

# **ENVIRONMENT, ENERGY AND LAND USE**

## **STATEMENT OF BASIC PHILOSOPHY**

NACo believes protection of the environment, and the conservation and development of our nation's resources are obligations shared by citizens, private enterprise and all levels of government.

America's counties are highly diverse communities occupying a nearly unlimited range of geographic settings, with immense variation in their natural resource endowments, and with many different economic, cultural and social systems and concerns. Counties are primary service providers with a responsibility to care for and protect their citizens' health, welfare and safety and to maintain and improve their quality of life.

Addressing environmental health and safety, ensuring responsible energy development and conserving and protecting our essential natural resources in an atmosphere of limited governmental capacity will be achieved by building effective partnerships between all levels of government, citizens and the private sector.

## **UNFUNDED MANDATES AND PREEMPTIONS**

NACo opposes any legislation, regulation, or policy proposal which mandates programs and responsibilities on states and local governments without commensurate federal funding. To fully understand the impact of any mandate on local governments, a fiscal note or statement of estimated costs of implementation must be provided prior to formulation or passage of legislation or regulations.

NACo opposes any federal attempts to preempt state and local planning policies, processes and decisions. NACo does encourage federal agency participation and expert assistance in regional and local environmental public policymaking, where appropriate.

## **INTERGOVERNMENTAL COOPERATION**

Implementing environmentally sensitive and cost-efficient strategies for the conservation and use of natural resources can only be accomplished with collaborative planning and good communications among stakeholders. Therefore, counties must be involved as significant partners in the formative stages of developing standards, policies, and guidance and have the ability to develop specific standards, where appropriate.

State governments should act as coordinators, providers of technical and financial assistance, and developers of general standards, which recognize the need for flexibility and regional differences. The federal government should be responsible for supporting or conducting research, setting general standards, developing policies, providing guidance, and financial and technical assistance, while recognizing the need for flexibility and regional differences.

NACo believes the federal government should provide financial and other incentives to support the most cost-effective planning and management programs to meet federal goals.

## **PRIORITIZATION AND PERFORMANCE-BASED STANDARD SETTING**

NACo supports national and state policies tailored to meet the needs of local communities with goals and performance standards and goals-being set to accomplish outcomes and give local governments the flexibility to select among alternative means to achieve them.

This flexibility is critical for local governments with often very limited resources to prioritize implementation of federal environmental laws and regulations based on actual needs and to match the environmental, social and economic costs and benefits of alternative strategies with local plans, priorities and capacity.

Financial resources must be allocated to address environmental problems before they escalate to a cost-prohibitive level.

## **INCENTIVE-BASED SOLUTIONS**

NACo supports federal government incentives to protect the environment and natural resources. NACo supports the repeal of programs and policies that distort the pricing or development of products in a manner that encourages the exploitation of resources, discourages recycling and conservation, and provides inducements for greater pollution.

## **SOUND SCIENCE AND TECHNICAL ASSISTANCE**

NACo calls upon the federal government to authorize, adequately fund, and require federal departments and agencies to provide fair, thorough, peer reviewed, scientifically sound assessments of health, safety or environmental risks associated with policy alternatives, prior to requiring any actions by local governments.

NACo supports coordinated and expanded environmental research efforts, in which the research process allows for input from state and local governments, private industry and the public. Local governments should be kept informed about ongoing monitoring and compliance evaluations related to the implementation of environmental mandates. Research should address all impacts of pollution and recognize and accommodate technology advancements.

## **PUBLIC EDUCATION AND COMMUNICATION**

NACo supports federal assistance and increased funding to assist local governments, schools, colleges, universities, technical and vocational institutions in developing and funding curricula, supplying laboratories, training staff and increasing public engagement in various environmental research activities and educational programs of local and regional significance. These programs help involve and educate local officials and the general public about basic science and the environmental, social, and financial impacts of implementing environmental, energy and land use policies.

## **WATER QUALITY**

NACo recognizes that the availability of an adequate supply of clean water is vital to our nation. Water quality degradation can impose human health risks through contaminated drinking water supplies, diseased fish, and unsafe or polluted water bodies used for recreation, and can lead to the loss of valuable wildlife habitat.

NACo supports integrated and cooperative programs for protecting water quality that place responsibility on each level of government. Because the elimination of water pollution is a long-term process limited by economic and social costs, a reasonable relationship between costs and benefits should be a key consideration toward reaching the goal of improved water quality throughout the nation.

The use of loans or grants should be tailored to the specific needs and capacity of each county, including the county's ability to pay. More restrictive federal clean water requirements and new mandates should not be imposed on counties unless the federal government provides additional funding.

**A. Clean Water Act:** NACo supports federal funding to meet all Clean Water Act (CWA) mandates imposed on counties. NACo believes the CWA is instrumental in successfully managing water pollution from point and non-point sources by keeping toxic substances out of our nation's waterways, thus ensuring that surface waters are safe for sport and recreational purposes. NACo endorses enforcement measures for compliance with the CWA, which includes effective monitoring.

1. **Research:** NACo supports an increase to the federal government's research and development programs to aid the efforts of local and state governments in the control of non-point sources of water pollution and contaminated sediments. The Environmental Protection Agency (EPA) should also support research on programs such as combined sewer overflows, land application of sewage sludge, and source reduction.
2. **Stormwater Runoff:** NACo supports revisions to the CWA and development of a federal stormwater program, which would achieve the following outcomes:
  - Incorporate public, state and local governments comments and/or suggestions into promulgation and/or expansion of existing federal stormwater rules;
  - Flexibility for local governments to consider the site-specific nature of stormwater (including geographically-specific information) and determine the most cost-effective and technologically feasible means of reducing pollutants to meet CWA objectives;
  - Consolidation of Phase I (over 100,000 population) and Phase II (under 100,000 population) stormwater regulatory programs for local governments into a simplified, workable and effective program;
  - Development by local governments of local stormwater management programs consistent with state stormwater program goals and EPA guidance;
  - Federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality. This study should also include a comprehensive cost benefit analysis;
  - An exemption from regulation for local governments that do not contribute to stormwater pollution problems or have implemented stormwater management programs that are shown to be successful in addressing local water quality concerns; and
  - Logging roads should be excluded as a "point source" under CWA rules and regulations (pertaining to stormwater discharges).
  - Public and private roads located on forest lands should not be subject to CWA stormwater regulations or requirements.

- 3. Sewer Overflows:** NACo support a Combined Sewer Overflow (CSO) program which is based on cost-benefit analyses and allows for a variety of control techniques. EPA's CSO policy should accommodate water quality standards that encompass stormwater discharges and their impact in CSO systems.

NACo supports the crafting and uniform application of Clean Water Act regulations and permits such that Publicly Owned Treatment Works can operate their facilities in the manner in which they were designed and permitted, including the use of peak wet weather flow management techniques such as blending.

NACo believes that a significant national environmental or public health problem requiring federal regulation from Sanitary Sewer Overflows (SSO) has not been demonstrated. NACo calls on the EPA to review SSO regulations to ensure flexibility for local communities to adequately address this challenge.

- 4. Good Samaritans for Abandoned Mine Sites:** NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

**B. Clean Water/Drinking Water:** NACo supports the goal of the Safe Drinking Water Act (SDWA) to provide safe drinking water.

NACo believes the federal government should adopt clear federal policies and regulations that allow flexibility to state and local governments to implement programs that will protect public health balanced with environmental and economic impacts.

NACo supports federal funding for existing or new federal mandates. NACo supports the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF), and the Drinking Water State Revolving Loan Fund, as supplements to, not a substitute for, federal grants program. Grants and technical assistance should be made available to those small, rural, disadvantaged communities that are unable to meet their needs solely with loans. States should provide adequate funds to match federal grants to the SRF program, and assure flexibility in the administration of such loans.

Additionally, NACo urges Congress to establish a water trust fund that provides, on an annual basis, matching grants and other assistance to advance the achievement of national clean water goals at the local, statewide and national levels. Any water trust fund must be financed through a dedicated revenue stream that is long-term, reliable, sustainable, fair, equitable, and raised from the national economy based on low rate fees.

- 1. Standard Setting:** NACo supports a federal policy that prescribes realistic maximum limits for contaminants, with standards tailored to the particular contaminants used in the watershed. Regulations should be based on a peer-reviewed scientific basis.
- 2. Monitoring:** NACo supports minimum guidelines for monitoring, site selection, and construction of public water systems.

**3. Research:** NACo supports additional federal research into the effects of various pollutants and carcinogens in the drinking water supplies. Such research should have a special emphasis on the protection of sole source aquifers and other water supplies.

**4. Small Water Systems:** NACo supports effective and adequate federal funding to small, rural communities for drinking water treatment facilities. If consolidation of small water systems is required to receive federal loan or grant assistance, county governments should be federally authorized to participate in the planning, management and development of programs.

**C. Watershed and Wetlands Management:** Management of watersheds, wetland areas, and coastal watersheds address public health and safety, environmental protection, and restoration issues within hydrologically defined geographic areas. Local governments make critical front-line land use decisions balancing these important considerations with achieving sustainable economies. Counties must be involved in all aspects of planning and management.

NACo supports expanded federal funding and increased flexibility for planning and implementation of watershed management at the local level and for the restoration of wetlands, repair of habitat, coordination of stormwater management programs with comprehensive watershed management efforts, and establishment of native vegetation on lands vital to water quality.

NACo urges continued federal funding of the Coastal Zone Management Act (CZMA) and the Coastal Impact Assistance Program, CWA programs such as the National Estuary Program Comprehensive Conservation and Management Plans, State and Local Wetlands Grants and Wetlands Conservation Plans, the Non-Point Source Grants Program, and the Small Watershed Program for small agricultural watersheds under the Food Security Act.

NACo supports flexible and voluntary water quality trading policies that control and reduce watershed non-point pollution. Costly controls should not be required when less costly controls are appropriate and effective.

NACo supports federal government efforts to discourage residential, commercial, or industrial development in floodplains and wetlands, when feasible, because NACo recognizes these areas are of great natural productivity, hydrological utility and environmental diversity, and provide natural flood mitigation, improved water quality, recharged aquifers, and flow stabilization of streams and rivers. Flood risk analysis and consideration of the environmental impacts should be performed for development activities, including flood mitigation measures, in these high-risk, sensitive areas.

**D. Wetlands Permitting and Navigable Waters:** NACo supports the national policy goal of net gain/no net loss of wetlands and encourages a management approach that first avoids wetlands, then minimizes wetland loss and mitigates any loss as the final alternative. This policy goal is intended to prevent new adverse impacts on both watershed, flood storage capacity and water quality impacts. NACo supports additional federal funding for local governments to implement the national policy goal.

NACo supports a requirement to offset unavoidable wetland loss by mitigating both watershed, flood storage capacity and water quality impacts by restoring these functions through enhancement of existing wetlands, or creating new wetlands, when public need requires that public facilities, utilities, or improvements be developed over sensitive ecological areas.

NACo supports clarification of federal law to permit the proper maintenance of drainage systems according to the original intent and design of the law and to federal and state regulations established prior to 1985. Land designated as agricultural land prior to 1985 should not require restoration to conditions prior to agricultural use.

NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to protect intrastate waters, including wetland habitats, rivers, and streams within the United States and to protect the basic, fundamental principles of local land use control in accordance with the goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA.

NACo calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of "waters of the United States." Further, NACo urges the federal government to recognize that the flow volume of stormwater from development and regulation of impervious surfaces are local land use issues, and are not subject to federal regulation.

NACo urges the federal government to improve the CWA §404 permit process by the U.S. Army Corps of Engineers (Corps); remove routine maintenance of human-made public flood protection facilities and infrastructure from the §404 permit process when no endangered species habitat is present; and extend the (CWA) general permit term for routine maintenance from five to ten years.

NACo supports using pesticides in accordance with the instructions on the label, and supports strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental Protection Agency’s (EPA) jurisdiction in regard to pesticide use in (and around) county-owned and operated streets, gutters, and ditches.

- E. Funding and Security for Water Infrastructure:** NACo recognizes the threat posed to the health and safety of our nation as it faces a crucial time of aging and crumbling water and wastewater infrastructure and an increased risk for both natural and human-made disasters. NACo calls for a reliable, long-term, and substantially increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical and chemical security threats. The broad range of local needs to achieve national clean water goals and objectives that would be funded by this investment include the construction, repair and replacement of treatment works, collection and distribution systems, compliance with federal regulatory mandates, investments in decentralized wastewater systems, voluntary non-point source pollution abatement, source water protection, and improvements in the security of water resources and facilities, consistent with local land-use plans.

NACo recognizes the critical role dams and levees play in local flood control, and that failure of unsafe or deficient dams and levees can lead to significant property destruction and immeasurable loss of human life. Like other critical infrastructure, these man-made structures deteriorate and ongoing investment is necessary to ensure the safety of such structures. NACo supports increased federal commitment to fund the repair and rehabilitation of America’s non-federal, publicly-owned dams and

levees, including those constructed through agreements between counties and the National Resource Conservation Service, with priority funding given to structures presenting the highest risk of failure and which present the highest risk to homes, schools, businesses or important infrastructure in the event of failure. Federal funding should be made available through grants, loans, and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis. Moreover, NACo urges federal and state governments to consult with, and include, counties in the decision-making process when undertaking the rehabilitation of unsafe or deficient dams and levees located within the jurisdiction of the county.

- F. Water Resources Development Act:** NACo supports preserving and maintaining current federal law that provides for federal participation through the U.S. Army Corps of Engineers in a long-standing partnership with state and local governments for funding, implementing, and maintaining essential and environmentally sound navigation, harbor, beach management, flow control, coastal and aquatic ecosystem restoration and protection, and environmental improvement projects across this nation.

NACo supports federal matching funds for local governments to plan for and implement projects that reduce-flood damage risks and accomplish other goals under the Water Resources Development Act (WRDA). NACo opposes more of the federal share of water resource projects being shifted to local governments, because most projects are costly and local governments would not have the fiscal resources to assume the federal share. Additionally, many of these projects are intended to enhance or conserve regionally or nationally significant resources; and protect the health, safety and welfare of the public. NACo urges Congress to appropriate the funds needed, where they are needed, to reduce the backlog of projects authorized under WRDA.

NACo supports counties in ensuring that they are consulted before the federal or state government undertakes water resource projects within a county's jurisdiction and that county concerns are incorporated into project planning.

NACo supports the federal government providing state and local governments with a major voice in the decision-making process, which includes the authority to assume full responsibility for planning and implementing flood control projects, assessing and mitigating their environmental impacts and determining the necessity or advisability of flood control projects by the federal government.

NACo supports continued and increased funding for federal programs that assist counties with planning and the implementation of projects that address habitat restoration and connectivity, ecosystem restoration and resiliency, protection and enhancement of ecological resources including fish and wildlife, and environmentally beneficial modifications to existing projects.

- G. Water Conservation:** NACo supports federal water conservation strategies that provide federal financial and technical assistance to state and local governments to design, implement, and evaluate appropriate water conservation measures including the rehabilitation of water supply systems. Water conservation should be given priority in water projects planning and evaluation where there are limited sources of supply. Federal research and grant programs should focus on water reclamation, recycling, reuse, and desalination.

NACo supports qualification and adjudication of federal reserved water rights being determined in state courts and administered subject to local and state water conservation and development plans.

**H. Oceans and Coastal:** NACo supports federal funding for continued education and scientific study of ocean acidification.

NACo supports federal efforts to address the increasing problem of marine debris. This includes, but is not limited to: support for continued reauthorization of the Marine Debris Research, Prevention, and Reduction Act (MDRPRA) and/or similar legislation and increased funding to the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for grants to coastal counties for beach cleanup efforts, derelict fishing gear removal; research on the effectiveness of off-shore clean-up methods; and federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide bans and additionally encouraging reuse/recycle policies at the local level.

**I. Oil Pollution Act:** NACo supports federal legislation and policies to strengthen local government involvement under the Oil Pollution Act (OPA). NACo supports requiring federal agencies who oversee OPA to consult and coordinate with local governments in environmental protection, oil spill contingency planning, training and implementation of OPA processes. NACo supports sharing CWA penalty oil spill fines with impacted communities. NACo supports using the 2012 RESTORE Act (Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act) provisions as a model for future pollution incidents throughout the country.

## **AIR QUALITY**

NACo recognizes the need for on-going and sustained action regarding air quality involving all stakeholders at the international, federal, state, and local levels of government. The transport of air pollutants is a national and international problem and knows no political boundaries.

Air pollutants can have significant impacts on human health, the economic vitality of communities, natural resources and recreation areas, quality of life, and the ecological balance of the world.

### **A. Roles and Responsibilities**

**1. Federal Role:** NACo supports the goals of the Clean Air Act Amendments of 1990, which balances the need to ensure the highest level of environmental protection with the need to maintain economically viable and sustainable communities.

NACo supports federal leadership that ensures open communication and an objective process when deciding on an acceptable level of risk to human health while still protecting the environment.

NACo recommends an increase in federal technical and financial assistance to states and local governments for the development and administration of local air pollution control programs,



which includes expansion of federal air pollution research programs for development and local implementation of strategies designed to reduce air pollutants.

NACo supports requiring the federal government to work cooperatively with state and local governments to help formulate guideline and technical assistance programs for the administration, implementation, maintenance, and enforcement of plans that affect local land use and resource allocation decisions.

- 2. State and Local Government Responsibility:** NACo believes individual counties or groups of counties should have the right to control their air pollution problems within one state or on an interstate basis in accordance with their needs, while ensuring adequate representation of county governments in these entities.

- B. National Ambient Air Quality Standards:** NACo believes that national air quality standards should be set using well-founded, peer-reviewed scientific evidence. Public review of standards is essential and should include the range of health effects associated with the pollutant, the levels of pollution as they relate to the effects on health, the characteristics and number of people affected, and the compounded effects when multiple pollutants are present.

State and local governments must have the option of adopting secondary standards which are more stringent than the national goals in order to protect localized environmental, property, and human values. In addition, states and local governments should be allowed to select among alternative means to achieve air quality standards.

EPA standards should be flexible enough to consider regional conditions.

NACo opposes any attempts by the U.S. Environmental Protection Agency (EPA) to impose regulations more stringent than the 2012 Particulate Matter standards for fine particles (PM 2.5). NACo supports increased funding for the local Particulate Matter (PM) monitoring program and asks the EPA to assist counties in determining the true source of particulate matter.

- C. The State Implementation Plan (SIP) Process:** NACo believes that limited federal oversight of state and local air quality programs is necessary when air quality management practices have been proven effective.

NACo urges federal revision of the SIP review process, including:

- Continuation by the EPA of timely guidance for developing state pollution control plans and programs, reviewing state plans and programs on a fixed periodic basis, and ensuring states do not undertake pollution control activities unless authorized by a joint determination of state and local elected officials;
- Authority by the EPA to revoke a state's authority to administer federal clean air programs if, during a periodic audit, it determines the state has taken actions inconsistent with its own plan or that its programs and plans are no longer adequate and the state did not correct this inadequacy. This provision should apply to the local government, if authority is delegated by the state;

- Allowing state and local governments to grant or alter Title V permits without the need for federal approval if consistent with EPA-approved generic permit rules;
- Ability of local governments to obtain EPA review of any state permitting decision or other minor SIP revision not otherwise needing EPA approval; and
- Allowing counties to establish fees for operating permits to cover the cost of implementation and enforcement in counties that have the responsibility for issuing permits and enforcing the requirements of the Clean Air Act and state air quality laws.

NACo supports the goals of the Clean Air Act and any subsequent transportation reauthorization bill that aims to encourage environmentally sound transportation projects.

NACo also supports legislation that would codify the EPA's grandfathering provision of the 1997 transportation conformity regulation which keeps a project eligible for federal funding once it has satisfied environmental requirements and is consistent with the state approved clean air plan.

**D. Clean Air Act Deadlines:** NACo supports changes to the Clean Air Act to establish a sensible, orderly long-range strategy for air quality improvement and attainment of federal primary and secondary air quality standards.

NACo believes the EPA should vigorously enforce the Clean Air Act and that enforceable deadlines are necessary to promote progress toward cleaner air.

NACo supports providing EPA with flexible authority to grant case-by-case extensions where controls are as stringent as those in attainment areas and demonstrate progress toward attainment.

NACo believes that EPA should continue to have the power to levy funding sanctions and restrictions on new source permitting for areas not acting in good faith to comply with the Clean Air Act. Sanctions should not be imposed on funding that is aimed at alleviating air pollution problems. If an uncontrollable natural condition or occurrence causes air pollution, the federal and state governments are urged to work with the jurisdiction affected rather than subject the jurisdiction to sanctions.

## **E. Vehicle and Vessel Emissions**

**1. Motor Vehicle Emissions:** NACo urges the federal government to set stricter standards to help reduce motor vehicle emission levels across the United States.

NACo supports programs to enhance transportation alternatives, including, but not limited to, low-pollutant emission vehicles, an increase in mass transit, rail, and carpools.

NACo believes that improved vehicle certification and inspection maintenance programs can reduce hydrocarbons, carbon monoxide and other pollutant emissions from vehicles in use. Certification requirements should cover the full useful life of the vehicles and be based on real-life driving conditions, such as cold start temperatures.

NACo believes the EPA should establish guidance procedures for enhanced vehicle Inspection and Maintenance programs and work cooperatively with state and local governments for implementation.

NACo calls on Congress and the President to fully fund and reauthorize the Diesel Emissions Reduction Act (DERA) to help counties reduce particulate matter pollution, which is a factor in nonattainment.

- 2. Air Quality Ocean Going Marine Vessel Emissions:** NACo urges Congress to support legislation to reduce emissions from ocean-going marine vessels through economic incentives, including funding for research and development on retrofit emissions controls and new technology to reduce emissions from marine vessels.

**F. Interstate/International Transport of Air Pollution:** NACo recognizes that air pollution is transitory in nature and does not respect state or other geographic borders, particularly in the case of ozone. NACo supports the creation of multi-jurisdictional ozone transport regions and interstate commissions to provide for regional planning, conflict resolution, and implementation of area-wide strategies, as ozone may contribute to or cause non-attainment of the National Ambient Air Quality Standards (NAAQS). When the EPA determines that state or local jurisdictions are in compliance and do not significantly contribute to ozone transport problems, that area should be exempted from further regulatory requirements. Counties or air basins within a state should be allowed to subtract the effect of pollutants transported from other parts of a state, as well as from other states, when calculating their own area's clean air compliance attainment.

NACo supports the creation of an EPA policy to grant states and local governments the authority to leverage air quality improvements in one region to offset the non-attainment status of another adjacent region during the same period to avoid non-attainment status in the region whose air quality exceeds the current standards.

**G. International Transport of Air Pollution:** NACo supports efforts by federal, state, and local governments in cooperation with U.S. and Mexican officials to recognize that preserving, protecting, and improving the natural environment, as well as public health and safety, is a major priority. NACo urges these entities to work together with U.S. counties to develop strategies that are proactive, while protecting and improving both the public health and the environment.

NACo also urges, supports, and will assist the entities in efforts to formulate agreements in establishing common air, water, waste standards, and requirements for the U.S./Mexico border region in order to preserve, protect, and improve the natural environment and public health of residents living in the region.

**H. Prevention of Significant Deterioration:** NACo recognizes there are areas where special air quality is essential, such as wilderness areas, national parks, watersheds, and viewsheds. Therefore, NACo supports the ability of all levels of government to implement control strategies consistent with the use, needs, and desires of the area.

**I. Multi-Emissions/New Source Review:** NACo believes that any changes to address multi-emissions pollution sources should support, not supplant, current Clean Air Act provisions and protect the ability

of state and local governments to adopt more stringent regulations. Each state should be allowed to achieve the specified levels of emissions reductions through the most efficient, cost-effective and appropriate technology method.

NACo supports a reduction of emissions for sulfur dioxide, nitrogen oxides, and mercury from power generators. NACo also supports significant reductions from other major sources.

NACo supports increased federal funding for research and development of new, less expensive technologies for reducing sulfur and nitrogen oxides.

NACo urges EPA review and, when appropriate, strengthening of its New Source Review program to ensure it fully protects public health and welfare.

NACo believes any required retrofitting, based on the new source review standards, should be limited to addressing significant pollution problems of the region. The EPA should work cooperatively with state and local governments and allow for site-specific variations for existing facilities. Reasonable timeframes for retrofitting and achievable emission control requirements should be established, based on federal, state, and local standards.

NACo believes states and sources should be allowed to trade emissions reductions as long as specific credited sources do not increase their emissions.

**J. Climate Change:** All across the U.S., counties are experiencing new, often drastic, weather patterns and their effects which are attributed to climate change. Regardless of manmade or a natural warming cycle, as counties adapt to a changing climate, NACo urges the federal government to aggressively pursue and support:

- National and international programs to research, develop and deploy carbon-neutral energy sources to reduce greenhouse gas emissions;
- National and local strategies, including private sector initiatives, to mitigate the impacts of climate change and enhance community resiliency; and
- Research and development of new technologies and commercialization of existing technologies that will contribute to reducing atmospheric carbon emissions.

NACo urges Congress to provide more federal funding, economic, fiscal and practical incentives and awards for counties and businesses to meet these objectives. These programs and policies must not create unfunded mandates or preemptions on counties and/or their local economies.

Instead, NACo urges the federal government to work closely with counties on climate change initiatives. NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaption and mitigation plans and projects, including but not limited smart growth initiatives, mass transit development, acquisition of high efficiency fleet vehicles, renewable energy deployment installation of emerging micro-grid and energy storage infrastructure, protection of water supplies, and disaster planning and preparedness.

NACo is concerned about the fiscal impacts of climate change, as well as our responses to climate change, at all levels of government.

NACo supports federal policies and programs that provide assistance and mechanisms for willing counties along with local and state governments to partner with federal and international entities in order to benefit economically from the global transition to a lower carbon economy. Such policies and programs include those that assist willing counties in developing strategies to foster economic growth and competitiveness and identifying ways to leverage changing conditions and take advantage of new technologies and innovation.

While NACo presently opposes cap and trade or carbon tax, NACo supports ongoing analysis and evaluation of these and all other tools that seek to reduce greenhouse gas (GHG) emissions, including their local economic and fiscal impacts.

Likewise, NACo is concerned about EPA's efforts to further constrict the mining, transportation and burning of coal. EPA should undertake further consultation and research to fully understand the impacts of existing and pending rules, regulations and standards will have on local communities. This analysis should include the costs and benefits on electric utility operations, electricity availability and capacity, electric rates, the economic impacts to manufacturers, and the economic and health impacts to communities and consumers.

**K. Indoor Air Quality:** NACo supports legislation to increase federal indoor air quality funding for research and grants, and for technical assistance to county governments. Increased funding will be used to promote awareness of indoor air quality issues, testing, and mitigation of radon in homes to help reduce the concentration of indoor air pollution.

## **SOLID AND HAZARDOUS WASTE MANAGEMENT**

NACo recognizes that improper management of solid and hazardous waste is a national problem, which endangers public health by contributing to air, water, and land pollution. Local governments are integral to waste management, especially through establishing waste reduction and recycling programs.

NACo supports a national integrated waste management system incorporating the following elements:

- Waste Reduction;
- Recycling;
- Waste Recycling; and
- Waste Disposal.

NACo supports a waste management system that allows counties to select among a variety of options to protect the environment, cost-effectively meet local needs, and avoid undue financial hardship on counties. NACo supports favorable tax policies, including financing for solid waste management facilities.

**A. Waste Reduction and Product Stewardship:** NACo encourages federal, state, and local governments to support public education designed to promote participation in activities that reduce the volume and toxicity of municipal solid waste (MSW). NACo supports an Extended Producer

Responsibility Framework Approach, which creates effective producer-led reduction, reuse and recycling programs, to address a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

NACo encourages federal legislation in support of environmentally preferable purchasing that takes into consideration environmental impacts, cost effectiveness and flexibility and eliminates disincentive for reusable products by government.

NACo supports federal research and incentive programs for product stewardship efforts that will work with manufacturers and packagers of retail and wholesale goods to minimize or eliminate heavy metals or other toxic substances in household products and packaging and disposable or "throw-away" products.

- B. Recycling:** NACo supports federal legislation that encourages businesses to minimize or reuse packaging. NACo encourages federal, state, and local government support of voluntary programs that increase recycling of waste.

NACo also encourages federal, state, and local governments to create incentives for the development of strong, stable private markets for recyclable commodities. To support market development, specifications must be developed that favor purchasing products containing recycled materials. Any government requirements for recycling of specific products must include end market development of such products.

NACo supports maximizing the recycling and reuse of electronic waste – including computers, televisions, and other electronic devices – that has reached the end of its useful life through an internalized electronics industry financing mechanism that covers the cost of collection, transportation, and recycling, and does not rely on state and local government funding. This policy encompasses (but is not limited to) other waste materials, such as mercury-containing fluorescent lamps, paint recycling and reuse, and safe disposal of pharmaceuticals.

- C. Waste Recovery:** NACo recognizes that resource recovery/waste-to-energy facilities remove recyclable materials and substances potentially harmful to air quality from the waste stream. Therefore, NACo encourages federal financial and technical support of energy conservation efforts and county waste recovery programs, with incineration of waste being a domestic energy source and a form of recycling, including, but not limited to:

- Construction grants;
- Incentives for resource recovery projects;
- Restoring tax incentives for greater private sector participation in resource recovery projects and electricity generation facilities;
- Consistent permitting processes to avoid costly reconstruction or retrofitting of previously approved projects;
- Incentives for innovative uses of ash and other resource recovery by-products; and
- Utilizing environmental monitoring techniques relevant to resource recovery facilities.

NACo supports legislation that provides direct grants to local governments and tax incentives for the construction of methane-to-CNG production and fuel delivery systems, as well as conversion and production of CNG fleet vehicles.

- D. Waste Disposal:** NACo recognizes that landfilling is the predominant method for managing MSW even though costs have increased for transportation and substandard landfill sites have been closed under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D.

NACo supports federal legislation to protect the environment and our natural resources, particularly water supplies, that includes, but is not limited to:

- Uniform landfill standards that are performance-based, to the extent possible, and allow the establishment of regulatory programs by states to meet federal requirements;
- Federal technical assistance to states and counties for the safe closure of landfills; and
- Voluntary recovery of methane from landfills as an energy source.

NACo supports federal legislation or regulations for county solid waste arid landfills that allow for differential groundwater monitoring requirements. RCRA Subtitle D does not provide such discretion for states, even when conventional ground water monitoring methods at arid landfills are not effective and effective alternatives, such as monitoring of the vadose zone or low-cost moisture detection devices, are available.

- E. Interstate/International Issues for Solid Waste:** NACo urges the development of a national policy on interstate transportation of MSW by the federal government.

NACo supports local governments' legal authority to control the flow of MSW generated within their jurisdiction.

NACo supports federal legislation that recognizes the decision-making role and responsibilities of county and other local governments in land use and MSW disposal and empowers them to make decisions which will assure environmentally and fiscally sound, RCRA consistent, solid waste management practices. MSW management should be a primary responsibility of state, county and other local governments.

NACo urges Congress to support bi-national projects between private, state, federal, tribal, and public organizations, which develop and implement programs to educate, prevent and clean up illegal dumping along the U.S./Mexican border.

- F. Hazardous Waste Management:** NACo supports a national hazardous waste management program that includes, but is not limited to:

- Federal research, development and promotion of technologies and strategies, such as encouraging changes in manufacturing processes and products, neutralization, recovery, or destruction, to prevent pollution and reduce landfilling of hazardous waste; and
- Assistance regarding hazardous waste landfill regulations through:

- Federal financial and technical assistance to state and local governments to evaluate potential new sites for hazardous waste disposal facilities;
- Federal assurance that there is no degradation of the environment or danger to public health as a result of new hazardous waste disposal facilities. This can be accomplished by developing and implementing prompt and responsible emergency or long-term procedures in case of spills or leakage at the site or in transporting hazardous materials to and from the site;
- Requirement of permits, as if they were new facilities, for major expansion or additions beyond the previously permitted capacity or limitations for existing hazardous waste disposal facilities; and
- Federal financing through a tax on hazardous waste generators to establish and cover the costs of a continuing inspection process for hazardous waste disposal sites permitted under RCRA, which will assure owners and operators of hazardous waste facilities of the ability to obtain adequate insurance for emergency response and cover any liability.

**G. Transportation of Hazardous Materials:** NACo generally supports the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) which responded to public concern about state or local ordinances or regulations on transporting hazardous materials and requiring the use of Department of Transportation (DOT) standards when designating highway routes for such materials.

NACo strongly opposes any efforts to further expand the preemptive powers of the federal government in the area of hazardous materials transportation.

**H. Nuclear Waste Management:** NACo is concerned that the federal nuclear waste repository program through the Department of Energy (DOE) is seriously behind schedule. NACo supports federal legislation to assure DOE meets its statutory responsibilities regarding present and future stockpiles of nuclear wastes which pose a serious threat to the natural environment and to the public's health and welfare.

NACo supports construction of a suitable permanent nuclear waste repository and the use of an interim central storage facility until the permanent site is completed.

NACo supports federal development of a transportation system from nuclear power plants to the interim or permanent site that includes assessing community impacts, intensive consultation, participation, and control in siting and transportation decisions with affected states and local governments, and consulting with and providing appropriate benefits to counties directly affected by the interim or permanent nuclear waste facility.

NACo supports research and development of spent nuclear fuel storage technologies.

NACo supports DOE oversight, which includes participation by emergency management officials, of state and regional plans to assure seamless responses to accidental or intentional discharge of nuclear waste.

NACo supports federal funding to fully cover emergency management and public safety costs associated with the transport of nuclear waste, including, but not limited to training for emergency



personnel, technical assistance, equipment and communication needs, preparedness and response costs, and monitoring of radiation emissions along transportation routes.

NACo supports a funding mechanism that requires payments by ratepayers to the Nuclear Waste Fund, which will only be used for management of spent nuclear fuel.

NACo supports the community right-to-know emergency planning, federal funding of state and local emergency programs, technical assistance, and training programs to local governments, provisions of the Superfund Amendments Reauthorization Act (SARA) Title III.

- I. Disposal of Nerve Gas:** NACo supports regulation of the transportation and disposal of military nerve agents as a hazardous substance by the EPA.
- J. Superfund Sites:** NACo supports reauthorization of the Superfund program to continue identification, evaluation and control of existing hazardous waste disposal sites with the primary source of cleanup funds continuing to be the parties responsible for the disposal of toxic wastes.

NACo supports the Superfund provisions for retroactive strict, joint, and several liability designs that are used to finance most costs of cleaning up hazardous waste, and acknowledges that a partial elimination of retroactive liability for some Superfund sites may be a reasonable alternative to the current liability arrangement.

NACo supports increased federal funding of the Hazardous Substance Response Trust Fund (HSRTF) to assure adequate funding to clean up current and new sites added to the National Priority List (NPL), even if federal changes are made to the funding mechanism for Superfund.

NACo supports federal HSRTF funding to cover at least half the costs of long-term operation and maintenance at federal cleanup sites, including those owned and operated by local governments.

NACo supports routine use of the administrative settlement tools in Superfund by EPA.

NACo supports federal legislation that ensures counties will not assume full financial responsibility for cleanup costs or be held legally responsible for such cleanup by limiting local government liability and prohibiting private parties from bringing contribution actions against local governments for the generation, transportation, regulation, or disposal of MSW and providing expedited settlements for local governments involved in Superfund sites.

NACo supports strengthening the role of local and state governments in Superfund activities by:

- Granting greater decision-making responsibility to local and state governments, including options to fully assume responsibility for planning and implementing Superfund response actions and flexibility in financing or providing matching funds for cleanup efforts;
- Having Superfund regulations and guidance focusing more on the desired results of cleanup actions and less on the process for determining such results; and
- Assuring the EPA works in close cooperation with state and local governments to develop criteria or guidelines for the level of remediation sufficient to protect the environment and public health.

## **ENERGY**

**A. National Energy Policy:** NACo seeks a comprehensive and integrated approach to a national energy policy that:

- Balances increased domestic oil and gas production on public and privately-owned lands, including issuance of oil and gas drilling permits in a timely fashion;
- Provides states and counties, which support and encourage oil and gas production off their shores, with a share of revenues proportionate to the royalties generated;
- Accelerates development, research and incentives for alternative and renewable energy, clean energy, energy efficient programs, and clean coal technologies;
- Gives local governments a central role in formulating local environment, energy and land use policies;
- Supports environmental equity issues;
- Continues energy conservation programs that reduce consumption, encourage efficient energy use, and improve end use efficiencies;
- Preserves and protects ecologically unique areas;
- Provides a comprehensive approach to addressing the problems of communities affected by new energy resource facility development, and direct participation by local governments in all strategy development for mitigating any adverse consequences of a new energy resource facility;
- Provides federal funding through grants, payments, low-interest loans, and loan guarantees, to counties and other local governments to help fund the planning and development of public facilities, and services, required as the result of new or expanded energy resource and facility development;
- Ensures that the nation's electrical transmission grid system is secure from the types of threats which could cause catastrophic failure; and
- Provides funding for Native American energy resource development.

**B. Energy Research and Education:** NACo supports federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

**C. Energy Conservation:** NACo supports federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund all conservation and fuel assistance programs, such as: the State Energy Conservation Program; Energy Extension Service; Institutional Conservation Program; Weatherization Assistance Program; Low-Income Housing Energy Assistance Program; and the Energy STAR Program. NACo believes the federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

NACo believes the federal government should encourage local governments to develop partnerships with utilities and private industry to develop energy efficiency and conservation programs which will result in cost savings for local businesses and a stronger local economy.

NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY2010 and thereafter. Additionally, NACo supports including city populations in the overall county population numbers and urges the DOE to allow all “eligible” counties in all states to apply for the direct formula funding.

NACo supports funding for Property Assessed Clean Energy (PACE) programs and supports their treatment by federal regulators as a traditional tax assessment program with priority lien status.

**D. Nuclear Energy:** NACo supports nuclear power as a component of a comprehensive energy program. NACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

**E. Renewable/Alternative Energy:** NACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.

NACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost-effective, and further public and private partnerships.

NACo supports federal legislation and policies that enables funding mechanisms, including grant programs, for Community Renewable Energy Projects.

NACo supports expanding the definition of governmental purpose in the Internal Revenue Code (IRC) to include energy efficiency, renewable energy improvements, and water conservation and efficiency projects.

NACo supports legislation that encourages research and development of energy storage technology.

**F. Energy Program Evaluation:** NACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.

**G. Alternative Fuel Vehicles:** NACo supports a national policy promoting lower pollution vehicles, such as Alternative Fuel Vehicles (AFVs), Hybrids and High Efficiency Vehicles (HEVs), and Advanced Technology Vehicles.

NACo supports a national strategy, including tax incentives, rebates, and promotions, to increase the purchase of lower pollution vehicles by private businesses and all levels of government. However,

federal policy must be established to ensure the availability of a refueling infrastructure and of competitively priced, reliable alternative fuel and alternative fuel vehicles, and should consider its impact on gas tax revenues and the highway trust fund before requiring conversion of motor vehicle fleets.

NACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

NACo supports the DOE's efforts to decrease reliance on oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and rural areas of the country.

NACo supports increased fuel economy standards for trucks and cars to reduce fuel costs and air pollution.

**H. Electric Utility Restructuring:** NACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

- The federal government should work in partnership with state and local governments if it plans to restructure the nation's electric industry;
- Whether or not restructuring is pursued, the foremost consideration is to develop and enforce a common goal and supporting policies that maintain and improve the system, including upgrading and replacing aging and outdated infrastructure with particular attention to our older communities and regions, incorporating newest technologies and anticipating technological improvements, and ensuring reliability and affordability of service with particular attention to resilience in the face of natural and other hazards.
- Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues;
- Any restructuring must acknowledge and not abridge the existing power and authority of counties to operate county utilities or the ability of counties to form such utilities in the future, providing the utilities do not result in a cost-shifting to other counties;
- Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers;
- Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a just and reasonable manner as determined by state law;
- Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority;
- Counties should retain full authority over its own rights-of-way and recovery costs for their use;
- Customers should be allowed to choose their own electric power supplier as determined by state legislation, not federal law, and be given a written disclosure prior to selecting a provider on the overall cost of service;
- Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges; and
- DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

**I. Pipeline Safety:** NACo supports efforts to strengthen federal pipeline safety legislation and regulations which are necessary to improve the safety of natural gas and hazardous liquid pipeline operation, maintenance, and public reporting, including:

- Federal certification of operator training and qualification;
- Flexibility for state and local governments to impose stringent requirements for installation of effective leak and defect detection, and increased inspections for pipeline corrosion and defects as pipelines continue to age;
- Expanded public awareness and notification programs by pipeline operators and federal regulators to help prevent third-party damage;
- Required disclosure to state and local governments of all inspection results and corrective measures for pipelines in their jurisdictions;
- Enhanced federal funding for grants to state and local pipeline safety authorities, for funds to federal pipeline regulatory agencies, and for pipeline safety research and development; and
- Achievement of these and other improvements should acknowledge the vital role that state and local governments have in protecting the public and environment from preventable pipeline accidents.

**J. Underground Storage Tanks:** NACo supports full funding for the leaking underground storage tank (LUST) program, which should only be used for its intended purpose of remediating and preventing further contamination caused from underground storage tanks (UST).

**K. Regulating Natural Gas Drilling:** NACo calls upon Bureau of Land Management (BLM), other Federal Land managers and impacted states to encourage the use of state of the art technology for natural gas development as proper practices can lessen the surface impacts of roads, pads and pipelines. NACo encourages land managers to routinely monitor these drilling areas to ensure compliance with existing regulations and assist in determining the impacts to air, water, public health and wildlife.

## **LAND USE**

NACo recognizes that comprehensive land use planning and growth management are central to our social and economic stability. How we use our land directly affects our ability to accommodate development, protect valuable natural resources, minimize pollution, preserve the cultural and historical character of our community, conserve energy, provide community facilities and services, and maintain a high quality of life for current and future residents.

Sustainable development principles should include providing protection for the integrity and health of our natural resources, enhancements for economic vitality of a region, environmental protection for counties to protect open space, farmland, national landscapes, watersheds, and critical environmental areas, and social equity for all. These principles assume that the benefits derived from smart growth are available to all of its citizens. Counties must retain the authority to plan and manage growth with federal and state laws being respectful of local initiatives, and provide a variety of transportation choices that link transportation decision-making to sustainable land use planning to increase safety, reduce traffic congestion, and improve air quality.

**A. Intergovernmental Roles and Relationships:** NACo urges federal, state and local coordination through the comprehensive planning process. Because land use control should take place at the local level, federal and state objectives should reflect the needs and conditions of local governments.

NACo supports federal and state land use planning and management actions being consistent with local land use policies. Activities involving federal agencies under the National Environmental Policy Act (NEPA) should not exclude local governments on interdisciplinary teams because of the provisions of the Federal Advisory Committee Act (FACA).

NACo encourages federal and state governments to allow local government authority for impact fees to help fund infrastructure costs for new development.

- B. Federal Planning and Funding:** NACo calls for significant federal funding for research and demonstration projects to encourage local governments to develop fiscally sensible, efficient land use planning and infrastructure design practices that will produce better physical activity and health outcomes. Federal grant programs earmarked for the development of community facilities, environmental protection programs, and transportation, should set aside a percentage of grant funds for local planning. Planning funds should supplement the basic grant and be utilized to maximize effectiveness and minimize undesirable impacts.

NACo supports federal policies, legislation, and funding that makes accurate land parcel data available to all levels of government.

NACo urges Congress to support the Digital Coast Initiative through the National Oceanic and Atmospheric Administration (NOAA), consistent with NACo's support for other similar type federal initiatives that use data and technological tools to improve local land use decisions.

- C. Resource Conservation:** NACo supports the option by local government to implement Historical Building tax credits and conservation easement programs for historical preservation or to foster economic development, providing it is approved through local land use plans.

NACo supports all levels of government developing techniques to reduce water and air pollution, generation of solid waste, inefficient and non-sustainable consumption of natural resources, promotion of historic and cultural resource preservation, energy resource conservation, full utilization of human resources, and sustainable uses of natural resources and space.

NACo supports continuation of the enhanced federal tax deduction for donations of conservation and trail easements to facilitate their use by counties, special districts and other units of local government as a land planning, conservation, and management tool.

- D. Redevelopment of Abandoned Industrial Areas (“Brownfields”):** NACo encourages the federal support for economic revitalization and environmental restoration programs in coordination with local governments.

NACo supports redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable. NACo also supports federal funding for environmental cleanup of these areas. Clean-up standards should be based on the level and type of contamination, and the intended reuse purpose.

NACo believes there is an appropriate and increasing role for county public health departments in brownfields clean-up. Federal funding for providing these services should increase as duties expand.

**E. Federal Installations, Military Testing and Training Ranges:**

- NACo urges federal recognition that funding to cleanup former and existing federal military and other federal complexes is a federal responsibility. To protect human health and the environment, NACo believes the federal government should:
  - Approve full federal funding for environmental cleanup activities at existing and former military, nuclear weapons, and other federal complexes;
  - Make a commitment to complete environmental cleanup at its facilities within a reasonable and justifiable timeframe;
  - Strive to not only comply with environmental laws, but also be a leader in the field of environmental cleanup to address public health concerns, ecological restoration, and waste management; and
  - Consult with local governments regarding transportation and timing of cleanup materials.
- NACo supports continued funding and commitment for Department of Defense's (DOD) Readiness and Environmental Protection Initiative (REPI). The REPI program enables DOD to enter into cost-sharing partnerships, authorized by Congress, with private conservation groups, local and state governments to protect military test and training capabilities and conserve land. These partnerships acquire easements or other interests in land from willing sellers to preserve compatible land uses and sustain wildlife habitat near installations and ranges where the military operates, tests, and trains.

**F. Siting Issues (Eminent Domain):** NACo supports federal efforts to ensure that counties are empowered and included in the decision-making process when siting of infrastructure, including, but not limited to, power grids, pipelines, or energy-related corridors, and facilities, such as liquefied natural gas terminals and refineries, are being considered.

NACo recognizes that land use controls, including the siting of facilities that may have an adverse effect on environmental quality, are traditionally a state and local prerogative.

NACo supports strengthening the role of counties in the process and opposes any federal effort to preempt state and local land use authorities.

**G. Environmental Equity:** NACo supports federal funding of research to scientifically evaluate cumulative environmental and health risks to all people, regardless of race or economic status, who live close to facilities that emit pollutants, and providing the results to local elected officials.

NACo urges federal and state financial assistance to local governments to implement and enforce environmental laws in a non-discriminatory manner to protect all citizens from environmental harm.

**H. Parks and Recreation:** NACo believes the federal government has a role in the financing of local parks and recreation programs, and an obligation to acquire, develop, and maintain national parks and similar facilities of historic value.

NACo supports full funding for the U.S. Forest Service's Urban and Community Forestry program (U&CF), at a level that will help counties become more sustainable and viable, as counties can aid in meeting the challenge of increased leisure time by providing well-planned parks, open space, quality recreational opportunities, and public education about the use of these facilities.

NACo supports continued funding of the Land and Water Conservation Fund (LWCF), with funding priority given to those areas in greatest need of open space protection. NACo supports establishing and funding of federal initiatives and programs to assist counties with preserving open space and farmlands, as deemed appropriate by the county.

NACo supports annual allocation of adequate "stateside" funding in the federal LWCF to provide matching grants to counties, special park, forest preserve and conservation districts, and other local governments for purchase of park lands and other open space, and development of trails and other outdoor recreation amenities.

NACo supports federal programs that make surplus federal real and personal property available at no or reduced costs to local governments for parks and recreational purposes.

NACo opposes legislation to limit the ability of counties to utilize reasonable user fees, as long as they do not deny persons with modest incomes access, to help defray some of the operational and maintenance costs for public parks and recreation programs.

NACo encourages the creation of partnerships between the public and private sectors, such as the "adopt-a-park" program, to supplement government's ability to develop and deliver recreational services and facilities.

- I. Noise Pollution:** NACo believes counties should have authority over noise regulations in their communities. However, when federal jurisdiction supersedes local authority, there should be a fair, just, and meaningful appeals process.

NACo supports continued federal noise emission standards, periodic review of the standards for trucks, buses, and motorcycles, and reserving the authority of state and local governments to develop and enforce stricter standards.

NACo supports federal funding and support for public/private noise-related research and development.

NACo is opposed to shifting the burden from noise caused by federal facilities and federal actions to counties without adequate financial and technical resources.

NACo supports continued federal noise emission standards, periodic review of the standards for trucks, buses, and motorcycles, and reserving the authority of state and local governments to develop and enforce stricter standards.



NACo supports federal funding and support for public/private noise-related research and development.

NACo is opposed to shifting the burden from noise caused by federal facilities and federal actions to counties without adequate financial and technical resources.

## **ENVIRONMENT, ENERGY AND LAND USE RESOLUTIONS**

### **Resolution on the Impact of Per-and Polyfluoroalkyl Substances (PFAS) on Human Health and the Environment**

**Issue:** Addressing the potential human health and environmental threat caused by per-and polyfluoroalkyl substances (PFAS).

**Adopted Policy:** The National Association of Counties (NACo) supports efforts by the U.S. Environmental Protection Agency (EPA) and other federal agencies to study health and environmental impacts of PFAS compounds. Additionally, as the administration moves toward potential regulatory action, NACo urges the administration to work closely with state and local governments throughout the rule-making process.

**Adopted | July 15, 2020**

### **Resolution on Compensatory Mitigation In-Lieu Fee Programs**

**Issue:** Ensuring that mitigation programs occur in the watershed or region where the impact occurred.

**Adopted Policy:** The National Association of Counties (NACo) supports and urges the U.S. Army Corps of Engineers, in consultation with local officials, to give preference and to use in-lieu fees for compensatory mitigation in the local watershed where the fee was collected for the mitigation project.

**Adopted | July 15, 2020**

### **Resolution Urging Congress to Provide Funding for Local Efforts to Address Coastal Water Level Changes**

**Issue:** Addressing the threat posed by rising sea levels to the built environments of coastal communities across the country.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide appropriate financial assistance and support to local governments for coastal water level changes and increased storm surge related initiatives and projects that aim to develop adaptive solutions to these potentially devastating events.

**Adopted | July 15, 2020**

### **Resolution in Support of Affordable Beach Renourishment Projects**

**Issue:** Allowing local governments to purchase sand from countries outside of the U.S. to replenish shorelines due to beach erosion.

**Adopted Policy:** The National Association of Counties (NACo) supports enabling the Secretary of the U.S. Army Corps of Engineers to allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources for the purpose of beach renourishment.

**Adopted | July 15, 2020**

**Resolution on EPA's Imposition of Numeric Water Quality-Based Effluent Limitations on County Governments**

**Issue:** The U.S. Environmental Protection Agency (EPA) is imposing watershed-wide water quality standards on all localities within the Chesapeake Bay watershed, which will have implications on other counties across the nation when such standards are imposed in other watersheds.

**Adopted Policy:** The National Association of Counties (NACo) opposes EPA's imposition of localized numeric water quality-based effluent limitations or area pollution targets. NACo opposes any provisions of any watershed-wide strategy that penalizes county governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to achieve water quality objectives.

**Adopted | July 15, 2020**

**Resolution Urging the Federal Government to Invest in Transboundary Water and Sewage Infrastructure Along United States/International Borders**

**Issue:** Sufficient to construct water and sewage infrastructure improvements along U.S./international borders.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to authorize and appropriate funding for projects identified by the U.S. Environmental Protection Agency (EPA), and other appropriate federal agencies, that would address transboundary sewage or contaminated water flows that occur along United States/international borders.

**Adopted | July 15, 2020**

**Resolution to Revise the Process to Assess Benefits of Federally Funded Water Infrastructure Projects**

**Issue:** The process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers (Army Corps) and the White House Office of Management and Budget (OMB) to add a quantitative indexed value to life-safety, agricultural land value and the impacts of crop flooding, protection of low-income communities and environmental benefits to determine the benefit of federal investments in flood control projects.

Additionally, NACo urges Congress to authorize the Army Corps to implement the 2013 Principles, Requirements and Guidelines to allow rural communities to fairly compete for federal funding by considering non-population-based criteria for water projects.

**Adopted | July 15, 2020**

### **Resolution on Federal Government Related Water Control Infrastructure Drawdowns Before Flooding Events**

**Issue:** A resolution urging federal agencies to enact operating procedures consistent with its mission and design to reduce downstream flooding from imminent stormwater events.

**Adopted Policy:** The National Association of Counties (NACo) urges the Federal Energy Regulatory Commission (FERC) and the U.S. Army Corps of Engineers to revise federal guidelines in coordination with local governing authorities that operate water control projects to reduce downstream stormwater events.

**Adopted | July 15, 2020**

### **Resolution in Support of Research into Harmful Algal Bloom Prevention and Mitigation**

**Issue:** Harmful algal blooms (HABs) and hypoxic events (severe oxygen depletion) are some of the most scientifically complex and economically damaging issues challenging our ability to safeguard the health of our nation's aquatic ecosystems. Almost every state in the U.S. now experiences some kind of HAB event and the number of hypoxic water bodies in the U.S. has increased 30-fold since the 1960s with over 300 aquatic life systems now impacted.

**Adopted Policy:** The National Association of Counties (NACo) supports the renewal of the Harmful Algal Bloom and Hypoxia Research and Control Act and encourages the U.S. Environmental Protection Agency (EPA) to collaborate with other federal agencies to identify nutrient reduction strategies and scalable Harmful Algal Bloom mitigation processes.

**Adopted | July 15, 2020**

### **Resolution Supporting the Reauthorization of the Coral Reef Conservation Act**

**Issue:** Coral reefs in Florida and throughout the United States and its territories are critically threatened due to increasing global and local stressors. In particular, the Florida Reef Tract, North America's only coral barrier reef, is currently facing an unprecedented coral disease outbreak.

**Adopted Policy:** NACo supports reauthorization of the Coral Reef Conservation Reauthorization Act of 2000. Additionally, NACo urges Congress to authorize and appropriate additional annual funding dedicated to improving the health of the nation's coral reefs.

**Adopted | July 15, 2020**

## **Resolution Requesting the U.S. Department of Energy Rescind or Revise Order 140.1 to Remove Restrictions on the Department of Energy's Defense Nuclear Facilities Safety Board**

**Issue:** Rule change at the U.S. Department of Energy (DOE) impacts Defense Nuclear Facilities Safety Board's (DNFSB) ability to protect workers and public health and safety.

**Adopted Policy:** The National Association of Counties (NACo) supports regulatory and/or legislative efforts to rescind or substantially revise the U.S. Department of Energy's (DOE) Order 140.1 to clarify the Defense Nuclear Facilities Safety Board's (DNSFB) full authority to protect health and safety of the public and workers with full access to DOE facilities and information, as directed by law and statute.

**Adopted | July 15, 2020**

## **Resolution on any Administration Budget Request to Eliminate Gulf of Mexico Energy Security Act (GOMESA) Revenue Sharing Funds**

**Issue:** Amending or modifying the Gulf of Mexico Energy Security Act of 2006 (GOMESA) to redirect Outer Continental Shelf (OCS) oil and gas leasing activities and revenue sharing to the U.S. Treasury and away from eligible coastal states and their counties, and parishes.

**Adopted Policy:** The National Association of Counties (NACo) urges that Congress oppose any future administration budget request to eliminate Gulf of Mexico Energy Security Act of 2006 (GOMESA) revenue sharing with eligible states, counties, and parishes in order to redirect the funds to the U.S. Treasury.

**Adopted | July 15, 2020**

## **Resolution in Support of Liquid Natural Gas Export Facilities Nationally**

**Issue:** Increasing liquid natural gas (LNG) infrastructure nationally will help stabilize the economic impacts in communities of impact; greater utilization of LNG as a source of domestic and international energy has the potential to reduce the carbon footprint and decrease air quality impacts; and exporting LNG to countries politically aligned with the United States increases global security.

**Adopted Policy:** The National Association of Counties (NACo) supports the further development of liquid natural gas export facilities nationally.

**Adopted | July 15, 2020**

## **Resolution on Implementation of U.S. Environmental Protection Agency Refrigerant Management Rules**

**Issue:** New federal regulations require strict air conditioning (AC) system inspections, maintenance and record keeping, include heavy fines and apply to all AC system owners. Most county governments are subject to these rules and many are not aware of their liability.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to provide resources to assist with the implementation of Section 608 of the Clean Air Act, including additional funding for training and assistance with tracking and documentation, maintenance, disposal and reporting requirements.

**Adopted | July 15, 2020**

### **Resolution on National Estuary Program Designation**

**Issue:** Designating the Pensacola Bay System and Perdido Bay System as estuaries of national significance and the Pensacola and Perdido Bays Estuary Program as a National Estuary Program.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Environmental Protection Agency (EPA) to designate the Pensacola Bay System and Perdido Bay System as estuaries of national significance, and by extension recognize the Pensacola and Perdido Bays Estuary Program as a National Estuary Program (NEP), per Section 320 of the Clean Water Act. Furthermore, NACo urges the federal government to achieve a funding level to continue the NEP to all counties that meet a locally-significant start up program.

**Adopted | July 15, 2020**

### **Resolution on Partnerships for Clean Energy and Rural Development**

**Issue:** 201 counties in the United States, with a population of nearly 125 million people, do not attain the U.S. Environmental Protection Agency (EPA) air quality standards. This can have a profound effect on the economies of these areas, yet county officials often have little control over the sources of air pollution because they originate in other political jurisdictions or are regulated by other entities.

**Adopted Policy:** The National Association of Counties (NACo) supports federal financial assistance to counties to implement innovative regional approaches for reducing air pollution, including locally driven actions that include energy efficiency, renewable energy projects and cross jurisdictional legislative actions. NACo urges the U.S. House and Senate Committees on Appropriations to include a specific line item for new direct non-competitive grants in the funding for U.S. Department of Agriculture Rural Development.

**Adopted | July 15, 2020**

### **Resolution in Support of Increased Allocations of GOMESA Revenues to Gulf Producing States**

**Issue:** Legislation is currently being considered through the Great American Outdoors Act (S.3422) to divert a greater share of Outer Continental Shelf (OCS) revenues to support national park improvements and maintenance and fully funding the Land and Water Conservation Fund, while providing no increase in GOMESA funds to the Gulf producing states that are essential in producing these revenues.

**Adopted Policy:** The National Association of Counties (NACo) objects strenuously to the allocation of federal mineral revenue to federal programs unless the allocation also increases the GOMESA revenue that

is shared with four Gulf Coast states (Texas, Louisiana, Mississippi, and Alabama), which is a critical recurring source of revenue to address critical coastal protection and restoration needs.

**Adopted | July 15, 2020**

### **Resolution in Opposition of Material Preference Legislation**

**Issue:** There is a national effort to eliminate local control of water, wastewater and stormwater (water) infrastructure systems, and it would deny engineers, utilities, local governments and public entities the ability to design water systems in the manner that best serves the needs of their community.

**Adopted Policy:** The National Association of Counties (NACo) supports local control of decisions related to water infrastructure and thus opposes Material Preference Legislation, or so-called “open competition” or “innovative materials” legislation. Local communities are in the best position to determine the type of water infrastructure investments that are best for their community. State and federal governments should not pass laws or regulations that restrict or limit local governments’ ability to invest in the types of water infrastructure that best suit their needs. NACo is neutral as to which materials communities select for water infrastructure projects, but NACo recognizes that communities have unique needs regarding water infrastructure and their autonomy to address those needs should not be restricted or limited in this manner.

**Adopted | July 15, 2020**

### **Interim Resolution Encouraging Congress to Enact the National Heritage Area Act to Establish Uniform Criteria, Oversight, Accountability and Funding Stability for Congressionally-designated National Heritage Areas (NHA)**

**Issue:** Currently, 591 counties across the country are home to 55 National Heritage Areas (NHAs) authorized by Congress. The NHA request begins at the local level and is presented by a member of the State’s Congressional delegation for authorization by Congress. The authorization assists counties and provides funding stability to improve the local economy, quality of life, and tax base through locally-controlled public-private partnerships which foster investment in historic preservation and natural resource conservation.

Thirty of these NHAs need reauthorization in 2021, with most others facing the same prospect in the next few years. The National Heritage Area Act will replace this haphazard system of individual reauthorizations with a standardized, nationwide program. In December 2020, similar legislation was approved by the U.S. House on a bi-partisan voice vote but was not acted on by the Senate.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to pass the National Heritage Area Act of 2021, as it will assist counties to enhance their historic, cultural and natural resources.

**Adopted | March 19, 2021**

## **Interim Resolution to Protect and Enhance Pollinator Species and their Habitat throughout our Nation's Counties**

**Issue:** Farmers depend on pollinator species such as bees, butterflies, moths, hoverflies, flower beetles, pollen wasps, some birds, and some bats to successfully produce approximately one-third of all United States agricultural output. Pollinators play a crucial role in the production of fibers, edible oils, medicines, and other products. Given the breadth, severity, and persistence of alarming pollinator losses, it is critical that the federal government work collaboratively with state and local officials to expand efforts to reverse pollinator losses and help restore populations to healthy levels.

**Adopted Policy:** The National Association of Counties (NACo) supports federal efforts to protect pollinators by working collaboratively with state and local officials on best management practices to enhance pollinator-friendly habitat and encourages our federal partners to provide education, technical assistance, conservation efforts and incentives to conserve pollinators' health.

**Adopted | March 19, 2021**

## **Interim Resolution Supporting the Inclusion of Local Government Entities within CWA Section 404 Permitting Exclusions**

**Issue:** The Clean Water Act (CWA) provides an exemption from permitting under Section 404 for normal ongoing silvicultural activities and operations, provided that they follow the recommendations provided by the respective State Department of Environmental Quality.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Army Corps) to include local government public works general maintenance and repair projects in Clean Water Act Section 404 permitting exclusions.

**Adopted | March 19, 2021**

## **Interim Resolution Supporting the Development of a National Equity Map**

**Issue:** Access to geographic data at a scale and resolution is the framework for policy decisions. It is critical that accurate data is available to develop policies on current county issues, such as social inequity accentuated by civil unrest, the COVID-19 pandemic, and climate change. Scientific data has highlighted the extent of social stratification by race and class, leading to social and environmental injustice disproportionately impacting people of color, indigenous people, and those living in poverty. Understanding the distribution and nuances underpinning these inequities is vital to addressing them. A National Equity Map would enable Counties to assess whether and to what extent underserved communities face systemic barriers in accessing benefits and opportunities from County policies and programs.

**Adopted Policy:** The National Association of Counties (NACo) supports the following federal efforts to develop a national equity map to provide accurate data and geographic information at a scale and



resolution that helps ensure evidence-based policy decisions on social and environmental equity at a local level:

- 1) Executive Order 14008, Section 222(a), which requires the Chair of the Council on Environmental Quality, within 6 months of the date of this order, to create a geospatial Climate and Economic Justice Screening Tool and annually publish interactive maps highlighting disadvantaged communities. And
- 2) S. 101- 117<sup>th</sup> Congress (2021-2022): A bill to establish the Environmental Justice Mapping Committee and for other purposes.

**Adopted | March 19, 2021**