

APPENDIX 9

ENVIRONMENTAL ISSUES IMPORTANT TO COUNTIES

Joel Yelverton

Although not traditionally thought of as a major area of concern for county supervisors, more and more boards are being forced to deal with numerous environmental issues. From the management of solid waste to providing drinking water, the role of county boards of supervisors has increased to the point where many decisions concerning these and other important environmental issues has become a primary duty. What follows is a brief discussion of various environmental issues and what role boards have in dealing with these issues. This is not meant to be a detailed explanation of all actions that must be taken by the board but rather a thumbnail sketch of issues that supervisors will likely confront during their term of office. Throughout the discussion is a list of contacts that can provide additional information.

AIR QUALITY

The Law – Passed by Congress in 1970 and signed by President Nixon, the Clean Air Act was expanded, with its central public health approach reaffirmed, under Presidents Carter and Bush. The latest amendments to the Act require the EPA to review public health standards for six major air pollutants every five years. The EPA is then to update standards, if necessary, to “protect public health with an adequate margin of safety,” based on the latest, best-available science. However, the EPA is to consider only the public health, and not costs of compliance, when setting air quality standards. Cost considerations are to be considered during the implementation phase. In devising the implementation package, EPA has been sensitive to the costs of these updated standards.

Current Status – Although supervisors will not be responsible for the direct implementation of this Act, its implementation could have an impact in certain counties. The Federal courts have now cleared the National Ambient Air Quality Standards for ozone and particulate matter and they are now in effect. The schedule for ozone attainment/non-attainment designations includes State recommendations by July 15, 2003, based on 2000-2002 ozone air quality data, and EPA final designations by April 15, 2004, based on 2001-2003 ozone air quality data. The Governor recommended only DeSoto County be designated non-attainment and that it not be considered a part of the Memphis non-attainment area as EPA is inclined. Also, DeSoto County and DEQ have entered into a reversible Early Action Compact with the City of Memphis; Crittendon County, Arkansas; Shelby, Tipton, and Fayette Counties, TN; the State of Tennessee; the State of Arkansas; and EPA to implement air pollution controls and attain the ozone standard earlier than required by Federal Law in exchange for delaying the draconian New Source Offset and Transportation Conformity requirements that typically accompany a non-attainment designation. The rest of the state attained the standard during 2000-2002 and is considered attainment for now. 2003 data could possibly change DeSoto County to attainment, but that is not likely. 2003 data could also change any of the Coast counties and Lee County to nonattainment.

WATER QUALITY

“The availability of clean, safe drinking water is critical to the continued growth and prosperity of the state and every local government.”

Most people would probably agree with the above statement. However, most people would never think about what it takes to ensure that the public’s water supply is maintained. Because

of increased demand for water and certain pollution threats, there is a potential water supply crisis. In recognition of the increasing threats to the water sources, as well as public health, safety, and welfare, Congress made protection of water sources a critical component of the 1996 amendments to the Safe Drinking Water Act. In response, the EPA has required every state to develop a program for the assessment of potential threats to its water sources.

A technical and citizens advisory group, including local government representation, has been established to provide the Mississippi Department of Environmental Quality (MDEQ) with input during the development and implementation of Mississippi's plan. Although the responsibility for conducting the assessment will be handled at the state level, implementing protection measures may fall under the purview of local government. In most instances local leadership in protecting our water resources makes the most sense. The management and protection of our water resources in a comprehensive and cooperative manner not only makes for effective and efficient use of our funds and resources but ensures that generations to come will enjoy the same abundant, clean water we do.

In July 2000, the Mississippi Association of Supervisors (MAS) was recognized for their efforts in assisting Mississippi's rural water systems with increasing service quality. For its accomplishments, MAS was presented with the Vice-President's prestigious Hammer Award, which was given to the Association by Lieutenant Governor Amy Tuck at the Awards Luncheon held as part of that year's Annual Convention.

This award was presented to MAS for their efforts to foster better relationships between water districts, rural water associations and state and local agencies through the Small Systems Peer Review Team. Small water systems, those serving less than 2,500 people, experience difficulty in complying with the Safe Drinking Water Act because of its complexity and the lack of resources rural systems have to meet regulations. Small systems make up about two-thirds of all the water systems in the US. These systems suffer from excessive turnover in personnel and inadequate training. The Small System Peer Review Team, the creation of which was spearheaded by MAS, is designed to improve the quality of drinking water by assisting small and rural water systems in these areas of inadequacy. This team is coordinated by the Mississippi State University Extension Service and serves both private water associations and small municipalities. Remarkable results have been demonstrated and compliance rates in these states have climbed considerably.

Mississippi's Small System Peer Review Team serves to protect health, increase compliance with federal and state drinking water regulations, and improve the quality of drinking water for small communities. The team provides a means to address the significant managerial, financial, and technical hurdles facing small communities in rural America in providing adequate and safe drinking water

STORM WATER REGULATIONS

The United States Environmental Protection Agency (USEPA) Phase II Storm Water Rule is the next step to help preserve, protect, and improve our water resources from polluted storm water runoff. What must Mississippi counties do to be in compliance with these regulations that went into effect on March 10, 2003? The following is a brief explanation of the counties' responsibility.

The Phase II regulations break the counties in Mississippi into two groups. The first group is a relatively small number that are regulated because of their higher populations. These counties are DeSoto, Madison, Rankin, Hinds, Forrest, Lamar, Hancock, Harrison, and Jackson. These counties have developed a comprehensive storm water management program and will spend the

next five years implementing their programs. The next group, the rest of the counties in Mississippi, is also included in Phase II, but not in the comprehensive way these nine (9) counties are.

Before the Storm Water Phase I program started Congress passed a bill that delayed storm water permitting for counties with populations less than 100,000 (except for airports, power plants and uncontrolled sanitary landfills). All the counties in Mississippi had this exemption. **Phase II ended this exemption on March 10, 2003.** What does that mean? It means that all counties will have to obtain permit coverage for certain types of construction and industrial activities that they own or operate.

Many construction activities performed by or for the county will require coverage under one of MDEQ's Construction Storm Water General Permits. Construction activities include clearing, grading, excavation and other land disturbing activities. Phase II also reduced the regulatory threshold from five (5) acres to one (1) acre. During Phase I the construction of schools, new roads, civic centers, recreational areas, industrial parks, etc. were exempt. The county must now get permit coverage for these type activities.

The permit that covers construction activities that disturb five (5) acres or greater is designated the Large Construction General Permit. The permit that covers one (1) to five (5) acres is designated the Small Construction General Permit. It is important to note that Small Construction General Permits do not require submittals to MDEQ unless specifically requested.

MDEQ has been asked a lot of questions about construction activities, especially when it comes to ditch and road maintenance. The main question has been, "does a county have to get permit coverage every time shoulder work, dirt road grading, or ditch clean-out is done that disturbs an acre or greater?" The answer is no. MDEQ does not consider construction activity to include routine maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Therefore, much of the land disturbance associated with maintenance will not require permit coverage.

Regulated industrial activities that a county may own or operate will require coverage under MDEQ's Baseline Industrial General Permit. Certain types of industrial activities have been deemed by EPA to have a high pollutant potential. There is a list of these regulated activities on our web site. Some examples of industrial activities counties may be operating are sewage treatment plants with a design flow one million (1,000,000) gallons per day or greater, recycling facilities, sand and gravel mining sites, and Class I Rubbish sites. Airports, power plants, and uncontrolled sanitary landfills have always required permit coverage and there are several counties that have Baseline coverage for their airports.

MDEQ has developed guidance and resource aid to help regulated entities access storm water information. The help is found on the MDEQ web site at <http://www.deq.state.ms.us>. If you have any problems getting to the site or have any questions on what you see, call Jim Morris at 601/961-5151 or Kenneth LaFleur at 601/961-5192.

SOLID WASTE

The management of solid waste in recent years has become a difficult, and many times controversial, matter. Solid waste includes household garbage, rubbish, commercial and industrial non-hazardous wastes. In the 1980's, most counties had one or more landfills which provided a relatively inexpensive means for disposal. In 1992, the EPA adopted federal regulations for landfills which established much more stringent standards for landfills and resulted in the closure of the majority of the existing landfills in Mississippi.

Recognizing the rapid changes occurring with solid waste management in Mississippi and nationally, the state legislature adopted several laws to help supervisors address these issues. Probably the most important statute adopted was the Solid Waste Planning Act that required all counties to develop a comprehensive 20-year plan. Each plan should include an evaluation of current and anticipated future waste generation rates, a waste reduction and recycling plan to comply with the statutory goal of achieving twenty-five percent (25%) waste reduction, an assessment of existing management facilities (landfills, rubbish sites, transfer stations, etc.), and the need for additional or future facilities. Some counties chose to address this requirement by working together and developing a regional plan.

Currently, all counties are covered under a plan approved by the Commission on Environmental Quality (Commission). *Supervisors have a responsibility to implement and maintain these plans.* Periodic updates of these plans will be required on a frequency determined by the Commission. In addition, the counties often identify a need to amend the plan to address changes that have occurred since the initial adoption of the solid waste management. When a major amendment is proposed, such as the addition of a new solid waste management facility, a procedure must be followed which includes the publication of a public notice and conducting a public hearing to receive input from the public. Proposed amendments must be submitted to the MDEQ for approval. *These plans are intended to provide guidance to current and future supervisors concerning solid waste management.* The plans also provide the supervisors control over whether or not new facilities are allowed, the location of any new facilities and the service area of any new facilities. Information pertaining to plan updates and the procedures for amending plans may be obtained by contacting the Solid Waste Branch of the MDEQ. **(See chart on environmental grants to obtain information about the availability of solid waste planning grants.)**

Another important solid waste law adopted in 1991 requires county supervisors to provide for the collection and disposal of garbage and the disposal of rubbish (tree leaves, limbs, construction and demolition debris and other relatively inert waste streams). Supervisors are allowed to provide such services themselves or by contract with private companies or other controlling agencies. Contracts for collection and transportation may be for a term as long as six (6) years while contracts for disposal may be as long as thirty (30) years. Many supervisors have found that rubbish disposal sites, either publicly or privately owned, offer a cost-effective means of managing rubbish waste. Information pertaining to the permitting requirements for rubbish disposal sites may be obtained by contacting the Solid Waste Branch of the MDEQ.

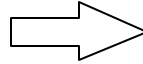
GRANT PROGRAMS

To promote its mission of protecting Mississippi's environment, MDEQ offers the following assistance grants for projects involving certain solid waste management and recycling activities and provides other assistance for abatement of certain solid waste problems. For more detailed information regarding environmental grants and other assistance programs, contact Mississippi Department of Environmental Quality, Office of Pollution Control, P.O. Box 10385, Jackson, MS 39289-0385 or call 601-961-5171.

SOLID WASTE ASSISTANCE GRANTS

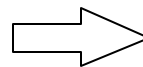
Use grant monies for:

- Illegal dumping clean-up,
- Collection sites for recycling programs,
- Local solid waste enforcement officer,
- Programs to prevent illegal dumping and education



Non-Competitive County Grants

Each county may apply for a grant amount allocated on state-aid road mileage formula



Competitive Local Government Grants

Who can apply?

Cities, counties, regional solid waste authorities and other multi-county entities

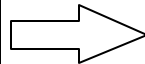
Each county may apply for a grant

WASTE TIRE COLLECTION GRANTS

Local Government Collection/Clean Up Grants

Use monies for:

- Collection sites
- Transportation costs
- Storage trailers or units
- Contractual disposal costs



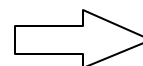
Who can apply?

- Cities with a solid waste plan
- Counties
- Regional solid waste authorities

INCENTIVE RECYCLING AND RESEARCH GRANTS

Use monies for:

- Recycling Equipment
- Support structures
- Demonstration projects



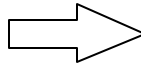
Who can apply?

- Private Research Institutions
- Private recycling companies
- Cities
- Counties
- Regional solid waste authorities

SOLID WASTE PLANNING GRANTS

Use grant monies in developing comprehensive solid waste plans for:

- Personnel/Contractual Costs
- Planning Related Travel
- Public Notice/Hearing
- Publication costs, survey costs, etc.



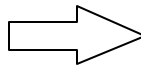
Who can apply?

- Cities
- Counties
- Regional solid waste authorities and other multi-county agencies

HOUSEHOLD HAZARDOUS WASTE (HHW) GRANTS

Use grant monies for:

- Collection and proper treatment, storage, or disposal of HHW
- Transportation costs
- Administration and dissemination of public information
- Other associated costs



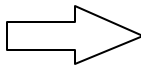
Who can apply?

- Cities
- Counties
- Regional solid waste authorities and other multi-county agencies

NONHAZARDOUS SOLID WASTE CORRECTIVE ACTION TRUST FUND

Funds can be used for:

- Emergency actions
- Preventative/corrective actions for containment release
- Monitoring and post-closure at eligible sites

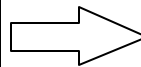


Who is eligible?

Owners of landfills that closed prior to the effective date of

WASTE TIRE ABATMENT PROGRAM

Funds can be used to clean up illegal waste



Who is eligible?

Owners of property upon which waste tires have been illegally dumped