50,000 population or an urban county must contain contiguous census tracts, enumeration districts or block groups containing 10 percent of the city or urban county's population or 10,000 persons whichever is less, and where 70 percent of the residents have incomes below 80 percent of the city or county's median income and 30 percent are below the national poverty level.

The proposed UDAG project must be located within the pocket of poverty and provide direct benefit to

low- and moderate-income residents in the pocket. This provision, however, may be waived if no suitable sites are located within the pocket.

CITIES OR URBAN counties must provide comparable services to residents of the pockets, defined as police, fire, sanitation and road maintenance, as are provided to other wealthier areas of the community. There is also a requirement for a 20 percent match to be made up from local, state or federal funds (such as from the community development block grant program).

While the exact percentage of total UDAG funds is not specified, no more than 20 percent can be made available for pocket projects. The exact amount would be determined annually by HUD and set forth in regulations.

Conferees Trying to Settle Federal Funding Impasse

As County News goes to press, House and Senate conferees are meeting in an attempt to break the continuing logjam that has technically prevented most government departments and agencies from funding programs and meeting payrolls as of Oct. 1. Funding has stopped because Congress has not yet passed most appropriations bills.

Last week the Senate rebuffed the House's attempt to separate the congressional pay raise and abortion issues when it passed the Continuing Resolution for fiscal '80, H.J. Res. 412, by a vote of 81-15. This Senate resolution will provide funds for 10 out of 13 appropriations bills still awaiting final passage. This resolution provides funds through Sept. 30, 1980, the entire fiscal year.

The House split the congressional pay raise and abortion issues by passing and sending to the Senate two

separate continuing resolutions. H.J. Res. 412 contained funding for the congressional pay raise at 5.5 percent, and provided funds for nine out of the 13 appropriation bills awaiting final passage. H.J. Res. 413 contained funding for the Department of Labor and the Department of Health, Education and Welfare, and the House's more restrictive abortion language.

The Senate passed H.J. Res. 412 with funds for 10 out of the 13 appropriation bills awaiting final passage, no congressional pay raise and the Senate's more liberal abortion language. The Senate was willing to give Congress the 5.5 pay increase the House wanted, but in return it expected the House to soften its language on federal funding of abortions.

Conferees still have a number of other issues to resolve in H.R. 3875. It is expected that final congressional action on the bill will occur within the next 10 days.

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—Jon Weintraub

Sen. Cranston Offers New Refugee Aid Bill

Oct. 1, once the resolution or the legislation passes.

A large number of refugees, however, do not meet categorical eligibility. In some counties they are being aided upon application, despite the absence of legal authority to do so, with the assumption that the federal government will reimburse them once the law takes effect.

In Ramsey County, Minn., for example, 50 refugees per month are being processed onto welfare rolls. Elsewhere, some California counties are holding applications from refugees who are not eligible for AFDC, SSI, or general assistance until the authority to aid them is reinstated by Congress. Los Angeles County is receiving more than 1,000 applications monthly, including newly arrived "boat cases" and migrants from other states.

NACETA Offers Assistance for Employment Officials

The largest of the 17 NACo affiliate organizations, the National Association of County Employment and Training Administrators represents CETA administrators in prime sponsor and balance-of-state counties. Membership is voluntary (no dues are required) and is composed of principal and associate county employment and training staff.

The objective of the association is "... to stimulate and contribute to the improvement of county employment and training programs and practices throughout the United States..." To achieve this, members study the problems of and disseminate information about county employment and training programs and practices, work to achieve uniform implementation policies from the Department of Labor regional offices, and provide self-help technical assistance and materials to all counties.

The NACETA Board consists of a president, vice-president, and representatives from each of the 10 federal regions. Board members are usually nominated to the NACo Employment Steering Committee, one of NACo's 12 policy setting committees. The NACETA Board also functions with the assistance of several standing committees and task forces.

NACETA BALANCE OF STATE/RURAL TASK FORCE

The BOS/Rural Task Force is composed of members appointed by the president representing BOS regional administrators and governors' office representatives from the CETA system. The task force functions to advise the president and the Board on issues of special concern to BOS and rural county CETA programs, and as an information and technical assistance vehicle for BOS and rural county CETA administrators. The task force is responsible for developing and monitoring directories of BOS and rural county administrators, analyzing and disseminating information on BOS and rural county models, and developing and presenting information and technical assistance on issues of importance to rural counties.

NACETA ANNUAL CONFERENCE

Held annually in the fall, the NACETA Employment Conference provides an opportunity for county employment and training officials to explore issues of current importance in the employment and training field. Included among the many informational panels and workshops are special sessions for BOS and rural counties to meet and discuss issues of

concern, and to acquire information and technical assistance.

NACo EMPLOYMENT TEAM SERVICE FEE PROGRAM

In addition to its regular services to NACo member counties and two special projects, NACo's Employment Team, through its service fee program, employs six full-time professionals to provide technical information and assistance to participating CETA jurisdictions.

The service fee program is available to any entity (county, consortium or state) administering CETA programs for counties. The fee is based on a small fraction of 1 percent of Title II B and C funding, with special arrangements available for balance-of-state counties. Services include:

- Monitoring, analysis and reporting of legislative developments on employment-related issues,
- Working with lead federal agency staff to provide county input on policy and regulations relating to employment,
- On-site technical assistance,
- Specialized problem-solving and information in response to telephone and mail requests,
- Presentations at county functions,
- Subscriptions to:

An Open Letter to Rural CETA Administrators

The National Association of County Employment and Training Administrators (NACETA) is working to make the services of NACoR and NACETA more available to rural counties. Both by becoming an active member of NACETA and taking advantage of NACoR's CETA service fee program, you can help ensure the improvement of services to rural CETA administrators.

NACETA membership is open to principal and associate county employment and training staff and is free of charge. The NACoR service fee program is provided to counties and states where CETA administrators opt to pay a small percentage of CETA funds for up-to-date information and technical assistance.

We need your participation in NACETA to help us meet our commitment to rural and balance-of-state counties. We also invite you to join NACoR's service fee program so that we can address your special needs as rural county CETA administrators.

More detailed information on both NACETA and the service fee program is included below. If you have any questions, please contact any member of the NACo Employment Team staff.

We look forward to working with you.

Sincerely,
Patricia A. Bamberg
NACETA President (1979)
Director, Washtenaw
County, Mich. CETA

Jon Weintraub,
Associate Director, NACo

- CETA Information Update—frequent mailings including up-to-date information on national policy developments, proposed legislation and regulations, congressional activities, and planning and management assistance.
- County News—NACo's weekly publication, including legislative and executive developments in Washington and the regions, NACo affiliate activi-

ties, and member county programs and achievements.
-County Employment Reporter—a bimonthly publication dealing with current developments in the employment field including in-depth analyses of new legislation and management aids.
Please contact NACo's employment staff for additional information on the service fee, NACETA, and other NACo services.

COUNTY OPINION

Counties Down in the Dumps

If getting rid of garbage is a headache now, you can expect a migraine when the Environmental Protection Agency's new dump closing regulations are enforced by the states.

The new regulations, which go into effect today (Oct. 15), will mean increased costs of disposing of garbage for many counties. Counties, along with private and other public disposers, will have five years to upgrade their dump sites to sanitary landfill status, a job which we estimate will double the costs of landfilling a ton of garbage. If the dump site can't possibly meet the criteria, even with massive outlays of capital, the county will be forced to find a new landfill site. Those counties forced to seek the latter route to satisfying EPA requirements can be prepared for outrageous costs and outraged citizens.

NACo has long objected to federal and state mandates that place county officials in a crossfire between the regulators and the taxpayers. The dump closing regulations are an "excellent" example of how a federal agency can thump local governments with the rulebook, let the states enforce the rules and take the blame, and require local officials to raise the levy or fee to pay for compliance.

We have tried to make the Congress and EPA understand that rural and small counties, coastal and mountainous counties, and even large urban counties will have a tough time upgrading the dumps into landfills, or, even worse, finding a new site to dispose of their garbage.

NACo runs a "peer match" technical assistance program to help counties with disposal problems, but it's a far cry from the kind of assistance that's needed.

What we do need from EPA and Congress is first of all recognition that counties are more and more the unit of government responsible for solid waste disposal. Then we need technical and financial aid to help us monitor our landfills for pollution and help us contain it where the pollution is a real threat to human health.

When a new site is necessary, the state and federal government should offer their help to find land with the right soils and hydrology. The only problem is that before you can get two engineers to agree on the safety of a site, you might be buried in garbage.

This brings us to resource recovery. As the price of energy goes up, the lure of "cash from trash" is mighty powerful—at least until you realize that the capital costs of building a plant are going up faster



than the price of energy. And given the uncertainties of the available technology, counties are understandably cautious about investing in a multi-million dollar project that may produce more cost overruns than energy. The federal government has a role to play in sponsoring research and development projects to get the kinks out of the technology; they should double their efforts.

Another possibility is recycling glass and metals which residents separate from their garbage. Although it's not a big money maker, such a program can extend the life of your landfill. And we suggest that federal and state governments should assist us by doing what they can to stabilize markets and rationalize freight rates.

Even with resource recovery or recycling, there will always be a need for landfills to handle the residue that can't be burned or sold. Each county should determine the combination of disposal and recovery techniques that best suit conditions in the area. Getting rid of garbage is a problem that demands our best thinking, a measure of courage, and limited amount of federal assistance.

Standards to Be Devised for Local Law Enforcement

Four national organizations will be developing operational standards for law enforcement agencies and establishing an accreditation process, under a \$1.5 million grant awarded by the Law Enforcement Assistance Administration (LEAA).

The 18-month effort will be conducted by the National Sheriffs' Association (NSA), International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE) and Police Executive Research Forum (PERF).

"The purpose of this program is to improve the efficiency and effectiveness of law enforcement services around the country and, simultaneously, to provide a means by which enforcement agencies can review their needs and develop plans for continuous improvement," LEAA Administrator Henry S. Dogin said in announcing the grant.

Under the grant, each association will concentrate on different law enforcement functions and roles.

The NSA will direct its efforts exclusively towards the nation's sheriff's departments. NOBLE will look at all areas of police jurisdiction, including sheriffs, independent counties and state police organizations, and will focus on development, advancement, recruitment and selection policies. PERF will focus on municipal police departments in

communities serving a population between 100,000 and 500,000.

The IACP will develop standards in all jurisdictions for those topics not covered by other groups and exclusively in areas such as community resources, employee relations, support services and internal discipline. The IACP will also provide coordination and administrative services to the program.

All of the standards will be reviewed by an independent accreditation commission consisting of 11 members: 11 officials from the law enforcement community and representatives from government and private sector agencies.

The commission will solicit views from local and state government officials, various communities and public interest groups as the standards are developed to assure an acceptable nationwide accreditation process.

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EDITOR: Bernard Hillenbrand
MANAGING EDITOR: Christine Gressock
PRODUCTION MANAGER: Michael Bredon
GRAPHICS: Karen Eldridge, Robert Redding, and Deborah Salzer
ASSISTANT EDITOR: Joan Amico
WRITER/PHOTOGRAPHER: Paul Serber
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National Association of Counties
1735 New York Ave N.W.
Washington, D.C. 20006
202/785-9577

Williams in Hospital

NACo Immediate Past President Charlotte Williams, commissioner, Genesee County, Mich., is recuperating at McLaren General Hospital, Flint, Mich. She would welcome messages from her friends.

Entered as second class mailing at Washington, D.C. and additional offices. Mail subscription \$35 per year for nonmembers, \$30 for members purchasing 10 or more subscriptions. Member county surplus subscriptions are \$20, nonmember county surplus subscriptions are \$15. Send payment with order to above address. While utmost care is used, County News cannot be responsible for unsolicited manuscripts.

Status of Legislation

Summary of Bills Important to Counties

Community Development

Staff contact: John Murphy

BILL
Housing and Community Development Amendments of 1979 H.R. 3875 (Ashley)

ISSUES

Contains annual contract authority for up to 266,000 units of Section 8 assisted housing (\$1.14 billion); increases urban development action grant (UDAG) authorization to \$675 million; broadens eligibility to pockets of poverty.

NACo POLICY

Supports funding for 400,000 units of Section 8 housing; \$675 million for UDAG and broadened eligibility for pockets of poverty.

STATUS

Passed House June 7; passed Senate July 13. Before House-Senate conference committee.

BUD Fiscal '80 Appropriations
H.R. 4394 (Boland)

Provides contract authority of \$1.14 billion for 266,000 units of Section 8 assisted housing; \$3.9 billion for community development block grants and \$675 million for UDAG.

Supports funding for 400,000 units of Section 8 housing; \$3.9 billion for community development and \$675 million for UDAG.

Passed House June 27; passed Senate July 27. Conference report passed House Sept. 27. Senate to take up shortly.

National Economic Development and Public Works Act of 1979
H.R. 2063 (Roe); S. 914 (Burdick)

Reauthorizes the EDA grant and loan programs; House bill broadens, Senate bill restricts eligibility for programs; greatly expands business development loan programs.

Supports maximizing county eligibility for EDA programs, and expanded grant and loan programs.

H.R. 2063 reported by House Committee May 15; S. 914 passed by Senate in mid-July. House floor action expected this month.

Criminal Justice and Public Safety

Staff contact: Herb Jones

BILL
Justice System Improvement Act of 1979 H.R. 2061 (Rodino); S. 241 (Kennedy)

ISSUES

Reauthorizes Law Enforcement Assistance Administration as part of Office of Justice Assistance Research and Statistics. Provides entitlements to local units of governments. Also creates Bureau of Justice Statistics and National Institute of Justice.

NACo POLICY

Favors entitlements for counties over 100,000 as contained in House version.

STATUS

Senate passed S. 241 in May; H.R. 2061 reported out of Judiciary committee in June; still awaits floor action. Final action not expected until November.

LEAA Appropriations for fiscal '80

Cuts overall appropriation from \$646 million in fiscal '79 to \$486 million this year. Congress restored \$50 million Juvenile Justice Act cut proposed by President. Aid to state and local governments falls from \$297 million to \$239 million.

Favored \$646 million funding level for fiscal '80.

Signed by President.

Dispute Resolution Acts of 1979
H.R. 2863 (Kastenmeier), H.R. 3719 (Richardt); S. 423 (Ford)

Authorizes funds for creation of alternatives to courts in variety of areas. Authorization increased to \$18 million.

Supports broad definition of "dispute resolution."

House committees have reported out legislation for floor action.

Corrections, Construction and Program Development Act of 1979 H.R. 884
(Marettil)

Authorizes \$500 million for construction and renovation of state and local correctional facilities.

Supports funds as part of comprehensive solution to corrections problems including removal of nondangerous offenders. NACo opposes bill in present form.

Hearing held. More hearings expected next year.

Employment

Staff contact: Jon Weintraub

BILL
First Concurrent Resolution on the Budget for fiscal '80 and Revising the Second Concurrent Resolution for fiscal '79 H. Con. Res. 107; S. Con. Res. 23

ISSUES

Includes state share for revenue sharing (\$2.285 billion); cuts 100,000 CETA public service jobs, LEAA, and countercyclical assistance.

NACo POLICY

Supported restoration of cuts in major county programs listed. Submitted testimony in House and Senate.

STATUS

Conference report passed both House and Senate.

Labor-HEW Appropriations for fiscal '80 H.R. 4389

Cuts CETA Title VI public service jobs; provides funds for Title VII (PSIP).

Supported the President's budget. Testified in House and Senate.

Conference report passed both House and Senate. Abortion language is delaying final action.

Amend CETA Title III to assess manpower needs for full development domestic energy resources
H.R. 3583 (Perkins, Hawkins, Jeffords.)

Adds a new Section 319 to CETA requiring DOL Secretary to assess energy manpower needs and recommend to Congress possible projects for the next five years.

Supports general concept.

No hearing set.

Amend CETA Title IV-A to establish solar energy youth employment and training act H.R. 3525
(Jeffords, Mineta.)

Adds a new Subpart 4 to Title IV-A; allows DOL Secretary to fund projects to eligible applicants to train youth in solar energy and energy conservation projects.

Supports general concept.

No hearing set.

Work and Training Opportunities Act of 1979 H.R. 4425 (Perkins, Hawkins.); S. 1312 (Nelson)

Administration's welfare jobs bill; creates a new Title II-E of CETA. Does not cover singles and childless couples.

Supports as a good beginning for debate.

House hearings set for Oct. 25.

Work and Training Entitlement Act of 1979 H.R. 4426 (Perkins, Hawkins.)

Subcommittee's welfare jobs bill; creates a new Title II-E of CETA with job entitlement and extends coverage to singles and childless couples.

Supports as a good beginning for debate.

House hearings set for Oct. 25.

Labor-HEW Appropriations Supplemental for fiscal '79 H.R. 4289

Provides \$8.9 million for Title V of the Older Americans Act.

Supported the supplemental.

Signed into law as P.L. 96-38.

Youth Employment Act of 1979
H.R. 4465 (Hawkins, Perkins.)

Amends Title IV and VII of CETA, Title IV (WIN) of the Social Security Act, the Wagner-Peyser Act, and expands apprenticeship program; creates an interagency coordinating committee for youth employment.

Supports as a good beginning for debate.

Referred to House employment opportunities subcommittee. No hearings set for public interest groups.

Full Development of Energy Resources
H.R. 4514 (Perkins)

Creates a three-title bill: Title I amends CETA Title III to provide grants for energy manpower training; Title II creates a synthetic fuels reserve corporation; Title III authorizes the replacement motor fuels act of 1979.

Supports.

No hearings were held. Reported out of House Committee on Education and Labor June 27.

Employment

BILL	ISSUES	NACo POLICY	STATUS
Youth Employment Act of 1979 H.R. 4534 (Weiss)	Establishes a program of full employment, vocational training, and employment placement for all young Americans willing and able to work. Works through the CETA system.	Supports full employment concept.	No hearings set.
Targeted Jobs Tax Credit Program for Youth H.R. 4536 (Weiss)	Amends the Internal Revenue Code of 1954 and the Comprehensive Employment and Training Act to provide for the eligibility of certain in-school youth and for the certification and referral of such youth to jobs under the targeted jobs tax credit program.	Supports concept.	No hearings set.
CETA Average Wage Waivers H.R. 3419 (Beard)	Provides a waiver on the CETA average wage to increase the wage rate by 25 percent.	Supports change in the current average wage.	No hearings set. No action expected without the consent of Rep. David Obey (D-Wis.)
Youth Employment Initiatives Act of 1979 S. 1129 (Kennedy)	Provides funding based on placing youth in jobs; strict performance based allocation process.	Does not support in present form.	No hearings set.
Labor Productivity and Training Act S. 1253 (Bentsen)	Requires a 5 percent set-aside of CETA training funds [amends section 203 (b)] for the retraining of the unemployed due to productivity improvement programs.	This is an allowable function under CETA and a categorical set-aside is unnecessary.	No hearings set.
To amend the Unemployment Compensation Amendment of 1976 H.R. 3920 (Corman)	Provides compensation for members of the National Commission on Unemployment Compensation; extends due date of commission's final report; extends the exclusion of alien farm workers from UI.	Supports.	Identical bills passed House and Senate.
To amend the Internal Revenue Code of 1954 H.R. 4007 (Brodhead)	Provides that the provisions which increase the federal unemployment tax in states which have outstanding loans will not apply if the state makes certain repayments.	Supports.	Reported out of House Ways and Means Committee June 6.
Second Concurrent Resolution on the Budget for fiscal '80 H. Con. Res. 186; S. Con. Res. 36	Includes state share for general revenue sharing for fiscal '80 but not for fiscal '81 and beyond; cuts CETA public service jobs. Senate bill forces reconciliation.	Supported restoration of cuts in major county programs. Opposed reconciliation.	Conference expected the week of Oct. 9.
Reduction of Unemployment Compensation by Pension Income H.R. 5507 (Corman)	Reduces UI benefits by the amount of an individual's pension.	No position.	Reported from House subcommittee on public assistance and unemployment compensation Sept. 27. Senate has no similar bill.
Continuing Appropriations for fiscal '80 H.J. Res. 404; H.J. Res. 402; H.J. Res. 412; H.J. Res. 413	Provides continuing appropriations for 10 out of the 13 appropriation bills at levels contained in those bills for fiscal '80. Lack of agreement on the level of the congressional and executive pay raise and abortion language is delaying final action.	Supported rapid passage of the resolution.	Conference expected the week of Oct. 9.
To amend CETA to extend the period of eligibility for public service employment H.R. 5412 (Stewart)	Extends 18-month limit in a public service job to two years with an additional six months added on if the participant resides in an area where the unemployment rate for the most recent three months exceeds the national rate.	Supports concept.	Referred to Education and Labor Committee. No hearings set.

Environment and Energy

Staff contact: Mark Croke

BILL	ISSUES	NACo POLICY	STATUS
Energy Development Impact Assistance Act of 1979 S. 971 (Hart, Ford)	Provides assistance to "boomtowns" experiencing rapid growth due to energy resource development. Similar measure supported by the Administration.	Supports a comprehensive approach to energy impact assistance.	Referred to Senate Committee on Energy and Natural Resources. Hearing scheduled for Oct. 18-19.
Resource Conservation and Recovery Act H.R. 3994 (Florio); S. 1156 (Randolph)	Reauthorizes existing program. Some expansion of the hazardous waste title is anticipated. Amendments expanding local role in planning may be offered.	Supports reauthorization with amendments expanding local role in planning and implementation.	Hearings held in both House and Senate. Passed the Senate in June. Not yet scheduled for floor action in House.
Energy Management and Partnership Act of 1979 S. 1280 (Jackson)	Consolidates existing conservation programs with an added element for the development of state energy plans.	Supports passage with amendments which would expand local role in planning and would provide a percentage of the funding directly to local governments.	Referred to Senate Energy and Natural Resources Committee and House Interstate and Foreign Commerce Committee. Hearings held in July; additional hearings scheduled for this fall.
Local Energy Management Act of 1979 S. 931 (Percy)	Provides demonstration grants to local governments for the preparation of energy conservation programs. Also contains an information transfer function and technical assistance program.	Strongly supports.	Referred to Senate Energy and Natural Resources Committee and House Interstate and Foreign Commerce Committee. Hearings held in July; additional hearings scheduled for the fall.
Nuclear Waste Management Act of 1979 S. 742 (Percy, Glenn)	Provides for federal selection and development of a nuclear waste repository; contains a strong role for local governments as well as impact assistance and emergency training.	Supports a nuclear waste disposal policy which includes a strong local role.	Referred to Senate Governmental Affairs Committee. Hearings tentatively set for Oct. 9-12.
Safe Drinking Water Act H.R. 3509 (Waxman); S. 1146 (Muskie)	Reauthorizes ongoing programs; adds small systems grant program.	Supported.	Signed by President Sept. 6. (P.L. 96-63).
Noise Control Act of 1972 H.R. 3995 (Staggers); S. 1144 (Culver)	Reauthorizes ongoing program and redirects approach to provide more local assistance.	Supports.	Passed the Senate June 14. House floor action not yet scheduled.
Oil Decontrol and Windfall Profits	Decontrol of domestic oil prices coupled with a windfall profits tax on oil companies.	Supports.	Decontrol is administrative action requiring no legislation. House passed windfall tax but has not determined how the revenues will be used. The Senate has not passed a tax but has begun assigning the revenues.
Water Resources Policy Reforms S. 1241 (Domenici, Moynihan)	Increases funds for state planning, requires cost sharing on new water projects and urges conservation pricing of water.	Supports.	Hearings held Sept. 16-18 on both the Administration and Domenici-Moynihan proposals. Markup tentatively scheduled for late October.
Energy Mobilization Board S. 1308 (Jackson)	Establishes a federal board which could eliminate "red tape" and other delays in the siting and building of priority energy projects.	Supports concept of a board with safeguards for state and local government authority.	Two versions reported in House; Rules Committee will consider on Oct. 15. Senate passed S. 1308 Oct. 4.
Community Energy Efficiency Act S. 1829 (Tsongas)	Provides grants to cities and counties to promote energy conservation and renewable resource use; \$500 million first year up to \$1.7 billion fifth year.	Supports.	Referred to the Senate Banking Committee. Hearings will be scheduled for late fall.

Environment and Energy

BILL
Integrated Environmental Assistance
 S. 1136 (Culver by request); H.R. 4213
 (Pryor by request)

ISSUES

The Administration proposal would combine the administration of state and local grant programs for sections 106 and 208 of the Clean Water Act, section 105 of the Clean Air Act, subtitle D of the Resource Conservation and Recovery Act, and other environmental programs administered by EPA. Agreement between EPA and each state would allocate funds among various environmental programs. Authorizes \$25 million to encourage program integration at the state and local level. Funds now provided directly to county and other local governments could be passed through the state if EPA agreed.

NACo POLICY

Supports amendments to the Administration bill to require the involvement of local governments in the development of a state and local integrated environmental program, and to require the mandatory pass-through of a portion of each state's integrated grant.

STATUS

Hearings before the Senate Environment and Public Works subcommittee on environmental pollution scheduled for Oct. 16. The bill has been jointly referred to the House Transportation and Public Works, Interior, Interstate and Foreign Commerce and Agriculture Committees. No hearings scheduled.

Appropriations for the Environmental Protection Agency for fiscal '80.

A House-Senate conference has agreed to provide \$3.4 billion for the wastewater construction grants program, \$40 million for the section 208 water quality management program, \$10 million for resource recovery feasibility studies, \$85 million for section 105 clean air enforcement assistance to state and local governments, and no additional funding for the section 175 Clean Air Act assistance to local governments for clean air non-attainment planning.

Supported the Administration's request of \$3.8 million for construction grants, \$50 million for 208, \$13.8 million for resource recovery, and additional \$25 million for section 175 not requested by the Administration.

The House-Senate conference report has been approved by the Senate and is pending action.

Health and Education

Staff contact: Janet Smith

BILL
Education Department H.R. 2444
 (Brooks); S. 210 (Ribicoff)
Hospital Cost Containment H.R. 2626
 (Rangel, Waxman), H.R. 934
 (Almadige); S. 570 (Nelson)

ISSUES

Bill establishes new and separate Department of Education.
 Administration bill (H.R. 2626/S. 570) places mandatory limits on reimbursement to hospitals where costs exceed a predetermined rate of inflation, allowing for special exceptions. H.R. 934 places limits on Medicare and Medicaid payments only, with the limits set according to costs incurred by comparable hospitals.

NACo POLICY

No position.

STATUS

Conference Report passed by Congress Sept. 27.

National Health Insurance H.R. 540/
 S. 1812 (Administration, Rangel,
 Waxman); H.R. 5191/S. 1720 (Kennedy,
 Waxman); S. 760 (Long), et al.

Over a dozen bills. Proposals range from "cradle-to-grave" coverage to minimal changes in the health system. The Administration's plan would combine Medicare and Medicaid under one system, and extend coverage to an additional 14.5 million poor people; mandate comprehensive employer coverage, including coverage of family health care costs which exceed \$2,500 in any one year. The Kennedy plan provides for coverage of all Americans, for a wide range of hospital, physician and other medical services without co-payment provisions and primarily through changes in private sector financing. Sen. Long's and other proposals for catastrophic insurance (currently defined by Senate Finance Committee as costs exceeding \$3,500 per year) would cover all Americans through federal and private plans.

Supports legislation which would exempt states and local governments that have effective cost containment programs and provide protection against "dumping" uninsured patients on public hospitals.

S. 570 approved in Senate Human Resources. H.R. 934 ordered reported from Senate Finance. H.R. 2626 ordered reported by House Ways and Means and by House Commerce. House and Senate floor action expected soon.

Health Planning and Resources Development Act H.R. 3917 (Waxman); S. 544 (Kennedy)

Amends and extends P.L. 93-641, health planning and resources development programs. Strengthens county and decisionmaking in the health planning process. Increases elected official representation on governing bodies of HSAs, gives public HSAs exclusive responsibility for their budgets and personnel rules, and gives governing boards the opportunity to review and comment on annual plans.

Supports comprehensive bill with gradual phase-in of services, federal assumption of new program costs, adequate payment mechanisms for "uninsured" patients, and provisions for cost controls.

Hearings scheduled in House Commerce and Senate Human Resources Committees. Markup of catastrophic insurance in Senate Finance to be continued this month.

Child Health Assessment Programs (CHAPs) H.R. 4962 (Waxman, Administration); S. 1204 (Ribicoff, Administration)

Improves and expands Medicaid coverage to include additional children and pregnant women. H.R. 4962 includes all eligible children 17 and under, with ages 18-21 optional. S. 1204 provides coverage for all children 6 and under, with ages 7-21 optional. Increases federal matching funds for EPSDT (early and periodic screening, diagnosis and testing) program and continuing care. H.R. 4962 offers additional financial incentives to county health departments for on-going treatment following assessment.

Supports health planning legislation which increases the role and involvement of county representatives.

Conference report approved by House Sept. 20 and Senate Sept. 21.

NACo supports provisions of bills; favors payment provisions for continuing care under House bill.

House Commerce markup at press time. Senate Finance ordered Senate bill reported.

Community Mental Health Systems Act H.R. 4145 (Stagers, Administration); S. 1177 (Kennedy, Administration)

Administration sponsored bill to provide funding for community-based mental health programs and greater flexibility in delivery of services.

NACo supports federal action that promotes the expansion of community-based services as alternatives for deinstitutionalized patients and that provides for appropriate county involvement in the planning and provision of services.

Markup in Senate Labor and Human Resources health subcommittee scheduled Oct. 18. Markup in House Commerce not yet scheduled.

Medicare/Medicaid Reform H.R. 4000 (Rangel); H.R. 3990 (Rangel)

House Ways and Means currently considering over 100 separate proposals which were combined into H.R. 3990 and H.R. 4000. Major provisions expand Medicare coverage for home health benefits.

Supports comprehensive health and expanded home health benefits.

Additional House Commerce Committee hearings tentatively set for Oct. 16, 19 and 22 prior to full committee markup.

Second Concurrent Budget Resolution

If the Second Concurrent Budget Resolution spending levels are brought below appropriated and authorized levels, "uncontrollable" health programs, primarily Medicare, will be most affected with a possible \$1.1 billion cutback.

Opposes reconciliation and cuts in programs which will increase local costs.

House-Senate conference scheduled at press time.

Home Rule and Regional Affairs

Staff Contact: Bruce Talley, Linda Church Ciocci

BILL

IPA Appropriations H.R. 4393

ISSUES

Contains \$20 million for fiscal '80 for the Intergovernmental Personnel Act. IPA program provides grants to state and local government to develop and strengthen their personnel administration programs and train government employees.

Public Disclosure of Lobbying Act of 1979 H.R. 4395 (Danielson); S. 1564 (Chiles)

Strengthens the Lobby Act of 1946 but extends the law to impose additional reporting requirements and penalties.

Public Liability (Mathias)

Local government immunity from liability under Section 1983 of the Civil Rights Act of 1871 is being challenged in Congress and the courts. Legislation is expected which would broaden and define local liability for monetary damages.

Recovery of Antitrust Damages H.R. 2060 (Rodino); H.R. 2204 (McCloskey); S. 300 (Kennedy)

Recent Supreme Court decisions have expanded potential county government liability in the antitrust area and have also restricted the ability of counties to recover damages resulting from private sector price-fixing and other violations of the antitrust laws (*Illinois Brick Co.*). Legislation has been introduced to reverse the decision.

NACo POLICY

NACo supports.

Supports public disclosure of lobbying activities but opposes treating public interest groups representing government officials differently from federal employees.

Supports legislation which defines and limits local liability for damages and attorney fees in actions brought under the Constitution and civil laws.

Supports legislation to reaffirm the immunity of local governments from antitrust laws, and to enable counties as the ultimate consumer to recover damages suffered as a result of private sector antitrust violations.

STATUS

Conference report passed both Houses Oct. 28, 1978. President signed Oct. 29, 1978. P.L. 96-74

Pending in House Judiciary Committee. Vote not yet scheduled. Pending in Senate Government Affairs Committee. Hearings in October.

Legislation expected to be introduced which may define local liability as well as impose a ceiling on damages.

In Senate, passed full committee. No floor vote scheduled. House held hearings on H.R. 2060 and deferred markup to discuss a compromise proposal.

Labor and Employee Benefits

Staff Contact: Bruce Talley

BILL

Amendment to the Federal Mine Safety and Health Amendments Act of 1977 S. 1692 (Melcher, Muskie)

ISSUES

Would exempt from the Federal Mine Safety and Health Amendments Act of 1977 sand, gravel and stone concerns operated by state and local governments.

NACo POLICY

Supports.

STATUS

Referred to the Senate Labor and Human Resources Committee. Similar legislation (H.R. 1609) referred to the House Education and Labor safety and health subcommittee. NACo testified Sept. 26. In a related action, funds were deleted from the Labor/HEW appropriation for enforcement of the mine safety and health training standards as they apply to surface sand, gravel and stone operations.

Modification of Social Security Deposit Payment Schedule for State and Local Governments S. 1598 (Nelson)

Final HEW regulations require state and local governments to deposit their Social Security contributions 12 times a year (rather than the current quarterly schedule) on a 15/15/45 day basis. The Nelson bill would institute a 30/30/30 day deposit schedule.

Supports.

Hearings were held before Sen. Nelson's Social Security subcommittee Jan. 24 at which time NACo testified.

Repeal/Reform of the Davis-Bacon Act H.R. 49, H.R. 53 (Erlenborn, Hagedorn); H.R. 3670 (Burton); S. 29

H.R. 49, H.R. 53, S. 29 would repeal the Davis-Bacon Act which requires federal and federally assisted contractors to pay employees "prevailing wages" in local areas. Supporters have introduced H.R. 3670 which would clarify the responsibilities of the Secretary of Labor and the Comptroller General in administering the act and specify that prevailing collective bargaining agreements in local communities would be prevailing wages under the act.

No position.

House Education and Labor subcommittee on labor standards held a hearing June 14. Opponents of the act have failed repeatedly to waive Davis-Bacon requirements from various pieces of authorizing legislation.

Public Employee Retirement Income Security Act of 1979 (PERISA) (Thompson, Erlenborn)

Proposes federal standards for state and local government pension plans in the areas of reporting and disclosure, fiduciary responsibility and plan administration.

Opposes.

PERISA is expected to be introduced this fall. Hearings may be scheduled for later this fall.

Universal Social Security Coverage

A HEW study group will issue final report in December on mandating inclusion of state and local government employees in the Social Security system.

Opposes.

The study group's final report is expected to serve as the basis of legislation to be introduced later in this Congress. In April, NACo testified before the study group in opposition to mandatory Social Security coverage.

Elimination of Social Security Offset Provision H.R. 652 (Perkins); S. 294 (Mathias)

Eliminates the reduction of Social Security benefits for spouses and surviving spouses receiving certain government pensions.

No position.

Referred to the House Ways and Means and Senate Finance subcommittee on Social Security. No hearings scheduled.

Disability Insurance Amendments of 1979 H.R. 3236 (Pickle)

Removes certain work disincentives alleged to exist in the Social Security disability insurance program and makes major changes in program administration.

Supports.

Passed the House in September. Referred to the Senate Finance subcommittee on finance, Social Security. No hearings scheduled.

National Collective Bargaining Legislation H.R. 777 (Thompson)

Extends the provisions of Federal Labor Relations Act to local and state government employers and employees.

Opposes.

House Labor Management Relations subcommittee may hold hearings this fall.

Equal Employment Opportunity for the Handicapped Act of 1979 S. 446 (Williams)

Expands coverage of Title VII of the 1964 Civil Rights Act to include discrimination against the handicapped.

May be considered by Labor and Employee Benefits Steering Committee at its Oct. 14 meeting.

Cleared the Senate Labor and Human Resources Committee on Aug. 1; floor action expected shortly.

Mandatory Wage/Price Controls S. 1022 (McGovern)

Grants the President authority to impose mandatory wage and price controls.

Currently has no position on the bill. NACo generally supports the Administration's current anti-inflation program.

No action has been taken. McGovern seeking cosponsors.

Federal Pay Reform H.R. 4477

Administration proposes sweeping changes and revamping of the method of federal pay determination.

NACo supports the general concepts of federal pay reform and the inclusion of state and local government in federal wage surveys but does not have a position on the existing bill.

Hearings were set to begin Oct. 9 before the House subcommittee on compensation and employee benefits of the Post Office and Civil Service Committee and continue with field hearings throughout the fall. Nothing expected from committee until late spring.

COUNTIES AND SOLID WASTE

A Time for Decisions

Guidelines for State Solid Waste Plans Issued by EPA

Recently promulgated federal regulations will guide the states in preparing solid waste plans that will have a tremendous effect on how counties dispose of waste.

As required by the federal Resource Conservation and Recovery Act of 1976 (RCRA), the purpose of the state plans is to protect public health and the environment from pollution caused by improper waste disposal, encourage resource recovery, and provide for adequate disposal capacity.

In order to meet the approval of the federal Environmental Protection Agency (EPA), the plans must:

- Identify the responsibilities of all state and substate (including county) governments and authorities responsible for development and implementation of the plan;
- Prohibit new open dumps and require disposal in a sanitary landfill or processing in a resource recovery plant;
- Close or upgrade all existing open dumps;
- Eliminate state or local prohibitions of long-term contracts for the supply of solid waste to resource recovery facilities.

EPA will use the "carrot" of financial assistance to get the states to prepare the plans. Unlike the hazardous waste requirements in Article C of RCRA, where EPA can administer and enforce the regulations where states do not act, the states are not required to prepare the solid waste plans.

Some states may fail to carry out the rules and recommendations of the new regulations because the amount of federal financial assistance is small and rapidly dwindling. The amount available in 1979 for grants to states was only \$15 million, and for 1980 the President requested \$10 million, in a gradual phase-out over the next five years. In the long run EPA will encourage state and local governments to rely on user fees to pay for solid waste collection and disposal as well as administration and enforcement.

And while the states may allocate federal financial assistance to counties, cities and

regional commissions that are responsible for preparing designated parts of the plan, EPA currently prohibits the states to pass through funds to local governments to insure that the federal funds are used to conduct the state-wide inventory of open dumps.

Planning

The state solid waste plans must address all solid wastes generated that could cause pollution, including sludge, hazardous, industrial, mining, and agricultural wastes and septic tank pumpings. It must include an analysis of solid

waste generation rates and assessment of the adequacy of existing resource recovery and disposal facilities and the need for new or expanded facilities.

At the same time, the states must analyze all disposal sites, active and inactive, using EPA's criteria (see accompanying story on the technical criteria) to determine if the site is an open dump or sanitary landfill. The open dump inventory would be used to determine priority disposal capacity needs.

Once listed on the inventory, the dump must either close or be upgraded to meet the criteria.

and land prices are high and public acceptance is low, the cost could be even higher.

For these counties and ones where poor soils, a high water table, or some other factor make landfill siting difficult or impossible, resource recovery looks like a realistic option. However, even though the price of energy from waste makes the economics better than ever, the problems and uncertainties of resource recovery call for thorough study of its feasibility for your county and equal measures of caution and commitment.

If a site can be upgraded, the state will set for it a compliance schedule which can extend no more than five years from its date of listing. However, the U. S. Senate has passed an amendment to RCRA which would shorten the time limit so that the five-year period would begin with publication of the criteria (or, in other words, starting now) rather than the date of listing on the inventory.

Once on a state-appointed compliance schedule, the site cannot be challenged by a citizen suit to close the open dump. Where the state fails to act, citizen suits are permitted.

See A LOOK, page 10

CRITERIA FOR COMPLIANCE OR CLOSURE

How to Tell Dumps from Landfills

The long awaited criteria for states to use in determining what is an open dump and what is a sanitary landfill were recently promulgated by the federal Environmental Protection Agency (EPA).

The open dump inventory will be used by states to bring solid waste disposal facilities into compliance or force them to cease operation. Current federal law allows five years to upgrade open dumps.

The new EPA regulation sets forth eight criteria which define unacceptable health and environmental effects which may be caused by disposal activities. The criteria constitute minimum requirements; state or local governments may impose even stricter regulations. The criteria also apply to sewage and air pollution, sludge disposal in landfills or on the land, as well as to pits, ponds, and lagoons; they do not apply to hazardous wastes. The latter will be covered by regulations due to be promulgated in early 1980.

Rural Effects

The criteria and inventory process will apply equally to urban and rural counties, large or small. Although NACo fought for less stringent (and less costly) regulations for rural counties, EPA held firm to its position that no facility pollute the environment. To cut the per capita cost of sanitary landfilling, EPA recommends

regionalized collection and disposal, equipment sharing, or limited hours of operation.

Floodplains

Landfills are not prohibited in the 100-year floodplain, but must be designed to prevent washout of waste, allow the free flow of the flood water, and preserve the water storage capacity of the floodplain.

Surface Water

A landfill must not pollute surface water either by direct or indirect (non-point) discharge or from dredged or fill material. EPA is currently undecided on the issue of solid waste landfill activity in wetlands; most likely this will require an EPA permit (NPDES). Without question, direct discharge of leachate (liquid which has passed through the waste) into surface waters will require such a permit.

Groundwater

No landfill may contaminate an underground drinking water source beyond the boundary of deposited solid waste except where the state has determined, in the absence of need for the potential water supply, that the monitoring boundary could be extended.

The groundwater protection criterion is the most important to EPA, since contamination of drinking water sources is becoming a serious problem in industrial areas. The criterion is also important to counties in that for many, it will be the hardest and most expensive to meet.

The flexibility EPA gives the states in setting the contamination boundary will allow some rural county landfills to continue operation where the

leachate does not contaminate groundwater needed or used for human consumption.

Landfills in areas where the groundwater is not usable for drinking water, because of excessive dissolved solids, would not be affected by the criterion.

Contamination of a drinking water source occurs when the primary drinking water standards are exceeded; or, if the water already exceeds the standards, then no additional increase is allowed. EPA is currently soliciting comments on its proposal to include the secondary drinking water standards as part of the criterion. The primary standards limit specific organic and inorganic chemicals, coliform bacteria and radioactive contamination. The secondary standards would protect groundwater from odor, discoloration, and taste-causing contaminants.

Other Criteria

- To be classified a sanitary landfill, the waste must be covered periodically to discourage pests. Also, the operation cannot allow explosive gases to build up in facility structures or to migrate beyond the waste boundary.
- Landfills near an airport must not pose a hazard to aircraft by attracting birds.
- Open burning of waste is prohibited, although burning trees, brush and agricultural waste is not prohibited.
- The landfill operation must not destroy the habitat of an endangered species.

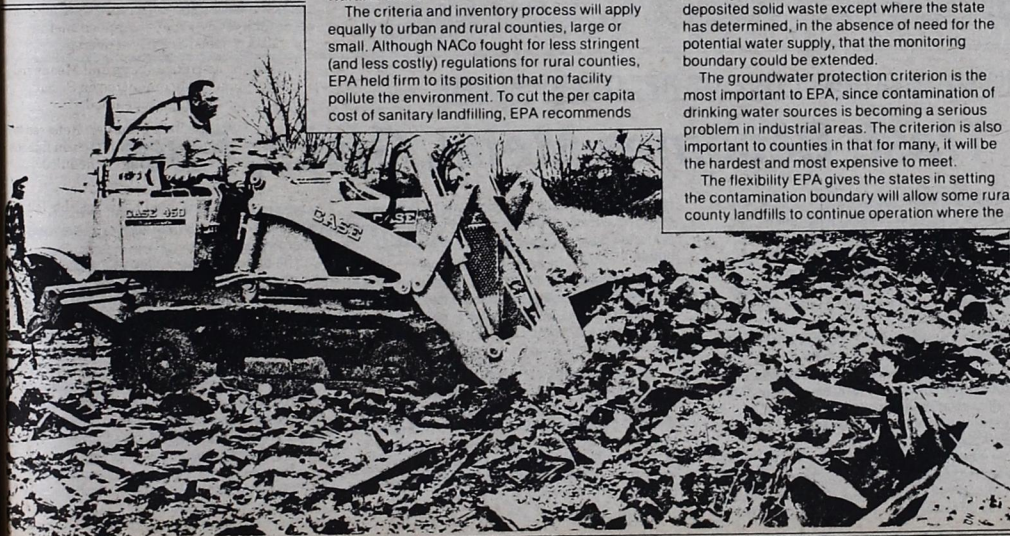
Land Application

Since sludge is considered a solid waste, and increasing amounts are being disposed by landspreading, EPA has included criteria for land application in its new set of regulations.

Surface application of sludge is limited by the amount of cadmium and polychlorinated biphenyls (PCBs). The limits are set forth in the regulations in a complex set of factors which includes soil characteristics and subsequent use of the land. Pathogen destruction prior to application is also required.

Because research is incomplete on land application, the criteria are promulgated as "interim final," which means they could be changed as new information is available.

All criteria, including land application and proposed groundwater criteria, were published in the *Federal Register* on Sept. 13. The regulations become effective Oct. 15.



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PROLONGING LANDFILLS

Move toward Recycling

Kent County, Mich.

Recognizing that sanitary landfilling is a necessary but costly method of solid waste disposal, Kent County, Mich. is exploring recycling as a way to extend the life of the landfill.

Building on the success of a non-profit operation in the county, Recycle Unlimited, county officials are trying to broaden the program to include the participation of schools, churches, citizen, neighborhood and gardening organizations, as well as private haulers and local business and industry.

Pilot programs around the country have shown that the amount of household garbage going to a landfill can be substantially reduced through voluntary recycling, whereby people bundle their newspapers and place bottles and cans in a container separate from all other waste. Haulers devise special racks or trailers to carry the recyclable materials, or citizens bring them to a drop-off center.

Several studies have shown curbside collection of bundled newspapers and containers of metals and glass delivered to an intermediate processing plant to be the most economical and efficient recycling system. At the plant the mixed materials are separated into marketable glass, ferrous metals and aluminum. The materials are usually baled and then sold. Besides marketing newspapers, the county or county-supported, non-profit business might handle used cardboard and office and computer paper where a local recycler is not serving the business community.

Current recycling in Kent County costs \$16 per ton of recycled materials which includes a substantial labor subsidy. This is about half the cost to collect and landfill one ton of solid waste.

To improve the economics of recycling, the Kent County commissioners are studying plans to enlarge the program to bring in 70 percent of all commercial waste and elicit the participation

of 25 percent of county households. This would reduce the amount of waste going to the landfill by more than 25 percent. With projected revenues from materials and a credit for waste diverted from the landfill, the operation would break even without subsidies.

The county is also considering composting yard waste for use by gardeners. Incinerating all other wastes to produce steam for sale remains a possibility.

Fresno County, Calif.

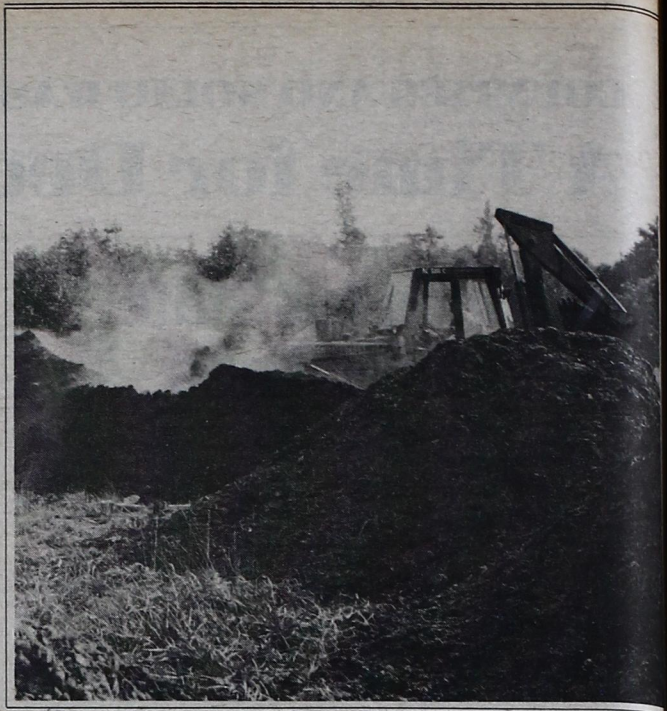
Fresno County, Calif. has a goal of reducing the amount of refuse going to landfills by 20 percent by 1980.

At present 100,000 persons are offered curbside pick-up of separated materials, and office paper and corrugated cardboard are collected from businesses. An expanded collection program is being considered along with an assessment of local markets and uses for recycled materials. Now, collected glass goes to a nearby wine bottle plant and old newspapers are made into insulation by a local firm.

Studies are under way to see if mixed paper waste can serve as a medium for growing mushrooms or as an animal feed supplement. The feasibility of local box making and detinning plants will be determined, as well as the production of alcohol fuels from agricultural waste which the fertile farm land produces in abundance year-round.

Montgomery County, Md.

Montgomery County, Md. has just issued an ordinance requiring that homeowners bundle their newspapers for separate collection by a contractor who will use handicapped workers. The projected cost of collection (\$30) should equal the sale price of the newspapers, but the main benefit is a reduction of 8 to 10 percent of waste going to the landfill.



A STRIPMINE TEST

Sludge Enriches the Soil

As counties and cities built secondary wastewater treatment plants to meet federal and state water pollution control laws, the sludge disposal problem grew at the same rate. The high cost of landfilling and burning sludge, the scarcity of acceptable disposal sites, public opposition, and federal prohibition of ocean dumping by 1981 have led many local governments to consider land application.

Current disposal practices are: landfilling (40 percent), incineration (25 percent), land application (20 percent), and ocean dumping (15 percent). Obviously, the ban on future ocean dumping will seriously affect coastal counties and cities, particularly in metropolitan areas where farm land near the treatment plants is scarce. For this reason several urban counties are studying co-incineration of garbage and sludge which would solve two disposal problems and minimize use of expensive fuels to dry and burn sludge.

An innovative land application program has been worked out between Philadelphia and Somerset County, Pa. to reclaim stripmined land, using the sludge as a soil conditioner and fertilizer. Trucks drop off the Somerset County coal at electric generating plants near

Philadelphia, pick up sludge (which has been dewatered and composted to 50 percent solids with little odor), and return to the coal fields where it is spread over the soil at a rate of 60 dry tons per acre—about one inch thick. The land is then seeded with grasses and legumes.

The application is limited to 60 dry tons per acre to protect the soil and future crops from trace metals contamination.

Demonstration plots show thick, vigorous stands of vegetation. Now in full-scale operation Philadelphia officials estimate costs of \$96 per dry ton which include transportation, application engineering and public acceptance costs, but not composting expense. They anticipate future cost reductions to \$60 per dry ton.

Since demonstration results showed no pollution of groundwater, public acceptance is assured for proposed large-scale efforts. Bud Hay, chairman of the Somerset County Board of Commissioners, assisted in locating demonstration sites and mediated several of the early public meetings. He noted, "We gave them a chance and the results were very impressive. It puts the vegetation back on stripmined land, we're for it."

A Hot Item: Small Incinerators Are Source of Valuable Steam

A new generation of incinerators has stirred great interest among county and city officials as a workable, economical option for small scale resource recovery.

Operating plants in North Little Rock, Ark., and Salem, Va. have the capacity to burn 100 tons of waste per day. Each city owns its plant and sells the steam to adjacent manufacturing firms at market prices. Although the average tipping fees for such systems are close to \$10 per ton, because of the many variables, it is difficult to predict the fee in advance. Optimal operation could conceivably bring the fee down to \$3 per ton. In fact, William Paxton, Salem's city manager, recently offered to take Roanoke County's garbage for \$5 a ton—a price which does not give him a profit but brings the plant to full operating capacity which means maximum steam production. (Many resource recovery plants have had problems getting enough garbage.)

The incinerators at both plants are referred to as modular incinerators because the plant is composed of several combustion units or modules which are shop-fabricated and added as needed. Each unit is composed of a primary chamber where starved-air combustion produces gases which are burned in a secondary chamber equipped with heat-recovery equipment.

No air pollution control equipment is used. Since the units burn less than 50 tons of waste each day (there are several units at each plant) federal air emissions standards do not apply. However, both plants now meet state standards.

The use of the secondary (or afterburner) chamber and continuous automatic waste feed and ash removal distinguish the new incinerators from the old generation, many of which had to cease operation to comply with air emissions standards. More than a dozen companies now make modular incinerators similar to the ones in Salem and North Little Rock.

The ash and residue, which is landfilled, amounts to approximately 45 percent of incoming waste (by weight) but only 5 percent (by volume).

The North Little Rock plant cost \$1.5 million to build; the Salem plant (built two year later) cost \$1.9 million. Similar plants are under construction in Genesee County, Mich. and Auburn, Maine.

The North Little Rock plant sells its steam to a wood preservation factory which disposes of its wood waste at the incinerator. Auburn will have a similar relationship with a local plastics factory.

MONROE COUNTY BUILDS RECOVERY PLANT

Trash Becomes Metal, Glass, Fuel

When officials in Monroe County, N.Y. started to look for a new landfill site, they found little public support; but, according to county manager Lucien Moren, "support for a total resource recovery system was almost unanimous. The public was well aware of the cost. The voters put the environment ahead of all issues."

Financed by a \$31.9 million county general obligation bond and an \$18.5 million state grant from an omnibus bond issue, the new plant will be able to process 2,000 tons of garbage each day into recyclable ferrous metals, glass, aluminum and a resource-derived fuel for use in local utility boilers.

The incoming garbage is shredded, classified, screened and separated in a complex sequence. Even though all this mechanical equipment will use a lot of energy, county solid waste director

Howard Christensen has computed a favorable energy balance. "The system will produce seven times the power it consumes. That's not bad," he noted.

The processed fuel should contain about half the energy value of coal, so the utility, Rochester Gas and Electric, will pay half the going price of coal for the fuel, minus operating, handling and boiler modification costs the utility is assuming.

To qualify for the state grant, the county legislature passed a "garbage control" ordinance which requires private haulers to dump at the new plant when it becomes fully operational. However, a trade association of private haulers is challenging a similar ordinance in Akron, Ohio, contending private landfills are cheaper than the resource recovery plants.

Even with all Monroe County and Rochester

waste coming to the new plant, officials anticipate securing contracts with adjacent counties and cities.

The disposal (tipping) fee at the plant is still being negotiated with the city and private haulers. A similar plant in Milwaukee charges \$12 a ton. There the equipment has blown up, broken down, and after two years the plant has yet to make any money for its private owner and operator, American Can Company. Even so, the company recently announced a \$4 million capital improvements program, added to the original \$18 million cost of construction. The company says it needs a \$16 tipping fee to make the operation profitable.

Monroe County expects to operate the plant at full capacity by early 1981. If everything goes right, less than 10 percent of the incoming garbage will need to be landfilled.

Feds Offer Help with Resource Recovery

Department of Energy

The principal goal of the Department of Energy's urban waste branch is to accelerate resource recovery and increase the number of energy recovery projects across the country, thereby making a significant contribution to reducing the nation's dependence on foreign oil. DOE estimates that 50 percent of the energy potential of solid waste can be recovered by 1990, and 75 percent by the year 2000.

DOE hopes to achieve this goal by sharing the cost of developing energy-from-waste facilities with those who will plan, build, and operate them, helping to reduce the institutional and financial barriers which delay and thwart many projects. It should be stressed, however, that DOE's policy is to encourage rather than to pay for such projects.

Budget
The DOE urban waste budget estimate for fiscal '80 is \$10 million, a \$3.5 million reduction from fiscal '79. The two principal objectives of the urban waste branch during fiscal '80 will be to conduct research and development for the purpose of providing technological options to resource recovery systems appropriate to their particular circumstances, and to provide financial support through loan guarantees, price supports, and grants to demonstrate a variety of energy-from-waste technologies.

Several grants have been issued over the past several years principally based on responses to requests for proposals from DOE for demonstration of particular urban waste recovery technologies which are deemed technically feasible and will advance the state of the art for energy-from-waste facilities. In a few cases, unsolicited proposals have been funded. Projects which have received funding in the past have included refuse conversion and recovery of methane, economical operation of small scale systems, conversion of cellulose to ethanol, and various approaches to anaerobic digestion. Currently there are twenty-five feasibility studies being funded through DOE grants. Those projects which show promise will likely receive renewed funding, but the number of new demonstrations funded in 1980 will be reduced considerably.

Areas which DOE hopes to emphasize in fiscal '80 include research on combustion of resource-recovered fuel, evaluation of small-scale systems (10 tons per day), densification of resource-recovered fuel, design assistance to demonstrate retrofitting of existing furnaces to fit pollution control and heat recovery equipment, and study means to control the waste stream to provide adequate supplies for energy recovery projects.

Guarantee Program
One of DOE's major vehicles for support of resource recovery facilities will be the loan guarantee program. It is intended to support projects which, because of their risky nature, would not otherwise occur. Proposed regulations for the program were published on July 18, 1979 in the *Federal Register* (see *County News*, Aug. 13). While the loan guarantee would not reduce the attendant with an energy recovery demonstration project, it would shift a substantial portion of that risk from the local participants or bond holders to the federal government. At this writing, fiscal '80 eligibility levels for the loan guarantee program are uncertain.

Support Program
The price support program to be under way in fiscal '80 will provide direct or indirect price supports for energy recovery technologies by shifting the burden on the "tipping" or disposal of a source of project revenue. Presently, DOE's urban waste branch issued a Notice of Proposed Rulemaking which presents a general outline of the proposed program, and solicits ideas and suggestions. Issued later this year or early in 1980, the final regulations will establish policy and set procedures whereby municipalities may apply for applications for price supports for end users of energy recovery facilities. The program legislation for the program expressly provides for price support assistance to facilities which either own or operate resource recovery facilities, or both. The total

amount of federal assistance available for any one facility may not exceed 75 percent of the cost of the facility. DOE is interested in receiving comments pertaining to the elements which should be included in determining cost for the purpose of the 75 percent limitation.

DOE has considered several types of price supports, including revenue guarantees, price guarantees, and market guarantees. At this point, the urban waste branch is leaning toward the price guarantee. The principal reason for this preference is that the price support would provide incentives to all project participants, and promote the development of normal project/market relationships. The price support could be based upon the price received for products which are sold, but would leave the risk of interruptions in waste supply and project operations with the municipality or operator. Although the price guarantee would help to overcome shortfalls in the price of recovered products, there would be no federal guarantee of product quality or quantity, or of quantity sold.

Competitive evaluation of proposals for price support assistance will likely be evaluation on the following criteria: probability of technical and economic success; the net energy effectiveness; proposed institutional arrangement; potential environmental, and health and safety impacts; the proportion of risk sharing in the project; and the extent to which the proposed facility can be adopted by municipalities in similar environmental surroundings. DOE welcomes suggestions on other considerations, as well as on the relative weights which should be assigned to these criteria.

The Advanced Notice of Proposed Rulemaking for the price support program appeared in the *Federal Register* on Sept. 7. The deadline for suggestions and comment is Nov. 6. If you would like more information on this program, please contact NACO.

... Environmental Protection Agency

Realizing that the major objective of resource recovery is garbage disposal and not energy production, Congress gave EPA the lead role in developing and promoting the new technologies which extract materials and energy from solid waste. Congress assigned complementary responsibilities to the Department of Energy (research and development of innovative energy-from-waste technologies) and the Department of Commerce (develop markets for recovered materials).

With its mandate EPA received authority to distribute grant funds and technical assistance to local governments to assist with resource recovery project planning. EPA is not authorized to fund final design or construction of facilities, nor can it provide operating subsidies.

Grant Program
Congress appropriated \$15 million for EPA to give to local governments for resource recovery planning in fiscal '79. The purpose of the grant program is to help counties and cities which have dwindling landfill space and a good chance for successfully resolving technical, financial, legal, marketing and organization problems which may frustrate local efforts.

Grant proposals were solicited a year ago, and last February 68 finalists were selected. Since then EPA has worked with them to prepare work programs and budgets. All but five finalists received grant money in fiscal '79.

The outlook for a 1980 grant program is less promising. The President's request for \$13.8 million for the program was trimmed by Congress to \$10 million. Although the budget is not yet final, it is unlikely the final figure will be higher.

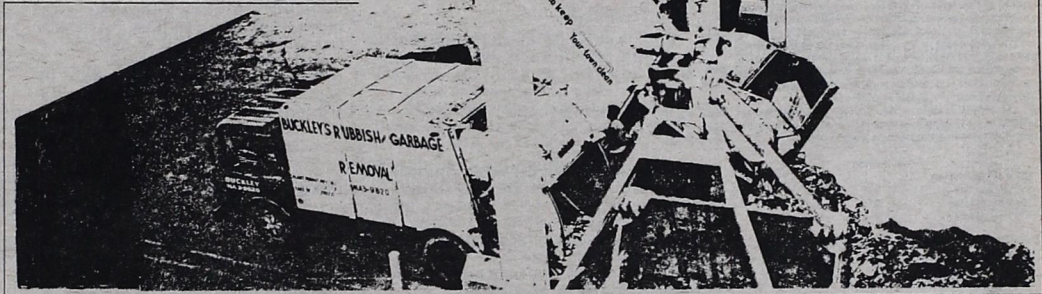
EPA warned Congress that a reduction to \$10

million would mean no new solicitation of grant proposals. They calculate the \$10 million will be needed in 1980 to continue support of 1979 recipients.

Technical Assistance
In addition to the grant program, EPA offers technical assistance to counties through a panel of engineering consultants and through NACO, which will arrange a "peer match" for a requesting county by paying the traveling expenses for a short consultation visit with another county official able to help solve the problem. About half the technical assistance money is spent helping resource recovery projects.

EPA also presents seminars around the country on resource recovery. NACO is working with EPA to plan a series of new seminars on small-scale resource recovery. And EPA has a number of publications on planning resource facilities and technical evaluations of various operating plants.

Interagency Agreement
EPA and DOE recently signed a memorandum of understanding which distinguishes the responsibilities of each agency in resource recovery. EPA will assist local governments with project planning and development which includes feasibility study of technologies and markets, securing waste supply, markets and financing, and soliciting proposals. DOE will help in facility design, construction and start-up. The role of the Department of Commerce remains hazy. They will sponsor a conference on urban-industrial development through resource recovery which is scheduled for April 17, 1980 in Detroit.



FEDERAL COMMITTEE REPORTS

User Fees Seen as Way to Cut Waste

After several years of study, a federal interagency committee failed to reach consensus on several proposed conservation strategies but did agree that local governments should rely on quantity-based user fees to pay for garbage collection and disposal.

User Fees
They reasoned that the current practices of including the fees in the local property tax or setting a flat fee may encourage high waste generation, whereas the user fee approach gives people an incentive to reduce waste or organize a recycling program.

User fees could be collected through a "metered bag" system whereby people pay in advance for marked paper bags of a uniform size; or collectors could charge by the number of containers (again, assuming uniform size).

Results from currently operating user fee systems have yielded mixed news. In some cases the waste generated did not drop after user fees were established. Several committee members recommended demonstration projects combining source separation and user fees.

Local governments might be reluctant to set user fees since fees are not included in calculating federal revenue sharing, nor are they deductible from income tax.

Beverage Container
The committee received its mandate from Congress in the Resource Conservation and Recovery Act of 1976. The law primarily addresses solid and hazardous waste disposal, but Congress wanted to do something to begin nationwide conservation. They just were unsure of what steps to take.

National beverage container legislation has been debated for some time, favored by environmental groups which pointed to Vermont's and Oregon's successful laws. Needing more information on what effects a national law would have, Congress instructed the committee to study the concept.

The vote was split. Four members favored it, citing saving in energy and materials and a reduction in litter; two opposed it noting the costs would outweigh the benefits, e.g., loss of high-skilled jobs, gain of low-skilled; two suggested waiting until more states have

experience; and one member noted the inconvenience, e.g., to store owners.

Resource Recovery
The committee unanimously agreed that no new subsidies should be proposed at present, noting the high cost. Several members recommended that any future subsidies (grants, loans, tax breaks or research) not favor large-scale, capital-intensive systems.

Other Approaches
The committee also considered other conservation strategies which do not directly affect county government:

- Need a broad review of existing federal taxes (and credits) on virgin materials, which now encourage over-use of these resources;
- Found that railroad freight rates probably discriminate against recycled materials but the extra cost makes little difference in amount used;
- Rejected a proposal for a national litter tax;
- Did not support the concept of a national solid waste disposal charge.

PLANNING IS KEY

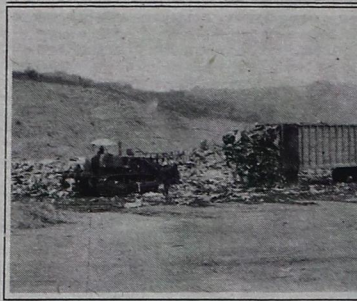
Avoiding Resource Recovery Pitfalls

Uncertainty abounds in almost every area of resource recovery increasing the risks, raising the costs, and clouding the future of a promising alternative to landfilling. Following are some of the major pitfalls and problems that must be considered when planning for resource recovery.

Technology. Even with 10 years of experience behind them, the experts cannot agree on what technologies are "proven"—that is, reliable enough for substantial investment. Few experts disagree that waterwall incineration (common in Europe and operating plants in Nashville-Davidson County, Tenn.; Harrisburg, Pa.; Saugus, Mass.; Chicago, Ill.; and planned for Pinellas County, Fla.) and modular incinerators (North Little Rock, Ark.; Salem, Va.; planned for Auburn, Maine and Genesee Township, Mich.) are proven to work with few breakdowns and meet their steam and waste reduction specifications.

Disagreement exists over the reliability of refuse-derived fuel plants (Milwaukee, Wis.; Chicago, Ill.; Ames, Iowa; Monroe County, N.Y.; Hempstead, N.Y.; planned for Dade County, Fla.). The problems arise in shredding and with sale of fuel.

Waste. It is essential to know how much, and what kinds of waste are generated before going to resource recovery (see "Composition" and "Generation" tables on this page). Several operating plants overestimated daily waste loads and as a result are less than profitable.



Another requirement is to have control over the waste so delivery is assured. Akron's waste control ordinance is being challenged in federal court as unfair to private haulers and landfill owners. Interlocal agreements on waste delivery and cost and risk sharing are sometimes necessary.

Several studies show that source separation programs are compatible with resource recovery plants and a combination of the two may be most effective. Adding such a program after a plant is operating, however, could be disastrous.

Siting. Although environmental and citizen groups eagerly support resource recovery, finding a willing neighborhood for a plant is not easy. Locating the plant in an existing or planned industrial park could attract or keep factories by offering dependable, low-cost energy.

Size. Economies of scale are found in plants up to a capacity of 1,000 tons per day. Smaller plants may achieve equal or greater economies if collection (transportation) costs are considered. Also, locating several small plants may be easier than one large plant in terms of public acceptance.

Cost. This area of great uncertainty is treated in a table found on this page. As with all capital projects, delays in construction add substantial costs. Even though energy costs are rising rapidly, thus making energy recovery more attractive, construction costs are rising even faster.

Revenues. Markets for recovered materials are notoriously unpredictable. Most resource recovery plants now "fly" on the basis of energy revenues. If nearby markets exist, source separated materials can command premium prices at a modest capital cost. To ensure project economies, long-term contracts for materials and energy are essential.

The costs and revenues of source separation vary tremendously depending on what is collected, local market prices, transportation costs and whether a landfill diversion credit is computed.

The difficulty of marketing resource-derived fuel is troubling most plants, because utilities have found the fuel more trouble than it's worth.

Several project planners are considering building an in-plant boiler. Large steam-producing plants could generate their own electricity for sale or use. Pinellas County's project is floundering on the federal restriction on tax-free bonds paying for the power plant part of the project. Proposed federal legislation would remove this obstacle to financing.

Environment. Those plants with capacity greater than 50 tons per day must meet EPA's new source performance standards. However, the modular incineration units may eventually have to conform, possibly increasing costs 5-10 percent to pay for electrostatic precipitators. The state air quality regulations may be tougher than the federal, which adds to the uncertainty. New plants located in non-attainment areas are not required to secure pollution offsets before starting operation.

Risk Management. Careful planning and project development can minimize risk; such care is reflected in how easy (or difficult) it is to finance the project. Although several plants have been financed by general obligation bonds, not many communities have the bonding capacity to build a resource recovery plant. The preferred approach is revenue bonds, whereby the project manager must show the bond underwriter that the technology is reliable, the waste supply assured, buyers are committed and construction and operating contracts are signed.

More information....

- **Solid Waste Project**, National Association of Counties, Alan Magan, 202/785-9577, 1735 New York Avenue, N.W., Washington, D.C. 20006 (available: "peer match" assistance, reports, contacts, and copies of federal regulations).
- **Environmental Protection Agency**, Regional Offices (panel of engineering consultants, 8-part resource recovery implementation guide).
- **Department of Energy**, Urban Waste Branch, Charlotte Rines, 202/376-1964, Room 2252 C, MS 2221c, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585 (grant and loan support, reports)
- **National Center for Resource Recovery**, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036 (private, non-profit; magazine, newsletter, reports)
- **Film on sludge management alternatives** (25 minutes) "The Cleaner the Water" #1261 available free (two-week loan) from RHR Filmedia Inc. 1212 Avenue of the Americas, New York, N.Y.-10036, 212/869-9540
- **"Materials and Energy from Municipal Waste"**, volume 1, July 1979, Office of Technology Assessment, U.S. Congress, 285pp. Available from: Sup't. of Documents, U.S. GPO, Washington, D.C. 20402. Stock No. 052-003-00692-8; cost \$6
- **"Resource Recovery Decision Makers Guide"**, 46pp. Publications Dept., National Solid Wastes Management Association, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036; cost \$5
- **Source Separation and Recycling Information:** Institute for Local Self-Reliance, 1717 18th Street, N.W., Washington, D.C. 20009 (ask for their Kent County report)



Future Events:

- **Modular Incineration Seminar**, Boise, Idaho, Nov. 15, contact: Jerome Jankowicz, 208/384-2287, sponsored by NACO and Idaho Association of Counties (\$5 fee); similar program in Portland, Ore. on Nov. 14, contact Pete Ressler 503/221-1646, sponsored by GRCCA Oregon Chapter (free)
- **Resource Recovery '79** (overview and evaluation seminar), Dec. 14, Capitol Hill, Washington, D.C. Contact Wade St. Clair, National Center for Resource Recovery, 202/223-6154; \$50 fee
- **Municipal and Industrial Sludge Composting Conference**, Nov. 14-16, New Carrollton, Md. (Washington, D.C. suburb) contact Information Transfer Inc., 301/939-9390; \$125 fee
- **Biogas and Alcohol Production Seminar**, Oct. 25-26, Chicago, Ill.; contact: J.G.P. 215/967-4010; \$145 fee

What's the Cost... ?

The following cost figures are minimum tipping fees for disposing or processing one ton of municipal solid waste. The fee does not include any collection costs. For a resource recovery plant it is calculated by subtracting revenues (from sale of energy and materials) from costs. All figures should be used with caution. They are average costs and vary widely due to land, labor, capital, utility, and material costs in your area; don't forget about public participation/acceptance, engineering, financing and legal costs, which may exceed average.

The landfill costs are for upgraded sites which meet the EPA sanitary landfill criteria. A new landfill will cost more; how much more depends on costs in your area for land and preparing site (e.g., access road, liner to catch leachate, leachate treatment, public acceptance).

The resource recovery costs are for 1,000 tons-per-day plants except for modular incineration which is 200 tons-per-day; residue disposal costs are included.

Size of Operation	Landfill
10 tons per day	\$20
100 tons per day	\$10
300 tons per day	\$ 6

	Resource Recovery
Waterwall incineration to steam	\$ 9-17
Refuse-derived fuel with materials recovery	\$10-13
Gas pyrolysis	\$12-21
Modular incineration with heat recovery	\$ 3-12

Sources: Landfill costs are from EPA's Draft EIS on proposed landfill guidelines, March 1979. Resource recovery costs are from Congressional Office of Technology Assessment Study (see citation below).

A Look at EPA Waste Guidelines

Continued from page 7

New Facilities

Once existing dumps are closed and future ones prohibited, the states will work closely with local governments and private industry to insure adequate disposal capacity or resource recovery facilities.

The most controversial recommendation (not a requirement) in the new regulations is that, in light of the difficulty of siting new facilities, the states should investigate the following methods for acquiring more direct control over siting and facility development, particularly where less than two years of capacity remain:

- Obtain authority to override local zoning laws;
- Contract directly for services and facilities;
- Use condemnation and eminent domain procedures;
- Arbitrate siting disputes;

- Establish site locations at the invitation of local governments;
- Require facility permits to conform to regional plans developed under the state plan; and
- Institute a public utility agency to regulate the supply of services.

Public Participation

Unlike the proposed regulations which would have required a citizen advisory group, the final regulations only recommend such a group to help prepare the state plan. Also, EPA will not require a public hearing before permit approval of a disposal or resource recovery facility—only those with "a significant degree of public interest" in the proposed permit. Permit renewals are not exempt from this requirement.

The EPA Regulations were published in the *Federal Register* July 31; they became effective Aug. 30.

Composition/Generation Rates

Composition of Municipal Solid Waste by Weight	
Paper	
Ferrous Metals	
Glass	
Yard Wastes	
Food Wastes	
Aluminum and Non-Ferrous Metals	
Textiles	
Plastics	
Rubber and Leather	
Miscellaneous	

N.B. The above figures are national averages and vary considerably depending upon local (or regional) consumer preferences.

Generation Rates in Pounds Per Person Per Day	
1971	1980
3.32	3.85

Source: I&T, Inc. report for EPA, Office of Research Development, 1979. Figures include post-consumer residential and commercial wastes; they do not include industrial, construction, or demolition wastes. The 1980 estimate, derived from an input-output model, assumes economic growth, moderate resource recovery and materials substitution.

Another report, by Franklin Associates (1979), projects historical trends and estimates 4.40 lbs. per person per day in 1990. Both figures have solid waste growing more slowly than the projected gross national product.

This supplement was written by Alan Magan, director of the solid waste project, and Don Spangler, director of the energy management project, with the support and cooperation of the Environmental Protection Agency and the Department of Energy.

Continued from page 6

Land Use and Growth Management

Contact: Robert Weaver

Natural Lands Protection Act
H.R. 2551 (Jeffords, Nolan);
S. 795 (Magnuson, Heinz, Leahy)

Department Appropriations
Fiscal '80

Appropriations for the Comprehensive
Housing Assistance Program, HUD 701

ISSUES

The United States loses 3 million acres of farmland each year to a variety of non-agricultural uses. The federal government contributes to the loss through direct development, grants, loans and permits, which result in the conversion of farmland and often are incompatible with county programs to preserve it. These bills require consistency of federal actions with county agricultural land programs and provide technical and financial assistance to state and local program development.

The House appropriation for the state and local part of the Land and Water Conservation Fund cut the Administration's request by \$159 million to \$200 million. This amount has been restored by the Senate Appropriations subcommittee on Interior. The Senate subcommittee agreed with the House in providing \$125 million for the Urban Park and Recreation Recovery Program. The Administration requested \$150 million.

A House-Senate Conference Committee has agreed to \$42 million for the HUD 701 program for fiscal '80.

NACo POLICY

Strongly supports.

Supported the Administration's request of \$359 million for the Land and Water Conservation Fund and \$150 million for urban parks.

Supports.

STATUS

H.R. 2551 has been approved by the House Agriculture subcommittee on the family farm and rural development and is pending full committee consideration. S. 795 is pending consideration by the Senate Agriculture subcommittee No. 1.

As *County News* went to press, action was pending in the full Senate Appropriations Committee. House-Senate conference consideration would follow.

Conference report has been approved by the Senate and is pending in the full House.

Public Lands

Contact: Jim Evans

Appropriation for fiscal '80
S. 1830 (Yates)

Alaska Lands H.R. 39 (Udall); S. 9
S. 222 (Durkin)

Transfer of Federal Lands H.R. 5436
S. 1680 (Hatch)

Law Reform
(Jackson)

Reclamation Act Reform
S. 14 (Church)
Wilderness Resources Reorganization

ISSUES

Full funding for fiscal '80 will require \$108 million for the payments-in-lieu of taxes program.

Needed to implement Section D-2 of the Alaska Native Claims Settlement Act; some 120 million acres proposed for designation as wildlife refuges, parks, and wilderness.

Administration has recommended 15 million acres of national forest land for designation as wilderness, based on the U.S. Forest Service Roadless Areas Review Study (RARE II).

Establishes a procedure for transfer of most federal lands in western states to the state government. A federal Land Transfer Board would be established to oversee the land transfers. Lands exempted from the bill would include military lands, Indian lands, and lands designated as national parks, wildlife refuges, or wilderness areas.

Administration has proposed an overhaul of the 1872 Mining Law to institute a federal leasing system.

Amendments are proposed to the 1902 Reclamation Act to terminate 160-acre farm ownership.

The Administration abandoned its proposal to transfer the U.S. Forest Service and National Oceanic and Atmospheric Administration to the Department of the Interior.

NACo POLICY

Supports full funding together with provisions that allow restoration of fiscal '79 underpayments using any balance remaining in fiscal '80 funds.

Opposes H.R. 39 as approved by the House. NACo Public Lands Steering Committee endorses S. 9 as the vehicle for Senate consideration, with amendments to guarantee the conveyance to Alaska of all statehood entitlement lands and with emphasis on a system of wildlife refuges and forests rather than wilderness designation.

Supports "multiple use" of federal lands rather than single use. NACo opposes wilderness designation when in conflict with local land use plans.

Encourages land transfer efforts in states with more than 10 percent of the land in federal ownership. WIR Board endorses the lands transfer legislation with provision to protect payments-in-lieu of taxes and local land use planning.

Opposes any change in the 1872 Mining Law.

Supports this legislation to update the acreage provisions to modern farming requirements. NACo opposed.

STATUS

House and Senate have approved \$108 million. Amount should cover full funding of 1980 entitlements.

Senate Energy Committee is expected to report a bill soon. Senate floor action is uncertain.

Field hearings were conducted this summer. No omnibus bill has been introduced. Bills have been introduced for Oregon, Colorado, and Pennsylvania. Both House and Senate hearings have been scheduled this fall.

Bills referred to Senate Energy and Natural Resources Committee and House Interior Committee. No hearings scheduled.

Neither House is expected to consider mining law reform until after the Alaska Lands issue is resolved. Passage appears unlikely.

Senate passed S. 14 increasing acreage limits to 1,280 acres. House action uncertain. No congressional action will be necessary.

Rural Development

Contact: Linda Church Ciocci

Appropriations for Rural Development
S. 87

Rural Development Policy Act of 1979
S. 80 (Nolan)

Rural Development Policy and
Appropriation Act of 1979 S. 670 (Leahy)

Rural Development Act of 1979
(Leahy)

ISSUES

House appropriated \$300 million for water/sewer grants, \$10 million for rural development grants, and \$5 million for rural planning. Senate subcommittee on appropriations has reported the same levels with the exception of \$8 million for rural planning. Community facilities loan program received \$250 million; and the business and industrial loan program received \$1.1 billion in both the House and Senate bills.

Establishes "working group for rural development" and increases authorization for Section 111 rural planning grants from \$10 million to \$20 million annually.

Establishes rural development management process; increases authorization for Section 111 rural planning grants from \$10 million to \$15 million annually; makes planning grants available to counties.

Establishes a federally chartered National Rural Development Bank to work with existing rural banks and stimulate rural development projects.

NACo POLICY

Supports.

Supports.

Supports.

No position.

STATUS

Conference committee has not completed action, but has agreed on \$7 million appropriation for rural planning with \$1 million for rural information centers authorized by S. 670.

Awaits action by House Rules Committee. Expect a rule to be granted for floor action.

Hearings before Senate Agriculture subcommittee on rural development; markup April 25. Passed the Senate. Awaits action on Nolan (H.R. 3580) counterpart.

No hearings scheduled.

Taxation and Finance

Staff contacts: Bruce Talley, Linda Church Ciocci

BILL

General Revenue Sharing

ISSUES

The general revenue sharing program is up for reauthorization this year. Funds, after repeated attacks on the state's share, have been authorized to September 1980. Renewal efforts have been hampered by the long budget process and lack of any commitment for renewal on the part of the Administration.

Countercyclical/Targeted Fiscal Assistance S. 566 (Moynihan)

The legislation is directed at alleviating fiscal stress caused by recession and high unemployment. There is a difference between the House and Senate over unemployment data as the basic need criteria for program eligibility.

Tax Exempt Mortgage Revenue Bonds H.R. 3712 (Ullman); S. 1726 (Heinz)

The bills seek to restrict the use of tax-exempt mortgage revenue bonds for owner occupied housing and regulate the effects of these bond issues on federal tax receipts.

Commercial Bank Underwriting of Revenue Bonds H.R. 1539 (Spellman)

Seeks to allow commercial banks to underwrite municipal revenue bonds, a privilege now enjoyed only by investment banks. Commercial bank underwriting of these bonds is expected to reduce issuing costs of local governments.

Regulatory Reform Act of 1979 S. 262, S. 755 (Ribicoff for the Administration)

Streamlines the regulatory process by requiring agencies to conduct cost impact analysis and other reforms. Administration has introduced a similar measure.

Federal Assistance Reform Act H.R. 4504 (AuCoin, Hamilton, C. Brown); S. 878 (Roth, Danforth, Baucus, Nelson, Sasser)

Streamlines the grants system by simplifying crosscutting requirements, consolidating categorical grants, advanced appropriations, and integrated funding when a project is funded by more than one agency.

Sunset Act of 1979 H.R. 2 (Blanchard); S. 2 (Muskie)

House bill calls for review of all federal programs every five years. Senate measure calls for review every 10 years.

The Small Communities Act of 1979 S. 904 (Danforth)

Streamlines the federal assistance process for small communities (50,000 population or less).

NACo POLICY

Renewal is NACo's number one legislative priority, including funding for states.

NACo supports the enactment of a permanent standby countercyclical program to aid communities during times of recession and high unemployment.

NACo's Taxation and Finance and Community Development Steering Committees will consider the legislation at the Legislative Conference in March.

NACo supports commercial bank underwriting of municipal revenue bonds.

Supports intent.

Supports streamlining the grant system, in particular grant consolidation, but does not support standardization of crosscutting requirements without local options or strong role in appeals processes.

Supports review of federal programs every five years.

Supports streamlining the grant system, but NACo policy committee has not reviewed the new language.

STATUS

Current efforts are being directed specifically to the White House for early announcement commitment to renewal. The Administration is indicating that no decision will be made until late fall or with the January message.

The Senate has passed a two-title bill when eligibility is based on a conference of national and local unemployment. The House is looking to a standby program using the decline in wages and salaries as eligibility criteria instead of unemployment.

H.R. 3712 has been read out of the House Ways and Means Committee and will be considered on the House floor this fall. It is expected that an effort will be made to offer substitutes to the bill under a modified cloture rule. No hearings are scheduled on S. 1726.

Hearings held by the House subcommittee on financial institutions in June and will continue in October. NACo will testify.

Hearings held in Senate Governmental Affairs and Judiciary. Markup expected in mid-October.

NACo testified July 27. Senate subcommittee on intergovernmental relations concluded hearings Oct. 3. Expect Senate floor action to be completed by early November. No House action scheduled.

Hearings held in both House and Senate. Awaits markup.

Hearings held in conjunction with S. 878. Expect full Senate action by Nov. 1. No House action scheduled.

Transportation

Staff Contact: Tom Bulger

BILL

DOT fiscal '80 Concurrent Resolution

ISSUES

New fiscal '80 year has begun and Congress has not as yet approved '80 appropriation bill.

Fiscal '80 Appropriations H.R. 4440 (Duncan)

A total of \$1.41 billion for capital expenditures is included in House bill.

Federal Highway Administration Appropriations H.R. 4440 (Duncan)

For fiscal '80, the bulk of Federal Highway Administration (FHWA) trust fund programs will be funded, the greatly expanded bridge program funded through the states. Other highway programs administered by FHWA are funded by the general fund. In particular, the safer off-system (SOS) road program is recommended to be funded at \$75 million in fiscal '80 in the House bill.

Urban Mass Transportation Administration (UMTA) Appropriations for fiscal '80 H.R. 4440 (Duncan)

For the first time House bill fully funds the capital authorizations used to purchase buses and rail equipment.

Aircraft Noise H.R. 2358, H.R. 3599, H.R. 3547, H.R. 3942 (Johnson-Calif.); S. 413

All bills would grant waivers to airlines from 1983 and 1985 aircraft noise standards under certain circumstances.

Airport and Airway Development H.R. 3745 (Johnson-Calif.); S. 1648 (Cannon)

Congress will consider new airport legislation for 1981 and beyond. For airport programs, the Administration calls for approximately \$4 billion over 5 years, beginning with \$700 million in 1981 and \$2.1 billion for facilities and equipment over 5 years. The plan also provides for the use of airport grants to soundproof schools, hospitals and public health facilities near airports.

Windfall profits tax and transportation funding H.R. 5375 (Howard)

If Congress approves a windfall profits tax, there is a good chance a portion of the tax will be earmarked to public transportation and other transportation-energy conservation projects. The bulk of the new funds would go to buy buses and complete rail systems.

Section 504 of the Rehabilitation Act of 1973 P.L. 93-112

Final regulations released May 31 will mean increased costs to state and local governments as they make public transportation, highway and airport facilities accessible to the handicapped.

NACo POLICY

Supports so DOT can pay its bills.

Support House funding levels.

Supports, primarily because of higher obligation, ceilings and the \$75 million for the SOS roads program.

Supports.

Has fought hard over the past years to ensure that existing aircraft noise standards, which require quieter planes by 1983 and 1985, are achieved.

Supports the reauthorization of the airport and airways trust fund which channels passenger ticket and aircraft fuel taxes into airport construction and development projects. Of primary concern is the level of funding the Administration and the Congress will approve for "reliever airports" (small facilities) and for aircraft noise grant programs.

Supports the creation of a windfall profits tax with a substantial amount of tax receipts for transportation purposes.

Supports full accessibility for the handicapped, but is concerned that the DOT regulations do not permit the use of existing, effective specialized services to meet the handicapped accessibility requirements of Section 504. NACo has joined in a court suit over the implementation of the regs.

STATUS

Action expected mid-October.

Senate action expected late October with November conference committee.

Senate action in late October. Conference committee action expected in November.

House approved in September. Senate action in late October. Conference committee action expected in November.

Senate bill passed. House bill expected any time.

Hearings completed in House and Senate.

Spending proposals have been introduced and are all dependent on the creation of a windfall profits tax by the Congress.

Regulations became effective July 2. Oral arguments in court action heard on Oct. 4. Decision expected in early November.

Welfare and Social Services

Staff contact: Ron Gibbs

Indochinese Refugee Assistance
Program H.R. 2816 (Holtzman/
Administration); S. 643 (Kennedy/
Administration)

ISSUES

As reported by the House Judiciary Committee, the bill extends existing IRAP for one year and thereafter limits assistance to four years from date of entry. Administration favors cutting off assistance to refugees in the U.S. more than two years. Counties will continue to be reimbursed for services provided to refugees until Dec. 31 under a continuing resolution or until H.R. 2816 and S. 643, passed Sept. 6 by the full Senate, are resolved.

NACo POLICY

Supports two-year extension of IRAP. Rep. Danielson and Sen. Cranston both introduced amendments to extend program for two years. Both amendments failed. NACo will lobby for a two-year extension on House floor.

STATUS

S. 1866 (Cranston) introduced last week would extend assistance provisions of the Indochinese Refugee Immigration Act of 1972 for two years and may move more quickly than H.R. 2816 which must resolve omnibus refugee policy issues. Continuing Resolution unresolved at press time.

Welfare Amendments of 1979
H.R. 4904 (Ullman, Corman); S. 1290
(Ribicoff, Kennedy, Bellmon,
others)

Bills represent half of the Administration's welfare reform proposal, and may face difficulty if companion jobs measures don't receive concurrent action.

Testified in House in support. Supports cash-out of food stamps for AFDC beneficiaries as well as SSI. Supports guaranteed fiscal relief with 100 percent pass-through and continuing hold-harmless.

H.R. 4904 passed Ways and Means Committee Sept. 13. Agriculture subcommittee favorably reported food stamp cash-out provisions. House Agriculture must approve Ways and Means and subcommittee provisions before bill can clear Rules Committee, where a closed rule is sought. Senate hearing not expected until full House passage.

Income Energy Assistance
Administration (Administration)

Provides about \$1 billion in fiscal relief, beginning in 1981, much of which is dependent on successful jobs program. Would provide a number of incremental improvements in AFDC, food stamps, and SSI programs—notably, simplification and coordination of eligibility processes; standardized deductions for earned income.

NACo testified in support of the Administration's bill, stating the need to immediately implement a program and to increase federal support.

Ways and Means Committee held hearings Sept. 27. Senate Labor and Human Resources Committee held hearings on the Administration's bill and S. 1724.

Income Energy Assistance
S. 1724 (Williams)

Provides \$2.4 billion annually for four years, of which \$400 million is for crisis assistance. AFDC and SSI recipients, others with income levels below 125 percent of BLS poverty level are eligible. Each household gets one energy allowance, paid in two installments. SSI recipients get payment with checks during winter heating season. State welfare departments would develop payment assistance list for other recipients. Payments uniform within state, but vary geographically depending on population and degree days. Crisis assistance block grants to states.

None.

Senate Labor and Human Resources Committee held hearings Sept. 24-25. S. 1724 expected for markup Oct. 17.

Income Energy Assistance S. 1270

Provides \$1.6 billion for fiscal '80; \$5 billion for each of subsequent four years. Households below 125 percent of BLS poverty level eligible; 90 percent to states by formula based on degree days, plus state's aggregate fuel expenditures; 10 percent discretionary to states. State must prepare plan, including how funds to be spent, number of people eligible, agreements with suppliers, outreach activities.

None.

Referred to Senate Labor and Human Resources Committee. No action yet.

Income Energy Assistance S. 1603

Provides \$40 million for fiscal '80, '81, '82 for crisis intervention; "such sums as may be necessary" for remainder. Food stamp, AFDC and SSI recipients eligible; HEW contracts with each state to administer and distribute. Supplier entitled to payment upon presentation of records to any Federal Reserve Bank.

None.

Referred to Senate Labor and Human Resources Committee. No action.

Income Energy Assistance S. 771

Would provide such sums as may be deemed "necessary." Eligibility limited to food stamp recipients. Temporary help for victims of disaster that disrupts normal fuel distribution. Secretary of Agriculture sets uniform standards of eligibility. Home heating coupons distributed with food stamps monthly during state's entire heating season. Valid only during heating season.

None.

Referred to Senate Labor and Human Resources Committee. No action.

Income Energy Assistance S. 1331

Provides \$100 million annually for fiscal '80, '81, '82. Food stamp, AFDC or SSI recipients eligible. Uniform national standards limited to households whose income is a "substantial limiting factor" in purchasing fuel. Local agency would submit plan. Distributed same as food stamps; households must pay one-third of total coupon value.

None.

Referred to Senate Labor and Human Resources. No action.

Income Energy Assistance S. 1725

Provides \$150 million annually for fiscal '80, '81, '82. Senior citizen households and those receiving food stamps in states where an energy emergency has been declared are eligible. Each eligible household receives flat sum. State grants are based on severity of winter and number of eligible households. State must submit outreach plan for senior citizens. Distribution through food stamp program.

None.

Referred to Senate Labor and Human Resources Committee. No action.

Income Energy Assistance
S. 183 (Sabo)

Provides such sums as may be "necessary." Households with incomes not exceeding 85 percent of BLS lower living standard eligible. State allocations based 35 percent on degree days, 35 percent on energy usage and cost, and remainder on combination of eligible population measures. Separate programs for weatherization, energy assistance and crisis intervention, and energy conservation education.

None.

Referred to House Agriculture Committee and Interstate and Foreign Commerce Committee. No action.

Income Energy Assistance
S. 181 (Shannon)

Provides \$970 million in fiscal '80. Food stamp recipients eligible. Fuel stamps provided in December, January, February and March, amount depending on amount of food stamps household receives, to maximum of \$50 monthly.

None.

Referred to following House committees: Education and Labor; Interstate and Foreign Commerce; and Ways and Means.

Provides \$4 billion annually, includes \$40 million for crisis intervention. Also income tax credit for middle-income households. All households below 125 percent of BLS poverty standards; over-60 households below 150 percent of BLS poverty standards eligible. Money distributed to states on basis of regional energy costs, number of elderly, number of poor, degree days and age of housing. Income tax credit for home heating oil for households under \$20,000 income up to \$300 credit. Applies to all "primary residential fuel," including propane, natural gas, electricity, heating oil.

Welfare and Social Services

BILL

Fuel and Food Relief Act of 1979
H.R. 5265 (Richmond)

Social Services and Child Welfare Amendments of 1979 H.R. 3434
(Corman)

Older Americans Act, as amended in 1978 by P.L. 95-478

Domestic Violence H.R. 2977 (Miller); S. 1843 (Cranston)

ISSUES

Funding through the windfall profits tax. Based on AFDC and SSI criteria for food stamp eligibility. Certain states will be eligible for increases in their food stamp program. Increased food stamps from Dec. '79-March '80 by percent of annual increase in national fuel oil cost from Oct. '78-Oct. '79. Would be administered through existing system of Department of Agriculture.

The Senate Finance Committee version differs from House-passed version. It capped foster care spending and left funding of new services to the appropriations process, although two-year forward funding would be authorized within the current \$266 million authorization. No more than \$56.5 million has been appropriated to date. The House authorized an increase to \$84.5 million for fiscal '80. The Senate committee adopted most of the Title XX Social Services provisions of H.R. 3434, but provided only \$2.7 billion for fiscal '80, indexing the ceiling to rise to \$3.3 billion by 1985. The House passed \$3.1 billion for 1980 with no automatic increases. The House established a 3 percent and the Senate a 4 percent cap on training funds; \$200 million would be earmarked for day care services with no state matching.

Draft regulations implementing the amendments were published on July 31. Counties have considerable problems with the regulations, especially on details mandated at the service delivery level which are not applicable in most counties, and which could seriously limit local flexibility.

Authorizes \$15 million for fiscal '81 to provide federal support and funding of state, local and community activities to prevent domestic violence, assist victims, and coordinate programs. Grants would go to community-based programs; states and counties would participate in program planning.

NACo POLICY

None.

Supports House provisions for Title XX ceiling, \$3.1 billion. Supports House provision to increase Title IV-B funding. Opposes capping of foster care and Title XX training.

NACo testified in a HEW hearing and has submitted lengthy testimony making specific suggestions on changes which should be made—to ensure local flexibility and local decision-making.

Supports establishing of federally supported programs with federal funding outside the Title XX ceiling. Funds should go directly to counties operating programs.

STATUS

Hearings held in the domestic marketing, consumer relations and nutrition subcommittee Sept. 19-20. No scheduled markup.

Passed House in August. Tentatively scheduled for Senate floor action at press time. Final amendments to Senate welfare reform provisions and funding limits for Title XX foster care are being sought.

The Administration on Aging hopes to do final regulations by the end of December, considering the large number of responses received.

H.R. 2977 reported by full Education and Committee in September; pending House action. S. 1843, introduced Sept. 28 reserves 25 percent of funds for direct federal local distribution.

Efforts Culminate in Fire Academy

EMMITSBURG, Md.—“The last major piece of the U.S. Fire Administration is now in place,” noted Sen. Warren G. Magnuson (D-Wash.) at the dedication of the National Fire Academy here Oct. 8.

As a member of the National Commission on Fire Prevention and Control that recommended the academy in 1973 and as chairman of the Senate Commerce Committee that drafted the legislation in 1974, Sen. Magnuson could speak authoritatively of the delays and frustrations that finally yielded to victory.

After sharing war stories with Maryland Sens. Charles Mathias and Paul Sarbanes, and Rep. Beverly Byron, and after thanking Gov. Harry Hughes for his support, the senior senator from Washington charged the Administration with a task that, “will be far more difficult than what has transpired thus far.” This is, reducing the thousands of deaths, hundreds of thousands of terrible injuries, billions of dollars of property loss that occurs each year from fire.

John W. Macy Jr., director of the Federal Emergency Management Agency (FEMA) which now includes the U.S. Fire Administration, responded with a message from President Carter. The President stated that, “In time of community crisis and natural disaster, fire fighters represent the nation's first line of defense. The fire fighter is always the first to be called and the

first to respond. This facility will stand as a symbol to Americans that progress is constantly being made to reduce the tragic loss of life and property.”

The 110-acre academy site, formerly St. Joseph's College, was purchased by the U.S. Fire Administration for \$3.5 million. It will provide both executive development and technical courses. About 60 percent of the 12,000 student weeks of instruction will focus on executive development for local fire administrators. Another 20 percent of the course time will be spent to train fire personnel in highly specialized skills and another 20 percent will prepare state and local instructors to train local fire fighters. About 150 students will start in January 1980. This will increase to 300 by fall. An additional 100 students will eventually attend the Emergency Management Institute to be collocated at the Fire Academy sometime in 1981.

Gordon Vickery, director of the U.S. Fire Administration, acknowledged the distinguished history of the site and added, “I believe this is the most significant milestone in the history of the fire service. We look forward to helping fire departments all over the country to further perfect their professional skills in service to their communities.”

He presented the first honorary degree of the academy to Sen. Magnuson.



SEN. MAGNUSON HONORED—John W. Macy Jr., at podium, congratulates Sen. Warren Magnuson (D-Wash.) for receiving the first honorary degree from the National Fire Academy. Applauding in background are, from left, William Howard McClennan, president, International Association of Fire Fighters; Mary Williams, chair, Frederick County (Md.) Board of Supervisors; and Chief R.S. Rockenbach, president of the International Association of Fire Chiefs.



A WELCOME—Rep. Beverly Byron (D-Md.) welcomes the National Fire Academy to her district in Emmitsburg. Listening are Maryland Gov. Harry Hughes, front row, and Frederick County Board Chairman Mary C. Williams and Richard Bland, chairman of the National Commission on Fire Prevention and Control. In inset Williams is talking with John Macy, director of the Federal Emergency Management Agency, on the future of the National Fire Academy.



BRINACE BRIDGE MEETING—Harvey Haack, left, deputy secretary for planning, Pennsylvania Department of Transportation, announces the establishment of an intergovernmental critical bridge committee during the Brinace bridge meeting held in Allegheny County, Pa. last week. According to Haack, the committee will coordinate county, municipal and township officials who will work with state transportation and Federal Highway Administration officials to develop policies and procedures to implement the federal highway bridge replacement and rehabilitation program in the state. Seen with Haack is Thomas Stockhausen, assistant manager, Transportation and Planning, Allegheny County Department of Planning and Development.

Matter and Measure



REGION 15 DEMONSTRATION PROJECTS
 On October, the Federal Highway Administration (FHWA) will conduct two Region 15 demonstration projects. Demonstration Project No. 45 on Highway Analysis will be held Oct. 16-18 at the North Carolina Department of Transportation in Raleigh. Contact: Carlos Flegles at 919/733-3463 for more information.
 Demonstration Project No. 38 on Air Quality Model Development will be held Oct. 30-31 at the Arkansas Department of Transportation in Little Rock. Contact: Wilson at 501/569-2281 for more information.

FAA CONFERENCE
 Federal Aviation Administration (FAA) will hold its Annual Aviation Forecast Conference Oct. 23-24 in Spring, Md., at the Holiday Inn. The purposes of the one-day conference are to share forecasts of the annual forecast for the years 1980-1991, increase the understanding and interaction of those involved in the forecasting process. For more information contact: Federal Aviation Administration, AVP-120, Room 935, 800 Independence Avenue, S.W., Washington, D.C. 20591 202/655-4000.

FEDERAL AID HIGHWAY FUNDS FOR RIDESHARING ACTIVITIES
 Federal-aid primary, secondary, and urban system funds can be used for a wide range of activities to encourage and promote carpooling and vanpooling. The share is 75 percent of the project cost. In addition, ridesharing activities need not be restricted to federal-aid highway system. Federal-aid used for ridesharing activities cannot be used in the cost of constructing new facilities such as additional highway lanes or parking facilities. Also, federal-aid funds cannot be used for projects which will encourage substantial numbers of transit

users to switch to carpools or vanpools. Specific costs related to the following five types of activities which encourage and promote ridesharing are eligible for funding:

- Systems for locating and informing participants of potential carpools, vanpools, or buspools (manual or computerized).
- Work necessary to designate existing highway lanes as preferential carpool or bus and carpool lanes.
- Traffic control devices necessary to advise motorists and control the movement of carpools or carpools and buses.
- Signage and minor modifications of publicly owned facilities in order to provide preferential parking for carpools.
- Acquisition of vanpool vehicles for a vanpool program. (A user fee for participants in a vanpool program, based on a reasonable number of riders per vehicle, must be charged for the use of each van. This fee must cover the cost of reasonable vehicle depreciation as well as its operating and maintenance costs.)

For carpool/vanpool projects, the value of donated public service announcements which are properly valued and which could have been purchased as an eligible public information and promotion expense may be used as the local match (but not to exceed 25 percent) for the project.

A publication which illustrates how several areas throughout the country have dealt with scarce fuel supplies through various forms of public transportation is now available, entitled "Transportation Energy Contingency Planning: Local Experiences" (June 1979). Single copies may be obtained by contacting the Federal Highway Administration's (FHWA) Transportation System Management Branch at 202/426-0210.

Arguments Heard in Section 504 Lawsuit

...ed from page 1
 who could be mainstreamed
 expense of the vast majority
 classes of persons intended
 ed.
 fundamental to the case is
 the regulations should con-
 firmative action on behalf
 handicapped. The plaintiffs
 recent Supreme Court deci-
 suggest that Congress never
 by enacting Section 504, to
 expensive and extraordi-
 nary action to further a
 nating policy.
 case, *Southeastern Col-
 lege vs. Davis (1979)*, the
 ed that the college was not
 able for making the necessary
 ents so that a deaf student
 sue a nursing education.

GOVERNMENT argued that
 DOT Secretary Brock Adms
 in his statutory authority
 ended that no language
 Section 504 to limit the
 s mandate. The government
 arguments that its regula-

tions are arbitrary and capricious,
 stating that wheelchair lifts in buses
 are already operating in several
 areas of the country and stressed
 that local environments would not be
 significantly affected since imple-
 mentation of the regulations is grad-
 ual, currently applying to buses,
 and to subway, airport and highway
 facilities in future years.

In addition, the department noted
 the possibility of waivers in the case
 of extraordinary expense to a locality.
 Both sides disagreed on the num-
 ber of handicapped persons who
 could increase their transit acces-
 sibility through wheelchair-equipped
 buses. The government stated the
 potential of the nation's 7.6 million
 transit handicapped to be reached
 through the regulations. APTA,
 basing its argument on a July 1979
 study by the Urban Mass Trans-
 portation Administration, noted that
 out of the 7.4 million persons who are
 transportation handicapped, only 4.9
 million reside in areas served by
 public transportation. Of this group
 only 407,000 are wheelchair users.

The judge questioned why the
 government did not do an environ-
 mental impact analysis before issuing
 the regulations and appeared in-
 terested in the argument surround-
 ing the lack of environmental infor-
 mation.

Oberdorfer asked both sides wheth-
 er implementation of the regulations
 will require case by case environ-
 mental analyses. NACO and APTA
 believe that the government, in de-
 clarating a negative declaration for the
 504 regulations, produces a tremen-
 dous environmental data vacuum
 and will place undue burden on local
 governments.

The plaintiffs also contend that
 the DOT regulations assumed the
 production of "Transbus," for which
 no bids have yet been received. The
 government still expects bids and
 recently extended indefinitely the
 transbus procurement mandate.
 Meanwhile, the government is rely-
 ing on existing bus-lift technology to
 meet the purposes of the regulation.

—Tom Bulger/Karen Eisner

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(Signed) Christine Gresock

House Will Resolve Energy Board Differences

Following Senate approval of the Administration's Energy Mobilization Board (EMB) proposal, action moves to the House. Unlike the situation in the Senate, the bills reported by the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs are markedly different from the Administration's original proposal. This is particularly true regarding the board's ability to waive state and local laws to meet what is known as "fast track" energy project deadlines.

Under the Senate-passed version the board is not required to consult with state or local governments on designating priority projects and

may establish binding schedules for federal, state and local decision-making. One change adopted does encourage the board to enter into written cooperative agreements with affected states and local governments regarding the project decision schedule.

In addition, while the board is required to consult with affected state and local government officials in establishing the project decision schedules, it is not bound to incorporate local concerns into the deadlines.

If a state or local agency fails to meet a project decision deadline, the board has the authority to step in

and "make the decision" for the state or local agency, applying the appropriate substantive law. This was the original Administration's proposal.

During the course of committee debate, the Senate Energy and Natural Resources Committee added a second enforcement option which allows the board to take court action to force the delinquent agency to make the decision. Nothing in this provision, or anywhere in this act, would allow the EMB to overturn a state or local decision once made.

Any legal challenge to the EMB or any of the actions taken under this act can be subjected to expedited judicial review. In order to accom-

plish this, the act establishes a Temporary Emergency Court of Appeals (TECA). Appeals beyond TECA go directly to the Supreme Court.

HOUSE MEASURES

EMB legislation pending in House differs from the Senate, and each other, in a number of major respects. In establishing the project decision schedule the Interior bill requires the board to negotiate with state and local representatives and to establish a schedule consistent with agency requirements. The Commerce version, on the other hand, has binding decision scheduling by the EMB but allows the governor of the affected state to serve on the board in a non-voting capacity.

If an agency fails to meet a deadline, the bills disagree on how enforcement should occur. The Commerce bill allows the board to waive all or part of any substantive or procedural law and, in addition, allows the board to establish any procedures it deems appropriate to bring an agency into compliance with the schedule. The Interior version allows the President to make the decision for delinquent federal agencies and to make recommendations for action to Congress for state and local agencies which fail to meet the decision schedule.

ADMINISTRATION TEST

The Administration is facing a difficult political choice in the House. While publicly the White House opposes waivers of local and state substantive laws, privately it has lobbied very hard for the Commerce Committee bill, feeling it had to balance the "weaker" version passed by the Interior Committee. Now the Administration is faced with either backing a bill which contains provisions to which they are publicly opposed or working toward a compromise. The latter course could alienate some powerful members of the Commerce Committee.

Whatever the Administration finally decides, many parties in the House are already working on a compromise which would be much closer to the Senate/Administration bill. The key differences between what passed the Senate and the compromise proposed by Rep. Morris Udall (D-Ariz.) and Tim Wirth (D-Colo.) involve consultation with state and local governments, enforcement of the project decision schedule, and waiver of laws passed after construction has begun.

Unlike the Senate bill, the proposed compromise would require consultation with state and local governments. Although the board would still be empowered to set binding decision schedules, the Senate version also allows the board two options for enforcing the decision schedule, either through the courts or by stepping in and making the decision for the state or local government. The Udall-Wirth compromise would require the EMB to first go to court and if the state or local government failed to make the decision required only then could the board step in and make the decision.

The greatest difference between the Senate bill and the proposed House compromise involves substantive laws passed after construction of a project has begun. Senate bill would automatically waive all such requirements, federal or local, subject to a veto by the Environmental Protection Agency or the Department of Health based on a finding that such a waiver would pose a substantial risk to public health or safety. The Udall-Wirth compromise would allow the board to waive any new requirements for a period of up to five years for the affected project time to cost. It is anticipated that this provision, the so-called "grandfather" provision, will be one of the most controversial.

As the House begins its consideration, it is clear that neither the Interior nor Commerce Committee bills are fully acceptable to the Administration or in all probability Congress. The Udall-Wirth compromise comes close to the Administration's original plan and is much closer to the Senate version than either bills reported by the Commerce Committee. This compromise will be offered to the floor within the next week or two. It should be actively supported, strongly urges that county officials contact their House member and him/her to support the Udall-Wirth compromise.

For more information, contact Mark Croke at the NACo, 202/785-9577.

BRIDGE MEETINGS

Still Time to Sign Up

Do you want your county to get its fair share of the \$4.2 billion available in the federal highway replacement and rehabilitation program? Then make sure you are one of the regional meetings bridge program sponsored by the National Association of County Research, Inc. (NACoR) and the National Association of County Engineers (NACE). Three meetings take place this October and November. You must attend the meeting in the FHWA region that includes your state since each meeting is specifically designed for states in these regions.

To secure hotel accommodations contact Charlene Tyler at 202/618-6180. An on-site registration fee of \$40 will be charged to cover functions and packet information. You may pay in cash or by check made payable to NACoR.

FHWA REGION 1

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Indianapolis, Indiana
Hilton Hotel

Oct. 25: get acquainted buffet dinner begins at 11:30 a.m.
Oct. 26: 8:30 a.m.-noon

FHWA REGION 2

(Iowa, Kansas, Missouri, Nebraska)

Des Moines, Iowa
Best Western Airport Inn

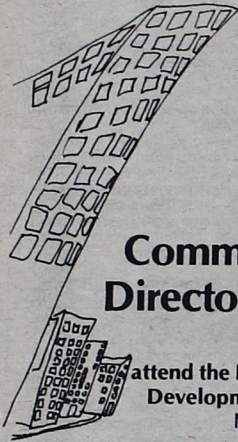
Nov. 5: program starts at 8:30 a.m.
Nov. 6: 8:30 a.m.-3:00 p.m.

FHWA REGION 3

(New York, New Jersey)

Albany, New York
Turf Inn

Nov. 15: get acquainted buffet dinner begins at 11:30 a.m.
Nov. 16: 8:30 a.m.-noon



ATTENTION Community Development Directors ... Elected Officials

Mark your calendars and plan to attend the National Association of County Community Development Directors' Fourth Annual Conference Nov. 13-16, at the Olympic Hotel, King County (Seattle), Wash.



The conference will take place at the stately Olympic Hotel in downtown Seattle, conveniently located near shops, restaurants, historic Pioneer Square, and the Kingdome, the West's only covered multi-purpose stadium.

The three-day meeting offers news about legislation ... affordable housing ... intergovernmental relations ... housing financing ... special workshops for elected officials ... tours of King County's projects. You can't afford to miss out!

CONFERENCE REGISTRATION

NACo County CD Conference - Nov. 13-16, 1979

Name _____ Title _____ County _____
Address _____
City _____ State _____ Zip _____

Fee covers one reception, three lunches, Danish breakfasts each morning, conference materials and a tour of King County.
Enclosed is a check for: \$95 NACo member counties \$110 nonmember counties
Make check payable to NACo and send to: Accounting Department, NACo, 1735 New York Avenue N.W., Washington, D.C. 20006. Cancellations received by Nov. 2 will be fully refunded.

HOTEL RESERVATION FORM

Western International Hotels, The Olympic, Seattle
I am attending the NACo Community Development Conference November 13-16, 1979

Please reserve the following:	Single: 1 person	STD \$39	MED \$47	DEL \$59
	Double/twins: 2 persons	\$44	\$57	\$69

Plus 5.3 percent State Sales Tax

Note: If rate requested is not available next available rate will be assigned

Arrival Date _____ Hour _____ a.m. p.m. Departure Date _____

Name _____ Address _____

City _____ State _____ Zip _____

All reservations are held until 6 p.m. I am arriving after 6 p.m. Please hold my room on guaranteed payment basis.

My Credit Card Number is: Name _____ No. _____

Return to: The Olympic Hotel, Fourth and Seneca Street, Seattle, Washington 98101.

Note: Hustle Bus departs every 20 minutes from the Seattle-Tacoma Airport to Olympic Hotel - 20 minutes ride - Fare \$3.00

PLEASE RETURN THIS COUPON IMMEDIATELY

Attention: Aging Affiliate

The board of directors and committees of NACo's Aging Affiliate will meet Nov. 1 and 2 in East Baton Rouge, La. All affiliate members are invited to participate. Contact aging project staff at NACo for more information, 202/785-9577.