ENVIRONMENT, ENERGY, AND LAND USE

RESOLUTION ON FEDERAL ASSISTANCE RELATED TO CLIMATE CHANGE

Issue: Support federal funding and technical assistance for adaption and mitigation programs at the local government level.

Adopted policy: 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 smart growth initiatives, mass transit development, renewable energy deployment, acquisition of high efficiency fleet vehicles and protection of water supplies.

Background: Recent computer models have calculated that global surface temperatures could increase between one and six degrees Fahrenheit by 2100. Current scientific consensus is that we should expect a change of about three degrees Fahrenheit. This change may not seem like much of a change over 100 years, but temperatures were only nine degrees cooler during the last ice age 10,000 years ago.

Climate change is the expected outcome of this worldwide temperature shift that scientists believe will result in greater and less predictable variability in regional and local climate. Climate change also could result in significant shifts in rainfall patterns, resulting in more severe droughts and more intense flooding.

Climate change is also expected to result in rising sea levels. The oceans are expected to swell as the world becomes warmer. Ice melting from the poles will add to the oceans' volume and the warmer oceans resulting from a warmer atmosphere will cause the oceans to grow in volume as warmer water expands. The EPA predicts that Florida, for example, will see a rise in sea level of about 18-20 inches by the next century, making coastal areas more vulnerable to storm damage. A number of local governments in Florida are starting to plan for the impacts anticipated from a rising sea, but have few resources available to plan for and adapt to these expected changes, which could stress water supplies, increase vulnerability to hurricanes, damage wetlands and commercial fisheries .

Congress should provide financial and technical assistance to local governments to help prepare for climate change, including smart growth initiatives, mass transit development and environmental land acquisition.

Fiscal/Urban/Rural Impact: NA

Adopted July 28, 2009

RESOLUTION ON BI-NATIONAL POLLUTANTS

Issue: Encouraging international cooperation/ coordination when addressing bi-national pollution problems.

Adopted policy: The National Association of Counties (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.

Background: Several border communities across the southwestern United States are experiencing signs of environmental degradation due to cross border movement of environmental pollutants from Mexico.

The United States-Mexico border region is defined as extending approximately 2000 miles from the Gulf of Mexico to the Pacific Ocean, and approximately 60 miles on either side of the inland border.

While Mexico's Waste Law, which went into effect on January 6, 2004, regulates the generation, characterization, and comprehensive management of hazardous waste, municipal solid waste, and special management waste, the follow-up infrastructure for this program has been very slow to develop. For example, while the standards associated with hydrocarbon remediation in soils has been effective, other remediation standards for other environmental pollutants are handled on a case-by-case basis, leaving some sites that are potentially harmful to the environment or public health. The rapid population growth that spans two countries, several states, local governmental municipalities, and tribes will undoubtedly cause a significant strain on future and existing infrastructures and will make it difficult for these communities to manage their current environmental problems.

While the La Paz Agreement and the Border 2012 Program have provided mechanisms in establishing goals for improving the environment and public health, still more can be done to strengthen U.S.-Mexico environmental relationships in key areas such as capacity building, recycling, and environmental education. The National Association of Counties can assist in fostering and building relationships with border communities in the U.S. and Mexico that are potentially affected by environmental degradation and lend their voice, and support, on a national level to gain political support and funding for improving natural environmental resources and public health.

Fiscal/Urban/Rural Impact: If more proactive measures are not taken to reduce the level of environmental pollutants along the U.S.-Mexican border areas, significant deterioration of the natural environment will occur, threatening the safety, health and welfare of a great number of citizens. There is also the potential to expend multi-

millions of dollars of funding in order to ensure that agriculture, community infrastructure, the environment, and public health are protected.

Adopted July 28, 2009

RESOLUTION ON AIR QUALITY- OCEAN-GOING MARINE VESSEL EMISSIONS

Issue: Emission concerns from ocean-going marine vessels.

Adopted policy: NACo urges Congress to support:

- Legislation to reduce emissions from ocean-going marine vessels through regulatory and/or economic incentives;
- The federal government's joint proposal with Canada to the International Maritime Organization (IMO) on March 27, 2009, to designate specific areas of our coastal waters as an "Emission Control Area;"
- EPA's adoption and enforcement of fair but tough standards (Tier 2 and Tier 3) under Section 213 of the Clean Air Act; and,
- The efforts to develop policies and funding to implement "shoreside power" to facilitate reduction of idling related emissions from ships while in ports.

Background: Ocean-going marine vessels represent a major source of uncontrolled air pollution that contribute to both local and worldwide emissions of nitrogen oxides, particulate matter, sulfur, air toxics, and greenhouse gases. These emissions represent a serious threat to air quality and public health. High levels of fine particles can cause a higher incidence of heart attacks and lung cancer. More than 70 percent of the cancer risk from air toxins is caused by diesel exhaust particulates, considered the number one airborne carcinogen in California. The California Air Resources Board has determined that in 2005 as many as 1100 premature deaths resulted in California from ocean-going vessel emissions. The United States Environmental Protection Agency (EPA) estimates that the imposition of stricter ocean-going vessel standards would save up to 8,300 American and Canadian lives every year by 2020.

As a local example, in 2005, ocean-going marine vessels made 7,086 transits along the 130 miles coastline of Santa Barbara County producing 14,918 tons of nitrogen oxide (NOx), or 45 percent of the total NOx emissions that year. Analysis of this activity reveals that ten percent of the vessels produced 50 percent of the emissions, and 92 percent of the emissions came from foreign flagged ships**.** The Santa Barbara County Air Pollution Control District has estimated that by 2020, ocean-going marine vessel traffic in the Santa Barbara Channel will produce nearly 75 percent of the NOx emissions that impact the County. The increase in vessels transiting the Southern California coast is a result of the State's role as a major point of entry and departure for trade between the United States and Asia.

Congress adopted Section 213 as part of the 1990 amendments to the Clean Air Act, thereby creating a mandatory duty for the EPA to regulate large ocean going marine vessels, also known as "Category 3" vessels. EPA has adopted Tier 1 standards for Category 3 vessels, but has not proposed any technology forcing regulations to reach Tier 2 or Tier 3 standards consistent with the IMO platform.

Fiscal/Urban/Rural/Impact: There may be indirect costs to local governments that are required to attain and maintain federal and state standards for air quality and greenhouse gas reductions, despite having no local control over ocean-going marine vessel emissions.

Adopted July 28, 2009

RESOLUTION SUPPORTING FULL DIESEL EMISSIONS REDUCTION ACT (DERA) FUNDING

Issue: Reduce pollution and create jobs by fully funding DERA and reauthorizing the program after it expires in 2011.

Adopted policy: The National Association of Counties (NACo) is firmly committed to energy policy that helps reduce pollutants related to asthma, heart attacks and other health threats. NACo calls on Congress and the President to fully fund and reauthorize the Diesel Emissions Reduction Act to help counties reduce particulate matter pollution that is a factor on nonattainment. We also urge states to create matching programs.

Background: Exhaust from diesel vehicles contains a variety of pollutants, such as Particulate Matter (PM), Nitrogen Oxides, Carbon Monoxide, Carbon Dioxide, and other chemicals that form ground-level ozone (smog), create toxic pollution, and may contribute to global warming. These pollutants may aggravate respiratory ailments, like asthma and heart attacks, strokes, cause lung damage, and may lead to cancer.

The Diesel Emissions Reduction Act (DERA) was created as part of the Energy Policy Act of 2005 and authorized $1 billion for funding diesel retrofit projects between fiscal years 2007-2011. To date, only $424.2 million has been appropriated for the program $300 million of which was included in the American Reinvestment and Recovery Act, drawing over 650 applications for a total request of $1.7 billion with $2 billion in matching funds.

The Clean Diesel Coalition of industry, government agencies, health, and non-profits are jointly requesting the fully authorized $200 million for the DERA program in FY2010.

Key reasons to support the DERA full authorization and reauthorization are:

- Diesel retrofits are one of the most-cost effective means of reducing PM and NOx emissions.
- Doing so could save 4,000 lives by 2030 according to one study.
- Funding DERA will help counties achieve PM attainment as the EPA has listed more than 200 counties out of attainment for PM.
- Annual EPA appropriations for the DERA program has never exceeded $75 million despite the authorization for up to $200 million.
- The program also enjoys strong bipartisan support – originally passing the Senate by a vote of 92 to 1.
- Funding DERA creates jobs as well as environmental benefits. DERA generates approximately $6 of increased economic output for every $1 of federal expenditures.

Fiscal/Urban/Rural Impact: Full DERA funding could help counties save billions in health costs and other measures to reduce air pollution.

Adopted July 28, 2009

Resolution ON REVENUE SHARING FOR OFF-SHORE DRILLING

Issue: Revenue sharing from off-shore drilling for states and counties.

Adopted policy: NACo urges Congress and the Administration to enact legislation to provide states and counties of those states which support and encourage oil and gas production off their shores with a share of revenues proportionate to the royalties generated.

Background: Currently inland states receive a 50 percent share of oil and gas revenues from drilling on federal lands within the state's boundaries to pay for infrastructure costs. However, offshore drilling has taken place in federal waters outside of the state boundaries where the states receive little to nothing. The money is needed to support oil and gas infrastructure and wetland protection for the states which assume the burden. Offshore production accounts for a significant amount of U.S. oil production, resulting in over $8 billion of oil and gas revenue in 2008. Present sharing of revenue is non-uniform in state and federal waters.

Oil and gas activities have taken a huge toll on barrier islands and coastal zones, lowering coastal states' protection from storms, as evidenced by Hurricanes Katrina, Gustav and Ike. Additional revenues are needed to mitigate impacts to coastal communities from oil and gas development, especially the restoration of coastal wetlands which bear the brunt of said impacts and leave coastal communities more vulnerable to impacts from storms. A fair share of the oil and gas revenue is the most sensible way to pay for these efforts on a continuing basis. It is a necessary investment in the future of our nation's economy and energy security by reinvesting in one of our country's most significant assets, its coastal area.

NACo supports environmentally responsible domestic oil production.

Fiscal/Urban/Rural Impact: Provides funding for coastal protection and restoration efforts in states and counties impacted by oil and gas exploration and production activities.

Adopted July 28, 2009

RESOLUTION ON THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

Issue: Energy and conservation grants for local governments.

Adopted policy: NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY 2010 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.

Background: On December 19, 2007, President Bush signed into law the Energy Independence and Security Act P.L. 110-140 which included a new grant program for state and local governments called the Energy Efficiency and Conservation Block Grant (EECBG) Program. The EECBG program is administered through the Department of Energy (DOE).

This program authorizes $2 billion annually over five years to primarily help larger populated cities and counties address energy efficiency and emissions concerns based on allocation levels. The EECBG program was first funded in the American Recovery and Reinvestment Act (ARRA) at $3.2 billion. This program is a vitally needed first step to help local governments reduce greenhouse gases and energy consumption. While the program has been funded in ARRA, it has yet to be funded through the annual appropriations process.

The EECBG program allotment is as follows: 68 percent of the total appropriated funds will be given as grants to "eligible" units of local government; 28 percent will be allotted to the states; two percent to Indian tribes; and two percent for competitive grants to non-eligible communities.

The DOE Guidance on the EECBG website states: "A county is eligible for a direct formula grant from DOE if it has a population of at least 200,000 or if it is one of the 10 highest populated counties of the state in which it is located. County populations calculated for eligibility for direct formula grants from DOE do not include the

populations of cities within them that are eligible for direct formula grants from DOE." This has resulted in many counties receiving a partial or total loss of EECBG grant funds.

Contrary to DOE's guidance, the county population figures used to determine eligibility should include the population figures of the cities that are geographically located within the county boundaries. Public Law 110-140, Sec 541 was very clear, if the county is above a 200,000 population figure, they are entitled to receive a direct grant from DOE.

A number of large urban counties have been cut from direct EECBG funding allocation levels. Or likewise, counties that are deemed "eligible" are receiving less than their fair share of funding, due to the subtraction of city populations from the total county population. This is counterproductive, since counties provide services to all residents in the county not just in the unincorporated areas of the county. Additionally, since the purpose of the program is to cut greenhouse gases and reduce energy usage, it's best to focus on the county as a whole, rather than on its parts. Emissions from buildings and vehicles tend to move across invisible borders such as city and county lines.

Additionally, counties in four states have been deemed 'ineligible.' The states in question are Massachusettes, Vermont, New Hampshire, and Maine. The DOE has said that counties in those four states do not hold enough governmental responsibility to qualify as functioning local governments. NACo has contested this ruling and urges all counties to be treated equally as the legislation dictates.

Fiscal/Urban/Rural Impact:

Adopted July 28, 2009

RESOLUTION ON CHANGES TO THE INTERNAL REVENUE CODE

Issue: Federal tax impediments to public incentives for financing private energy efficiency and renewable energy capital improvements **.**

Adopted policy: 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.

Background: Existing provisions of the Internal Revenue Code (IRC) make it more difficult for local and state governments to use creative financing solutions, including low interest loans financed by tax-exempt bonds, to encourage home and business owners to make energy efficiency or renewable energy improvements to their properties.

Homes and businesses consume approximately 73 percent of all the electricity used in the United States, and coal and natural gas are the principal sources of commercial electric energy. Although local governments have taken steps to increase the energy efficiency of new homes and business, the vast majority of energy use is from existing housing and commercial structures.

If the United States is serious about reducing the use of fossil fuels in order to strengthen our economy, improve national security and reduce greenhouse gas emissions, existing building stock must be retrofitted to increase energy efficiency and significant progress must be made to increase the generation of electricity via alternative energy sources. Many times, the up-front costs associated with the necessary upgrades make these improvements too expensive for home and business owners to undertake. Local governments have been looking for creative financing options to assist property owners in making energy efficiency and/or renewable energy improvements to their properties.

However, certain provisions of the Internal Revenue Code make it more difficult for local governments to develop programs to increase the energy efficiency and renewable energy production of existing structures and make it less attractive for individual property owners to take advantage of any such programs.

1. Federal tax-exempt bonds which are not used for a recognized governmental purpose are limited by the imposition of a state-by-state volume cap allocation ("VCA") for private activity bonds ("PABs"). The VCA for Colorado is just over $413 million dollars statewide, which is used for tax-exempt financing for affordable housing and anything else that the IRC determines is a private activity. Under the current rule, energy efficiency and renewable energy improvements would be a private activity subject to the VCA, limiting the amount of money available for these types of loan programs;
2. IRS regulations specific to the use of Private Activity Bond financing for home improvement loans have additional requirements, including a limit on the household income of residents who obtain this financing (to 115 percent of AMI), and a $15,000 loan amount cap for residential loans;
3. The IRC contains a provision that prevents residents who use financing from the proceeds of federal-tax-exempt bonds from claiming all or a portion of the currently-available federal income tax credit. For commercial properties, this provision precludes use of the income tax credit of an amount equal to 30 percent of total system cost; and
4. The $2,000 Federal Income Tax Credit is set to expire on December 31, 2008.

Proposed Federal actions to make creative local financing of energy efficiency and renewable energy improvements include amending the Internal Revenue Code (IRC) to:

1. Recognition in the IRC that energy efficiency and renewable energy improvements loans fit the definition of governmental purpose, and therefore federal-tax-exempt bonds issued and loans made for these purposes are exempt from the VAC, loan amount caps and the household income limits;
2. Add additional categories of tax exempt private activity bonds for renewable energy, energy efficiency, demand side management, energy storage, electric transmission, smart grid water conservation and efficiency programs;
3. Allow private companies to utilize both tax exempt bonds and federal tax credits for new categories;
4. Exclude these new categories of tax exempt bonds from the statewide volume cap (just like other tax exempt bonds for airports, non-profits, schools and hospitals); and
5. Extend federal renewable energy stem tax credit for multiple years.

Fiscal/Urban/Rural Impact: County residents and business owners, and counties themselves, are being impacted by ever-increasing heating/cooling/electrical energy costs. This is true for all utility users, both urban and rural. Decreasing the demand for energy from the electrical grid by generating at least a portion of commercial or residential energy needs on site will save utility ratepayers money, will decrease the future need for additional power plants and transmission line projects, and will lessen the impacts of fossil-fuel-powered energy generation.

When residents and businesses generate at least part of their energy needs on-site, it decreases the price-pressures on the utilities' energy generation and helps avoid costs related to dependence on foreign oil as well as environmental impacts from frenzied fossil-fuels exploration. The conversion of existing building stock to greater energy-efficiency and less demand for utility-generated energy supplies will have the single greatest impact on these issues.

Adopted July 28, 2009

RESOLUTION ON OBTAINING ACCURATE LAND DATA MAPS

Issue: Updating inaccurate land data maps.

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

Background: Accurate land parcel data is an important tool for use by both the public and private sectors. Emergency planning and response, accurate property tax assessment, owner notification, mapping and a variety of other public and private uses are made from accurate land parcel data. Unfortunately, it is expensive and time consuming to gather this data and put into a useful format. In addition, having various government entities working on individual data sets is duplicative and can result in data inaccuracies.

Land ownership has been critical to the economic and philosophical development of the United States. Land Parcel databases, also known as Cadastres, describe the rights, interests, and value of property. Almost every aspect of business and government can be associated with a land parcel. In 1980, the National Research Council (NRC) issued a report titled *Need for a Multipurpose Cadastre*, which advocated for the development of a nationally integrated set of land parcel data. At this time, this vision for an integrated land parcel data set has not been realized. In 2006, the NRC requested five agencies, the BLM, the Federal Geographic Data Committee, the Department Homeland Security, the Census Bureau, and the Environmental Systems Research Institute, reassess the 1980 vision and determine why an integrated cadastre has not been achieved, and in 2007 the resulting study was published. This study, titled *National Land Parcel Data: Vision for the Future*, outlines nine recommendations to achieve this vision.

Fiscal/Urban/Rural Impact: Many local governments, especially those in rural or depressed areas, cannot afford to develop land parcel databases on their own. By having a federal agency, such as the BLM, take the lead on compiling data from local and state entities and/or gathering data when none exists, will reduce the cost of this effort and increase the availability of this data to all levels of government. Having an accurate data set to use in emergency planning and response, planning and development and property tax assessment will benefit citizens in all areas of the country.

A study done by an Federal Geographic Data Committee of Cadastral Data estimates that it would require $294.6 million in initial one-time costs, with a recurring cost of $84.7 million per year to complete a national set of land parcel data.

Adopted July 28, 2009

RESOLUTION ON LAND & WATER CONSERVATION FUND STATESIDE GRANTS

Issue: Federal matching grant funding for land acquisition and outdoor recreation amenities.

Adopted policy: NACo supports annual allocation of adequate "stateside" funding in the federal Land & Water Conservation Fund 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.

Background: The National Association of County Park and Recreation Officials, a NACo affiliate, supports a full funding for the Land and Water Conservation Fund (LWCF), including adequate "stateside" funding allocations.

Stateside LWCF funds provide pass-through matching grant funds for purchase of park lands and open space, and for development of trails and other outdoor recreation amenities. NACPRO and the National Recreation and Park Association (NRPA) support that a minimum of $125 million be allocated for LWCF stateside assistance annually.

NRPA reports that thousands of parks and community recreational resources are in need of renovation or repair in counties and communities across America. The National Park Service estimates that in 2008, the unmet needs for park and outdoor recreation facilities in America's cities, counties and states totaled more than $27 billion. Average annual funding for LWCF has been significantly cut going from approximately $100 million in 2004 to only $25 million in 2008 – further accelerating the need for parks and recreational resources at the local and state level. LWCF funding allocations are usually split between federal agency expenditures and stateside matching grants. In recent years, the stateside matching grant allocation has substantially diminished out of proportion to overall reductions in LWCF funding.

Funding for the LWCF stateside assistance program is derived largely from a "conservation royalty" on Outer Continental Shelf oil and gas mineral leases. The amount available to states through LWCF is determined by the annual Congressional appropriations process and allocated to all 50 states on a formula basis. States then award grants to cities, counties, and towns for the acquisition and development of public outdoor recreation sites and amenities. Grant recipients agree to keep the land purchased in protected status and accessible to the public in perpetuity. LWCF is a 50 percent matching grant program that requires states, counties and local communities to match the federal investment dollar-for-dollar. During its 44-year lifespan, the LWCF program has funded over 41,000 state, county and local park and recreation projects totaling more than $4 billion in 98 percent of U.S. counties. County, local and state grantees use LWCF stateside funding to construct recreation infrastructure, building athletic fields, maintain trails, preserve conservation areas, and purchase public lands or parks and outdoor recreation purposes.

Fiscal/Urban/Rural Impact: LWCF stateside assistance typically is made available as matching grants for counties, special park and conservation districts and other local governments. Counties, cities and state governments could voluntarily apply for LWCF stateside matching grants, up to $125 million annually as proposed.

Adopted July 28, 2009

RESOLUTION ON "NO CHILD LEFT INSIDE"

Issue: Environmental education grants for schools, not-for-profit agencies, and local governments.

Adopted policy: NACo supports federal legislation that provides federal funding opportunities for environmental educational programs. Such programs and grants shall not create unfunded mandates.

Background: The National Association of County Park and Recreation Officials, a NACo affiliate, supports a nationwide initiative to restore children's connection to nature and the outdoors. Outdoor recreation and environmental education activities for children are vital to their physical and mental health. Such activities also ensure that future generations of citizens will have the critical thinking skills and personal understanding of the natural world that they will need to address issues such as global climate change, recycling and waste management, water conservation and natural resource protection in our counties, nation and world.

While concentrating instruction on certain core subjects, the No Child Left Behind Act (NCLB) has inadvertently contributed to an environmental literacy gap by reducing the amount of time available for environmental education for K-12 classrooms. Educational trends focus on some subjects, such as math and language arts, limiting time available for science and social studies. However, environmental education can connect the classroom to the real world, positively impacting achievement in science, reading, math, and social studies. New federal legislation, such as "No Child Left Inside" (H.R. 2054, S. 866), could provide funding incentives for states to voluntarily develop environmental education plans to become eligible for federal pass-through grants to encourage environmental education field trips and classroom curricula in local schools.

The National Science Foundation's Advisory Committee for Environmental Research and Education in a 2003 report noted that "in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systematic approach to environmental education..." Yet studies reveal that the U.S. public suffers from a tremendous environmental literacy gap, with two-thirds of the public failing a basic environmental quiz and 88 percent failing a basic energy quiz.

Also, a recent study found that children today spend an average of six hours each day in front of the computer and TV but less than four minutes a day in unstructured outdoor play. Especially in the very young, outdoor activities such as nature study and exploration have proven to be extremely beneficial for cognitive functioning, reduced symptoms of attention deficit disorder, increased self-discipline and emotional well-being.

Fiscal/Urban/Rural Impact: Proven environmental education activities are available to combine existing disciplines of reading, math, science and social studies with optional field trips without adversely impacting school

budgets. Federal pass-through grant incentives could make environmental education even more affordable for schools. No direct impact to county budgets.

Adopted July 28, 2009

RESOLUTION ON REGULATING NATURAL GAS DRILLING

Issue: Minimize the surface impacts of natural gas drilling on federal and private lands.

Adopted policy: 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. Proper practices can lessen the surface impacts of roads, pads and pipelines. NACo would encourage 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.

Background: In regions where it is deemed necessary to conduct high-density down-hole drilling in order to capture all of the available natural gas (example: Western Colorado's Piance Basin requires at least 10 acres of spacing) public and private lands are being fractionalized by roads, well pads and infrastructure, putting at risk human health, agriculture, hunting and fishing, animal habitat, air and water quality and more. Proper practices can lessen the surface impacts of roads, pads and pipelines. To protect the integrity of lands being impacted by natural gas extraction and ensure the health, welfare and safety of people in the immediate area, it is critical that the oil and gas industry be required to utilize available technology that lessens the impact of natural gas extraction. Technology improves regularly in this industry, currently equipment exists that allows surface spacing up to 640 acres. If the geology of a location allows for the use of low surface impacting technology, federal and state regulations should require such use.

Regulations are in place to ensure that natural gas extraction activity is conducted in a manner to protect the health, safety and welfare of people. However, the oil and gas industry is currently self-regulated until a complaint is reported or a crisis occurs. It is incumbent on the regulating body to ensure that resources are available for timely inspection and routine monitoring of extraction activity to guarantee the public of regulatory compliance.

NACo supports environmentally responsible domestic oil drilling.

Fiscal/Urban/Rural Impact: Counties are charged with protecting the health, safety and welfare of their population. Reactive regulating of the oil and gas industry has made this a difficult task for counties experiencing high-volume natural gas extraction. They are faced with assisting their population through times of air pollution, water contamination, health impacts, interference with existing economies and property devaluation. Low impact extraction technology, inspection during drilling and routine monitoring to ensure regulation compliance would greatly reduce citizen concerns.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF DIGITAL COAST INITIATIVE

Issue: Using technology to protect coastlines.

Adopted policy: 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.

Background: With population growth and increased development, coastal counties are facing unprecedented challenges in maintaining a healthy coastal environment and managing losses due to natural disasters. Having good data and decision support tools are essential for counties to meet these challenges today.

NOAA's Digital Coast Initiative is one such program that provides coastal counties and the public with a host of land and marine based geospatial data that can be used to model scenarios in land use, environmental protection and hazard mitigation.

In addition, the Digital Coast Initiative provides access to web-based mapping tools that will give officials at any technical level the ability to create information-laden maps, explore various development scenarios, understand trends, and improve decision making.

The National Association of Counties recognizes that comprehensive land use planning and growth management are the central and most important aspects of 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 existing and future residents.

NACo supports coordinated federal, state and local programs that include innovative and non-regulatory approaches for local governments to manage, protect, conserve and restore the watersheds of which their communities are a part.

Fiscal/Urban/Rural Impact: This initiative poses no additional cost to coastal counties. However, usage of this technology in local and regional land use plans will ultimately lead to more efficient land use decisions, better environmental protection, and hazard mitigation.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF URBAN FORESTRY

Issue: Support increased federal funding for the USDA Urban Forestry Programs

Adopted policy: NACo supports full funding for the US Forest Service's Urban and Community Forestry program (U&CF), at a level that will help counties become more sustainable and prosperous. NACo supports Congressional funding of the U&CF Program at no less than $100 million annually.

Background: Proper funding of the USDA Forest Service's Urban and Community Forestry program is important to creating and maintaining healthy urban forests. Urban forestry programs provide, vital and cost effective tools for energy conservation, climate change mitigation, carbon sequestration, greenbelt preservation, watershed protection, wildlife habitat, reduce stormwater management demand, improve air and water quality. Well-managed trees keep communities safer by maximizing the benefits and minimizing the risks from potential tree hazards..

Counties throughout the U.S. rely on federal funding passed through the states to aid in urban forest education, outreach, planning, planting, maintaining and utilizing urban forests to create more sustainable counties and local government. These programs are in demand more than ever due to increases in urban development. Trees, parks, plazas and public gardens add beauty, breathing room and gathering places to strengthen social ties and improve public health and wellbeing. Local parks are sites for a wide variety of artistic and cultural events that express local identity and attract tourists

The USDA Forest Service's Urban and Community Forestry program is one of the nation's most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of streetscapes that encourages economic revitalization. Tree lined streets create more walkable communities and research shows that people stay longer and spend more money in retail areas with tree canopy that fosters local economic development.

Federal funding for the USDA Forest Service, Urban and Community Forestry program has experienced significant and steady declines in recent years, with six consecutive years of budget cuts. Such cuts have reduced the Forest Service's ability to provide valuable financial and technical assistance to states and, through the states, to local partners that aid in the expansion and protection of vital urban forestry programs throughout the nation.

The reduction of federal funding reduces the ability of our counties and cities to build stronger communities and environments through urban forests. This is especially important for counties that place a high value on open space and resource conservation. Federal funding is effective and complements regional government acquisition, and planting programs and efforts to protect remaining urban and community forests from decline. The recent reductions have forced states to reduce technical and financial assistance to county arborists and urban foresters, street tree programs and training programs for youth.

Fiscal/Urban/Rural Impact: Increased funding for Urban and Community Forestry programs would have a positive economic and environmental impact on communities to preserve valuable urban forests and greenbelts.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF ELECTRONIC WASTE RECYCLING

Issue: Recycling of electronic waste products.

Adopted policy: NACo supports maximizing the recycling 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.

Background: Electronic products are an important component of everyday life. When they are not longer useful, however, they pose challenges for consumers, governments, and others along the product chain.

Electronic products may contain lead, mercury and other harmful substances that, if not managed properly, pose a threat to human health and the environment. The collection and recycling of waste electronics promotes resource conservation, saves energy and creates economic development opportunities. Local governments are facing increased volumes of discarded electronic products and this is expected to continue, particularly with the transition of analog televisions signals to digital transmission slated for February 2009. It is expected that between 30 million and 80 million televisions will be impacted by the transition.

The costs to consumers and state and local governments to collect and recycle waste electronics are increasing, and it has become necessary to establish a system whereby manufacturers are engaged in the collection and recycling of waste electronics. For example, Hennepin County, Minnesota spends nearly $2 million annually to manage their collection program for discarded products from households.

The states of California, Maine, Maryland, Washington, Minnesota, Oregon, Texas and Connecticut have adopted electronic waste legislation, and other states have legislation under consideration. A federal approach is to be encouraged to promote consistency and address certain issues of managing discarded electronics that are more effectively addressed nationally. However, federal legislation should embrace a comprehensive approach for a wide

scope of products and importantly, not preempt existing or future state or local programs to collect and recycle discarded electronic products.

Fiscal/Urban/Rural Impact: Passage of legislation to increase recycling of consumer electronic waste will have positive impacts on the environment, and should be conducted in cooperation with all relevant stakeholders through development of an internalized electronics industry financing mechanism that does not rely on government funding.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF EXTENDED PRODUCER RESPONSIBILITY FRAMEWORK APPROACH

Issue: Responsibility for discarded products.

Adopted policy: 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.

Background: Manufactured goods and packaging constitute approximately 75 percent of the materials managed as municipal solid waste (US EPA). Consumer products and packaging may contain toxins such as heavy metals, certain plastics, or harmful substances that pose a threat to human health and the environment and offer significant opportunities for conserving materials.

Local governments are often responsible for waste diversion, enforcing product disposal bans, hazardous waste collection, or other costly waste management programs, without sufficient funding. For example, Minnesota counties currently spend $14 million annually on household hazardous waste programs. The Extended Producer Responsibility Framework Approach supports a shift in financial and physical responsibility from local government to those benefiting economically from the sale of the products they produce. This market driven approach established broad program goals but provides significant flexibility as to how to meet those goals.

An Extended Producer Responsibility Framework Approach is a comprehensive environmental policy that addresses producer responsibility by using a set of criteria to evaluate products, along with established processes, performance goals and plans to provide a consistent approach for a wide scope of products. When producers are responsible for ensuring their products are reused, recycled or otherwise managed responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic.

This comprehensive approach is more efficient than addressing individual products on a case-by-case basis. The framework approach also encourages greater harmonization and consistency between individual states' programs by establishing producer developed and managed programs.

Policies to promote government purchase of environmentally preferable products are also an important principle of an Extended Producer Responsibility Framework Approach.

Fiscal/Urban/Rural Impact: Passage of state legislation for an Extended Producer Responsibility Framework Approach, which creates producer-lead reduction, reuse and recycling programs for their products, will help protect human health and the environment without relying solely on government funding.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF MERCURY FLUORESCENT LAMP RECYCLING

Issue: Recycling of mercury fluorescent lamp and lights.

Adopted policy: NACo supports maximizing the collection and recycling of mercury-containing fluorescent lamps through a financing system that includes working with the fluorescent lamp industry and other stakeholders, that effectively covers the cost of collection, transportation, and recycling, without relying solely on state and local governments.

Background: Mercury is hazardous to human health and our environment and steps have been taken to reduce mercury contamination of our land, air and water. Despite their value for energy efficient lighting, fluorescent lamps containing mercury are banned from the waste stream in many states because of this hazardous component. In addition, there is a recycling industry in the nation to recover the mercury, glass and other materials and reuse them in manufacturing processes. Therefore, it is important to maximize the collection and recycling of mercury-containing fluorescent lamps to reduce their negative impact on the environment.

Hazardous waste management is costly to state and local governments. Properly managing fluorescent lamps at the end of their useful lives through a process that considers the perspectives of all relevant stakeholders is a shared responsibility. The stakeholders would benefit from understanding the lifecycle costs and benefits related to the "retirement" of collected mercury, which is often put back into mercury products.

Through this shared responsibility and understanding, a financing system can be developed that effectively covers the cost of collection, transportation, and recycling of lamps without relying solely on local and state governments to pay these expenses.

A Congressional proposal would preempt states from devising financing mechanisms for lamp recycling by prohibiting manufacturer responsibility. Although the goal of increasing recycling of mercury-containing fluorescent lamps is an important and fully supported goal, limiting state and local governments on a fair and effective financing system would likely burden local governments with additional costs.

Fiscal/Urban/Rural Impact: Passage of legislation to increase recycling of mercury-containing fluorescent lamps is positive, but if the legislation includes language that would preempt states from including manufacturer responsibility, it would limit financing options and likely burden local governments with added expenses associated with mercury fluorescent lamp recycling.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF PAINT REUSE AND RECYCLING

Issue: Recycling of paint products.

Adopted policy: NACo supports maximizing the reuse and recycling of leftover paint through a financing system that includes the paint industry that effectively covers the cost of collection, transportation, and reuse or recycling without relying solely on state and local governments.

Background: The U.S. Environmental Protection Agency estimates that there are 50-130 million gallons of paint that is leftover each year in the United States. The cost to manage that paint properly would be $400 million to $1 billion per year. Paint management represents the largest cost to local household hazardous waste programs in Minnesota and across the country.

The 2005 Memorandum of Understanding was signed or endorsed by over 60 representatives of paint manufacturers, retailers, painting contractors, recyclers, government officials, and other relevant stakeholders. The 2005 MOU outlined work on 11 projects through September 2006 that will become the basis for developing a nationally coordinated paint management system. The 2005 MOU acknowledges that there is a shared responsibility to properly manage latex and oil-based paints at the end of their useful lives. A second MOU was signed in 2007, which outlined the National Paint and Coatings Association's intent to develop and implement an industry-lead waste paint program on a national level, beginning with Minnesota and then rolling out to other states. The primary goal of the 2007 MOU is to develop a national program that will result in:

1) Reduced paint waste;
2) The efficient collection, reuse, and recycling of leftover paint; increased markets for products made from leftover paint; and
3) A sustainable financing system to cover any resulting end-of-life management costs for past and future products.

Supporting objectives include decreasing the improper disposal of leftover paint, attaining the highest value possible for leftover paint, and improving container collection and recycling.

The Solid Waste Management Coordinating Board (SWMCB) includes six counties in the Twin Cities Metropolitan Area in Minnesota. The SWMCB is a member of the national Paint Product Stewardship Initiative, which developed the Memorandums of Understanding.

Regarding financing, it has been pointed out that a financing system that continues to rely solely on government funding is neither equitable nor sustainable.

Fiscal/Urban/Rural Impact: Passage of legislation to increase reuse and recycling of leftover paint will have positive impacts on the environment, and should be conducted in cooperation with all relevant stakeholders through development of a financing system that does not rely solely on government funding.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF A SAFE, CONVENIENT MEDICINE RETURN PROGRAM

Issue: Safe disposal of unwanted medicines from households.

Adopted policy: NACo supports maximizing the collection and safe disposal of unwanted prescription and over-the-counter medicines through an internalized pharmaceutical manufacturer financing mechanism that covers the cost of collection, transportation, and hazardous waste disposal, and does not rely on state and local government funding.

Background: Communities across the country are struggling to implement and finance programs to address the public safety impacts of leftover medicines in residents' homes and the environmental impacts of improper disposal of unwanted medicines.

Storage of unwanted medicines in the home can result in accidental poisonings and increase opportunities for drug abuse and unsafe diversion of prescription drugs. Abuse of prescription pain killers ranks second, only behind marijuana, as the Nation's most prevalent illegal drug problem. The Office of National Drug Control Policy reports that one third of all new abusers of prescription drugs in 2006 were 12 to 17 year olds; and prescription drugs are now the drug of choice among 12 to 13 year olds. The majority of teens who abuse prescription drugs get them easily and for free, primarily from friends and relatives, often without their knowledge. Unintentional poisoning is now the second leading cause of unintentional injury death for Americans, with 23,618 deaths in 2005. Of these,

approximately 95 percent were due to drug overdoses and more than half of these were associated with prescription drugs. Many counties are launching prescription drug task forces and public awareness campaigns to try to address these problems, but lack resources for collection and safe disposal of unwanted medicines.

Pharmaceuticals are also an emerging environmental contaminant that are detected in surface waters around the United States and in the drinking water of 24 major metropolitan areas affecting 41 million Americans. A substantial portion of pharmaceuticals and their metabolites may enter the environment by passing through human bodies; however, disposing of waste medicines by flushing into wastewater or disposal in the solid waste stream contributes to contamination. Unwanted medicines disposed to sanitary sewer systems are not completely treated by the wastewater treatment facilities, allowing pharmaceuticals to be released into the environment through effluent and biosolids. Unwanted medicines disposed to solid waste systems may end up in landfill leachate, which is often pumped to wastewater treatment facilities, eventually allowing pharmaceuticals to be released into the environment. Emerging wastewater treatment technologies to enhance removal of organic wastewater contaminants may be utilized in the future, but they are not yet refined and too expensive for most municipalities to consider. Eliminating the disposal of waste medicines into wastewater or the solid waste stream is a simple and critical source reduction approach to mitigating the impact of pharmaceuticals in the environment.

The number and volume of pharmaceuticals prescribed to U.S. residents has increased dramatically in the past decade. For example, Washington State residents now purchase an average of nine prescriptions per year, resulting in greater accumulations in Washington State homes. Unused or unwanted quantities of prescription and over-the-counter medicines are projected to be substantial, with some studies estimating that between 30 percent and 80 percent of patients do not finish commonly prescribed medicines such as pain medicines, antibiotics, and beta blockers. A pilot medicine return project operating in Washington State since October of 2006 by Group Health Cooperative and Bartell Drugs has collected more than 20,000 pounds of unwanted household pharmaceuticals from just 37 sites in six counties, demonstrating the demand and feasibility of such a system.

Pharmaceutical manufacturers currently operate and fund successful unwanted medicine take-back systems in Canada and several countries in Europe. A similar financing system can be developed in the United States that effectively covers the cost of collection, transportation, and safe disposal of unwanted medicines without relying on local and state governments to pay these expenses.

Fiscal/Urban/Rural Impact: Passage of legislation to increase medically acceptable safe disposal of unwanted medicines will have positive impacts on human health and the environment, and should be conducted in cooperation with all relevant stakeholders through development of a cost-internalized pharmaceutical manufacturer financing mechanism that does not rely on government funding. Sustainable funding through product manufacturers to provide secure and convenient medicine return programs will relieve current and future fiscal burdens on county budgets and staff. Current costs of mitigating impacts of improper management of unwanted medicines include: providing related law enforcement staffing, operating poison control hotlines, providing coroner's office services, and operating wastewater treatment and drinking water facilities.

Adopted July 28, 2009

RESOLUTION ON PROPOSED CHANGES TO THE CLEAN WATER ACT (WATERS OF THE U. S. TASK FORCE RECOMMENDATION)

Issue: Ensuring clean water while encouraging strong government partnerships.

Adopted policy: NACo recommends that all proposed Clean Water Act (CWA) rules, regulations and federal legislation must consider the following:

- Adding the term "state waters" to the definitions in the CWA and clearly define Federal Waters vs. State Waters and jurisdiction thereof...;
- Current exceptions/exemptions in CWA (such as, agriculture, wastewater, etc) should be continued. We support the use of exceptions in future CWA legislation as long as they are clear and unequivocal;
- The administration of the CWA shall come through partnerships among all levels of government - Federal, Regional, State, Local and Tribal - for the successful development of and implementation of the CWA;
- Improve the efficiency of the permitting process: such as giving incentives to states to oversee water permitting; reducing redundant paperwork requirements; and, responding/completing permits in an expeditious manner; and
- Agency rule-making/ guidance must be done in an open, public process with full notice and comment. The federal government must consult with all levels of affected government.

Background: The above policy was crafted by NACo's Waters of the U.S. (WOUS) Task Force over a period of the last year. The task force was created via a NACo Presidential directive. The issue first arose through a resolution that was passed last year on removing the word "navigable" from the definition of "waters of the U.S." within the CWA. The task force was directed to study those areas of the CWA that are and are not working and come up with a list of recommendations, but not to take a position on whether "navigable" should be in the CWA.

Counties have a unique role in the protection of natural resources for they are both the regulator and the regulated under the Clean Water Act. In the role of regulator, counties administer a number of CWA programs that

regulate water quality: storm water management and flooding, water quality management plans, Total Maximum Daily Load (TMDLs), etc. Additionally, many states require, as part of the state water acts, primary implementation at the local level.

Counties are responsible for a number of manmade ditches, such as storm channels and road-side ditches. Currently, they face tremendous challenges getting permits approved in a timely manner due to the requirements for jurisdictional determinations before 404 permits are even applied.

Additionally, state and federal money often helps fund county road projects. Project delays due to delayed 404 jurisdictional determinations and approval can cost the counties money.

NACo recognizes that the current system is not ideal. Our counties would like to have certainty in the jurisdictional process and overall in the Clean Water Act. However, we also recognize that a one-size-fits-all system will not work. Geographical features differ widely across this nation.

Any federal plan needs to take into account these regional differences and plan accordingly. For example, flexibility to recognize and address these differences should be key to the CWA, as should partnerships among all levels of government.

Any legislation, rule or guidance, needs to clearly define what is and is not regulated, both on the federal level and on the state level. Specifying what is jurisdictional under federal waters and state waters will clear up much of the confusion surrounding this issue. The task force felt that it should be clearly spelled out what federal waters are. Additionally, the task force felt that the current exemptions that exist under the CWA were useful and should be continued.

In cases where jurisdiction is blurred, for example, across interstate water resources, the task force saw a need for strong federal, state and local partnerships. By partnerships this means all levels of government working together for a common goal - sharing information freely, technical assistance and grant funding.

The task force also recognized the challenges facing the Army Corps of Engineers 404 permit program. Only two states currently have adopted implementation oversight. According to the Environmental Council of the States (ECOS), the 404 program is a complex delegation process and federal funding for States cannot be used to implement the program. This creates disincentives for states to take over the program. Additionally, the task force recognized the inherent problems within the 404 program which prevents quick resolve of permit requests.

Finally, the task force made special note of an administrative weakness in administering the CWA. Little or no direction is provided within the CWA directing federal agencies when updating definitions, guidelines and rule making. Not only should such changes be scheduled regularly on periodic intervals, but should be open to all stakeholders and be subject to a well defined public process.

Fiscal/Urban/ Rural Impact: If key terms within the CWA were defined, this would lead to less confusion and lawsuits over what is and is not jurisdiction. In turn, certainty would allow counties to complete projects in a timely and financially sound manner.

Adopted July 28, 2009

RESOLUTION ON "WATERS OF THE U. S."

Issue: Broadening jurisdiction under the Clean Water Act.

Adopted policy: NACo supports Clean Water Act provisions that protect wetland habitats and rivers and streams of the United States, but does not support federal efforts to change the definition of the Clean Water Act from navigable waters to "waters of the United States," and also opposes federal efforts to further expand the authority and responsibilities of the federal agencies in regard to these waters.

Background: On June 18, the Clean Water Restoration Act (CWRA), S. 787 was reported out of the Environment and Public Works (EPW) Committee by a vote of 12-7. It will move to the Senate calendar for possible floor consideration. The bill attempted to redefine what a “water of the U.S.” is, while taking out the term “navigable” from Clean Water Act (CWA).

This seemingly minor edit to delete the term “navigable waters” would broaden the current CWA, placing waters seen as traditionally under state authority, under federal jurisdiction. This will have dramatic implications for states and counties. The need for CWA permits would expand significantly, as would the application of other federal laws and regulations such as environmental impact statements, the National Environmental Policy Act and Endangered Species Act. Additionally, removing the word “navigable” from CWA will impact programs far beyond the permit programs.

Two questions are raised by S. 787:

1) What waters are jurisdictional if “navigable” is taken out of the CWA Act?
   The short answer is, we don’t know. The supporters of S. 787 state that the purpose is to move the Clean Water Act back to pre-SWANCC times. SWANCC is in reference to a 2001 Supreme Court decision on Solid Waste Agency of Northern Cook County (SWANCC) vs. the U.S. Army Corps of Engineers (Corps). In SWANCC, the federal government claimed jurisdiction over an isolated wetland under its 404 permit program using the Migratory Bird Rule (anywhere a bird lands, is jurisdictional). The Supreme Court

struck down the Migratory Bird Rule stating that it went beyond the reach of the CWA. Since then, questions have raged on both sides about what is and should be jurisdictional.

S. 787, as written, is incredibly broad and gives the agencies wide latitude in possible interpretations. How an agency may interpret the language a year after passage may be completely different how it is interpreted 10 years later. The best we can do is look at past and current Army Corps of Engineers (Corps) regional interpretations for their 404 permit program to get a sense on how this language might be interpreted on a national level, if passed. Roadside ditch and flood control channel maintenance has been regulated under the Corps 404 permit program. Additionally, it is likely that pesticide and herbicide application will be regulated under the CWA.

As it stands now, the jury is out on what the proposed language does and doesn't do. If S. 787 is passed without clearly defining what is in and out, this debate will move to the agencies to decide regulations based on this unclear language. Once the regulations are in place, the regional offices will have to decide how to interpret the regulations and what sort of mitigation procedures should be in place for permits. This will still have to be decided on a case-by-case basis, leading to more time delays. Chances are, these new regulations will lead to a host of new lawsuits and confusion.

2) Does removing "navigable" impact only the Army Corps of Engineers 404 permit program? No. S. 787 proposes to remove "navigable waters" from each place it appears in CWA. This affects every CWA program beyond just the Corps 404 permit program.

In a letter sent to Environment and Public Works Chair Barbara Boxer, the Administration said, "It is important to note that although the Supreme Court decisions arose in the context of the Clean Water Act dredged or fill program, they affect all Clean Water Act protections because the Act has a single definition for "waters of the United States." As a result, these decisions affect the National Pollutant Discharge Elimination System (NPDES) program, water quality standards program, oil spill prevention and clean-up program, as well as the permit program for discharges of dredged or fill material."

The increased focus and responsibility of these programs, especially the NPDES and the state water quality standards programs, may change significantly at the federal, state, and local levels if "navigable" is removed.

NACo platform states that streets and gutters and human made ditches should be excluded from the definition of "waters of the United States," and that such waters should be regulated at the local level and not be subject to federal regulation.

Fiscal/Urban/Rural Impact: The fiscal impact on counties could ultimately be in the billions through delays, lost state and federal monies, inconsistent jurisdictional interpretations, and permit delays. These impacts could ultimately adversely affect a county's ability to protect the health and wellbeing of its citizens because of public infrastructure delays.

Adopted July 28, 2009

RESOLUTION URGING ENACTMENT OF A NATIONAL CLEAN AND SAFE WATER TRUST FUND

Issue: Sustainable drinking water and wastewater infrastructure funding.

Adopted policy: NACo urges Congress to establish a National Clean and Safe Water Trust Fund providing at least $20 billion annually for 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 and sustainable, fair and equitable raised from the national economy based on low rate fees.

Background: Counties often provide wastewater collection, transport and treatment services as local or regional providers which requires continual improvement in those services and associated treatment and disposition of bio-solids.

Additionally, many counties own and operate stormwater management infrastructure systems. Wastewater and stormwater infrastructure provides vital economic, public health and environmental benefits to American communities and the national economy.

The provision of wastewater and stormwater infrastructure services is completely governed by the federally enforceable requirements under the federal Clean Water Act and the National Pollutant Discharge Elimination System permit program and regulations. They are important to protecting source drinking waters as governed by the federal Safe Drinking Water Act.

Clean Water Act requirements continue to expand to include control of system overflows, removal of ammonia toxicity, control of excessive nutrients, and removal of exotic pollutants. In the Environmental Protection Agency's 2000 Progress in Water Quality Report, it found that if further improvements are not made in removal of

conventional pollutants, America could experience levels of stream impairments predating achievement of secondary wastewater treatment by as early as 2016.

The Water Infrastructure Network, EPA and other government agencies have reported that the cost of presently known wastewater infrastructure construction needs total between $350 billion and $500 billion and drinking water infrastructure needs total between $300 and $450 billion. Because of increased needs, counties and other local wastewater utilities have significantly increased wastewater customer rates in the past decade and have widely adopted methods of improving wastewater infrastructure known as asset management.

The policies of the National Association of Counties strongly support federal financial assistance to community infrastructure including wastewater infrastructure in NACo's American County Platform.

Fiscal/Urban/Rural Impact: As aging infrastructure crumbles, without a long-term funding source, our water infrastructure network is in dire straits. The overall cost of maintaining this network, while ensuring the health and well-being of our citizens, may be over-whelming without a sustainable funding source.

Adopted July 28, 2009

RESOLUTION URGING INCENTIVES FOR LANDFILL METHANE CONVERSION TO CNG

Issue: Incentives to both produce compressed natural gas (CNG) from landfill methane and assure availability of fleet vehicles and fueling facilities for local government for CNG usage.

Adopted policy: 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.

Background: NACo supports the cost efficient use of all county resources and the protection of the environment. In most counties, land fill space has become more and more limited, and throughout the nation, energy independence has become a focal point of our basic American need.

CNG obtained from county landfill facilities can be utilized for these purposes, reducing landfill size and costs. Creation of pipelines and fueling stations and critical infrastructure to provide for the conversion of methane to compressed natural gas and its further use is an environmentally sound policy. Reducing, reusing, and recycling, and striving to obtain a zero waste policy in the next decades is also sound fiscal stewardship.

Fiscal/Urban/Rural Impacts: By taking this step, counties large and small will provide to their citizens an example of environmental sustainability. Furthermore, they will be utilizing a resource that already exists in most counties, but remains unused, or is even a detriment to the environment and local budgets.

Adopted July 28, 2009

RESOLUTION IN SUPPORT OF THE PREVENTION AND CLEAN UP OF ILLEGAL DUMPING

Issue: Illegal dumping of solid waste along the United States - Mexican border.

Adopted policy: The National Association of Counties urges Congress to support bi-national projects between private, state and federal, tribal and public organizations which develop and implement programs to educate, prevent and clean up illegal dumping along the United States – Mexican border.

Background: Border communities, with their unique cultural heritage and rapid population growth, are facing difficult challenges in preserving community health, native wildlife and water quality because of the high volume of illegal dumping in both the United States and Mexico. The illegal dumping of water bottles, food containers, clothing, plastic bags, auto parts, scrap tires, and other forms of solid waste not only represent a significant public health risk in the form of disease, unsafe drinking water and contaminated soil, but can also lead to fires, floods, and decreased property values.

No Contamine/Don't Trash La Frontera, a joint project between Yuma County, Arizona, and San Luis R.C. Sonora, Mexico, represents one example of a border community alliance established to combat the illegal dumping along Arizona's southern border. It's goal is to educate border communities about the importance of recycling, conservation, personal responsibility and illegal dumping prevention.

Fiscal/Urban/Rural Impact: These joint efforts will not have a fiscal impact on border counties. However, the creation of additional bi-national projects focused on illegal dumping at the border will significantly reduce risks to both our public health and environment.

Adopted July 28, 2009