



# Profile of Local Government Operations



**The Government Series**

## GENERAL INFORMATION

This report is one in a series of volumes published by the U.S. Environmental Protection Agency (EPA) to provide information of general interest regarding environmental issues associated with specific industrial sectors. Science Applications International Corporation (McLean, VA) developed this document under contract. The Local Government Workgroup of the National Pollution Prevention Roundtable developed the pollution prevention sections that appear in Chapter 3 and Appendix C of this document. This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office. The following page lists the available sector notebooks and document numbers.

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### Government Series

|                   |  |                 |          |
|-------------------|--|-----------------|----------|
| EPA/310-R-99-001. | Profile of Local Government Operations | John Dombrowski | 564-7036 |
|-------------------|--|-----------------|----------|

\*Spanish translations available.

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## LIST OF ACRONYMS

|        |   |
|--------|---|
| ACO    | Administrative Consent Order  |
| AST    | Aboveground Storage Tank  |
| AHERA  | Asbestos Hazards Emergency Response Act                               |
| BIF    | Boiler and Industrial Furnace   |
| CAA    | Clean Air Act   |
| CAAA   | Clean Air Act Amendments of 1990                                      |
| CACO   | Consent Agreement/Consent Order                                       |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CSQG   | Conditionally Exempt Small Quantity Generator                         |
| CFC    | Chlorofluorocarbon  |
| CFR    | Code of Federal Regulations   |
| CSO    | Combined Sewer Overflow   |
| CSS    | Combined Sewer Systems  |
| CWA    | Clean Water Act   |
| CZMA   | Coastal Zone Management Act   |
| CZARA  | Coastal Zone Act Reauthorization Amendments                           |
| EA     | Environmental Assessment  |
| EIS    | Environmental Impact Statement  |
| ELP    | Environmental Leadership Program                                      |
| EPA    | United States Environmental Protection Agency                         |
| EPCRA  | Emergency Planning and Community Right-to-Know Act                    |
| ESA    | Endangered Species Act  |
| FACA   | Federal Advisory Committee Act  |
| FIFRA  | Federal Insecticide, Fungicide, and Rodenticide Act                   |
| FR     | Federal Register  |
| FWPCA  | Federal Water Pollution Control Act                                   |
| FWS    | Fish and Wildlife Service   |
| HAP    | Hazardous Air Pollutant (CAA)   |
| HSWA   | Hazardous and Solid Waste Amendments                                  |
| LDR    | Land Disposal Restrictions (RCRA)                                     |
| LEPC   | Local Emergency Planning Committee                                    |
| MACT   | Maximum Achievable Control Technology (CAA)                           |
| MCL    | Maximum Contaminant Level   |
| MCLG   | Maximum Contaminant Level Goal  |
| MFS    | Marine Fisheries Service  |
| MSDS   | Material Safety Data Sheet  |
| MSW    | Municipal Solid Waste   |
| NAA    | Nonattainment Area  |
| NAAQS  | National Ambient Air Quality Standards (CAA)                          |
| NCP    | National Oil and Hazardous Substances Pollution Contingency Plan      |
| NEPA   | National Environmental Policy Act                                     |

|                 |  |
|-----------------|--|
| NESHAP          | National Emission Standards for Hazardous Air Pollutants |
| NOV             | Notice of Violation                                      |
| NO <sub>x</sub> | Nitrogen Oxides  |
| NPDES           | National Pollutant Discharge Elimination System (CWA)    |
| NPL             | National Priorities List                                 |
| NSPS            | New Source Performance Standards (CAA)                   |
| OAR             | Office of Air and Radiation                              |
| OECA            | Office of Enforcement and Compliance Assurance           |
| OPA             | Oil Pollution Act  |
| OPPTS           | Office of Prevention, Pesticides, and Toxic Substances   |
| OSHA            | Occupational Safety and Health Administration            |
| OSW             | Office of Solid Waste                                    |
| OSWER           | Office of Solid Waste and Emergency Response             |
| OW              | Office of Water  |
| P2              | Pollution Prevention                                     |
| PCB             | Polychlorinated Biphenyl                                 |
| PMN             | Premanufacture Notice                                    |
| POTW            | Publicly Owned Treatment Works                           |
| PSD             | Prevention of Significant Deterioration                  |
| PSM             | Process Safety Management                                |
| RCRA            | Resource Conservation and Recovery Act                   |
| SARA            | Superfund Amendments and Reauthorization Act             |
| SDWA            | Safe Drinking Water Act                                  |
| SEP             | Supplemental Environmental Project                       |
| SERC            | State Emergency Response Commission                      |
| SIC             | Standard Industrial Classification                       |
| SIP             | State Implementation Plan                                |
| SO <sub>x</sub> | Sulfur Oxides  |
| SPCC            | Spill Prevention, Control, and Countermeasure            |
| SSO             | Sanitary Sewer Overflow                                  |
| TCLP            | Toxicity Characteristic Leaching Procedure               |
| TOD             | Transit-Oriented Development                             |
| TRI             | Toxic Release Inventory                                  |
| TSCA            | Toxic Substances Control Act                             |
| TSD             | Treatment, Storage, and Disposal                         |
| TSS             | Total Suspended Solids                                   |
| UIC             | Underground Injection Control (SDWA)                     |
| UST             | Underground Storage Tank (RCRA)                          |
| VMT             | Vehicle Miles Traveled                                   |
| VOE             | Variance or Exemption                                    |
| VOC             | Volatile Organic Compound                                |
| WWTP            | Wastewater Treatment Plant                               |

# 1. INTRODUCTION

## 1.1 SUMMARY OF THE SECTOR NOTEBOOK PROJECT

Environmental policies based upon comprehensive analysis of air, water and land pollution (such as economic sector, and community-based approaches) are becoming an important supplement to traditional single-media approaches to environmental protection. Environmental regulatory agencies are beginning to embrace comprehensive, multi-statute solutions to facility permitting, compliance assurance, education/outreach, research, and regulatory development issues. The central concepts driving the new policy direction are that pollutant releases to each environmental medium (air, water and land) affect each other, and that environmental strategies must actively identify and address these interrelationships by designing policies for the "whole" facility. One way to achieve a whole facility focus is to design environmental policies for similar industrial facilities. By doing so, environmental concerns that are common to the manufacturing of similar products can be addressed in a comprehensive manner. Recognition of the need to develop the industrial "sector-based" approach within the EPA Office of Compliance led to the creation of this document.

The Sector Notebook Project was initiated by the Office of Compliance within the Office of Enforcement and Compliance Assurance (OECA) to provide its staff and managers with summary information for eighteen specific industrial sectors. As other EPA offices, states, the regulated community, environmental groups, and the public became interested in this project, the scope of the original project was expanded. The ability to design comprehensive, common sense environmental protection measures for specific industries is dependent on knowledge of several interrelated topics. For the purposes of this project, the key elements chosen for inclusion are: general industry information (economic and geographic); a description of industrial processes; pollution outputs; pollution prevention opportunities; Federal statutory and regulatory framework; compliance history; and a description of partnerships that have been formed between regulatory agencies, the regulated community and the public.

For any given industry, each topic listed above could alone be the subject of a lengthy volume. However, in order to produce a manageable document, this project focuses on providing summary information for each topic. This format provides the reader with a synopsis of each issue, and references where more in-depth information is available. Text within each profile was researched from a variety of sources, and was usually condensed from more detailed sources pertaining to specific topics. This approach allows for a wide coverage of activities that can be further explored based upon the references listed at the end of this profile. As a check on the

information included, each notebook went through an external document review process. The Office of Compliance appreciates the efforts of all those that participated in this process and enabled us to develop more complete, accurate and up-to-date summaries. Many of those who reviewed this notebook are listed in Chapter 7 and may be sources of additional information. The individuals and groups on this list do not necessarily concur with all statements within this notebook.

## **1.2 PROVIDING COMMENTS**

OECA's Office of Compliance plans to periodically review and update the notebooks and will make these updates available both in hard copy and electronically. If you have any comments on the existing notebook, or if you would like to provide additional information, please send a hard copy and computer disk to the EPA Office of Compliance, Sector Notebook Project (2223-A), 401 M St., SW, Washington, DC 20460. Comments can also be sent via the web page or to [notebook@epamail.epa.gov](mailto:notebook@epamail.epa.gov).

## **1.3 ADAPTING NOTEBOOKS TO PARTICULAR NEEDS**

The scope of the sector described in this notebook approximates the national occurrence of entities within the sector. In many instances, entities within specific geographic regions or states may have unique characteristics that are not fully captured in these profiles. The Office of Compliance encourages state and local environmental agencies and other groups to supplement or re-package the information included in this notebook to include more specific information that may be available. Additionally, interested states may want to supplement the "Summary of Applicable Federal Statutes and Regulations" chapter with state and local requirements. Compliance or technical assistance providers may also want to develop the "Pollution Prevention" sections in more detail. Please contact the appropriate specialist listed on the opening page of this notebook if your office is interested in assisting us in the further development of the information or policies addressed within this volume. If you are interested in assisting in the development of new notebooks, please contact the Office of Compliance at 202-564-2395.

## **1.4 WHY WERE LOCAL GOVERNMENTS INCLUDED IN THE SECTOR NOTEBOOK PROJECT?**

To date, the sector notebook project has focused exclusively on specific sectors of private industry, such as iron and steel, printing, and pulp and paper. However, the project is now expanding its scope to include government-managed and operated sectors. This

notebook—*Profile of Local Government Operations*—represents the first notebook to be included in the new Government Series.

Over the past few years, EPA has been working closely with local governments to address their impacts on the environment, as well as to understand their operations and ability to achieve environmental compliance. As a result of this working relationship, EPA has developed and implemented many policies and programs that focus specifically on local governments, especially small local governments. These policies and programs are designed to encourage compliance by offering both assistance and incentives to local governments.

It is at the local, community, and neighborhood level that environmental problems often originate and must be resolved. Engaging local leaders and communities in the effort to meet future environmental challenges is critical to achieving successful outcomes. EPA realizes that local governments must be empowered to fully realize their stewardship responsibilities, and we are working to ensure that local governments have access to the information, expertise, and resources necessary to build comprehensive, long-term environmental solutions at the local level.

*U.S. Environmental Protection Agency Strategic Plan*

The purpose of this document is to provide EPA personnel with the additional information needed to effectively work with and, as necessary, regulate the local government sector. Equally important, however, the document is designed to assist local governments in achieving environmental compliance. The intent of this document is to give the reader a better understanding of the different types of local governments, the operations those governments provide that have the potential to significantly affect the environment, the potential environmental impacts of those operations, the regulatory requirements with which local governments must comply, and potential pollution prevention opportunities.

The cumulative environmental aspects and impacts that could result from activities managed or operated by local governments (e.g., wastewater treatment, solid waste management), combined with the large number of local governments in the United States, enhances the need for this type of tool.

Like other EPA sector notebooks, this document presents overview information and data on all aspects of local governments. In addition to this introductory chapter, the document comprises six chapters:

- C **Chapter 2** presents an overview of local governments, including the types, numbers, and sizes of local governments in the United States.

- C *Chapter 3* identifies the major operations conducted by local governments and presents pollution prevention opportunities for each.
- C *Chapter 4* provides an overview of the federal statutes and regulations that may affect local governments.
- C *Chapter 5* presents compliance and enforcement data on local governments.
- C *Chapter 6* examines major legal actions that have been taken against local governments.
- C *Chapter 7* provides information on voluntary programs designed for and available to local governments. It also identifies associations and organizations that may be relevant to local governments.

Chapter 3, which is the heart of this profile, focuses on eight specific areas of operation that local governments are commonly responsible for conducting:

- C Construction/property management
- C Pesticide/vector management
- C Public safety
- C Solid waste management
- C Wastewater management
- C Water resources management
- C Water supply
- C Vehicle/equipment maintenance.

Although this list may not include all operations conducted by local governments, it is representative of the operations that present the most significant environmental aspects and impacts. This document intentionally omits other operations with significant environmental aspects and impacts, such as power generation and transportation, because they are the subjects of other EPA sector notebooks. (Page ii of this profile provides more information on the power generation and transportation sector notebooks.)

It should be noted that while federal and state agencies regulate local government operations, local governments also play the role of the regulator in many environmental programs. Several programs may be developed at the federal and state levels, but are delegated to local governments to implement and regulate. Chapter 3 also discusses this aspect of local governments.

## 2. OVERVIEW OF LOCAL GOVERNMENTS

There are three distinct layers of government within the United States—the federal government, state governments, and local governments. Local governments are distinguished from the federal and state governments in that their authority is defined in state constitutions and by state law. According to the U.S. Bureau of the Census, there are four distinct types of local governments:

- C **County Governments**—Established to provide general government, often as a direct extension of the state government. Counties cover all of the land area in the U.S. (County governments are legally designated as "boroughs" in Alaska and "parishes" in Louisiana.)
- C **Subcounty Governments**—Include both municipal and township governments.<sup>1</sup> Subcounties are established to provide for direct rule in a local area. Subcounties provide general government for a defined area that is generally smaller than a county.
- C **Special Districts**—Authorized by state law to provide only one, or a limited number of, designated functions. These districts have sufficient administrative and fiscal autonomy to be recognized as separate governments. They are generally referred to as districts, authorities, boards, or commissions.
- C **School Districts**—Provide public elementary, secondary, and/or higher education. These districts, like special districts, have sufficient autonomy to qualify as separate governments.

As shown in Exhibit 2-1, the United States had nearly 85,000 local governments in 1992. Subcounties represented the largest percentage of local governments (42 percent), while counties accounted for the smallest percentage (4 percent). The disbursement of local governments across the 50 states varies considerably, from 125 in Rhode Island to 6,722 in Illinois. This variance is

***For the purposes of this document...***

The term **local government** means all of the government units described in the opening paragraph of this chapter (i.e., county, subcounty, special district, and school district). The term **subcounty** refers to municipalities and towns/townships combined.

<sup>1</sup> **Municipalities** include those governments designated as cities, boroughs (except in Alaska), towns (except in some New England states, Minnesota, New York, and Wisconsin), and villages. **Townships** include those governments designated as towns in Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Wisconsin, as well as townships in other states.



primarily attributable to the legal structure established in each state for the formation of local governments. Other characteristics of the state, such as population and geographic size, may also affect the numbers. Exhibit 2-2 provides the number of local governments in each state.

**Exhibit 2-1. Number of Local Governments by Type, 1992**

| Type of Local Government   | Number        |
|--|---------------|
| County governments   | 3,043         |
| Subcounty governments<br>-19,279 Municipalities (53.6%)<br>-15,656 Townships (46.4%) | 35,935        |
| School districts   | 14,422        |
| Special districts  | 31,555        |
| <b>Total</b>   | <b>84,955</b> |

Source: 1992 Census of Governments. Government Organization, Volume 1, Number 1, Table 3.

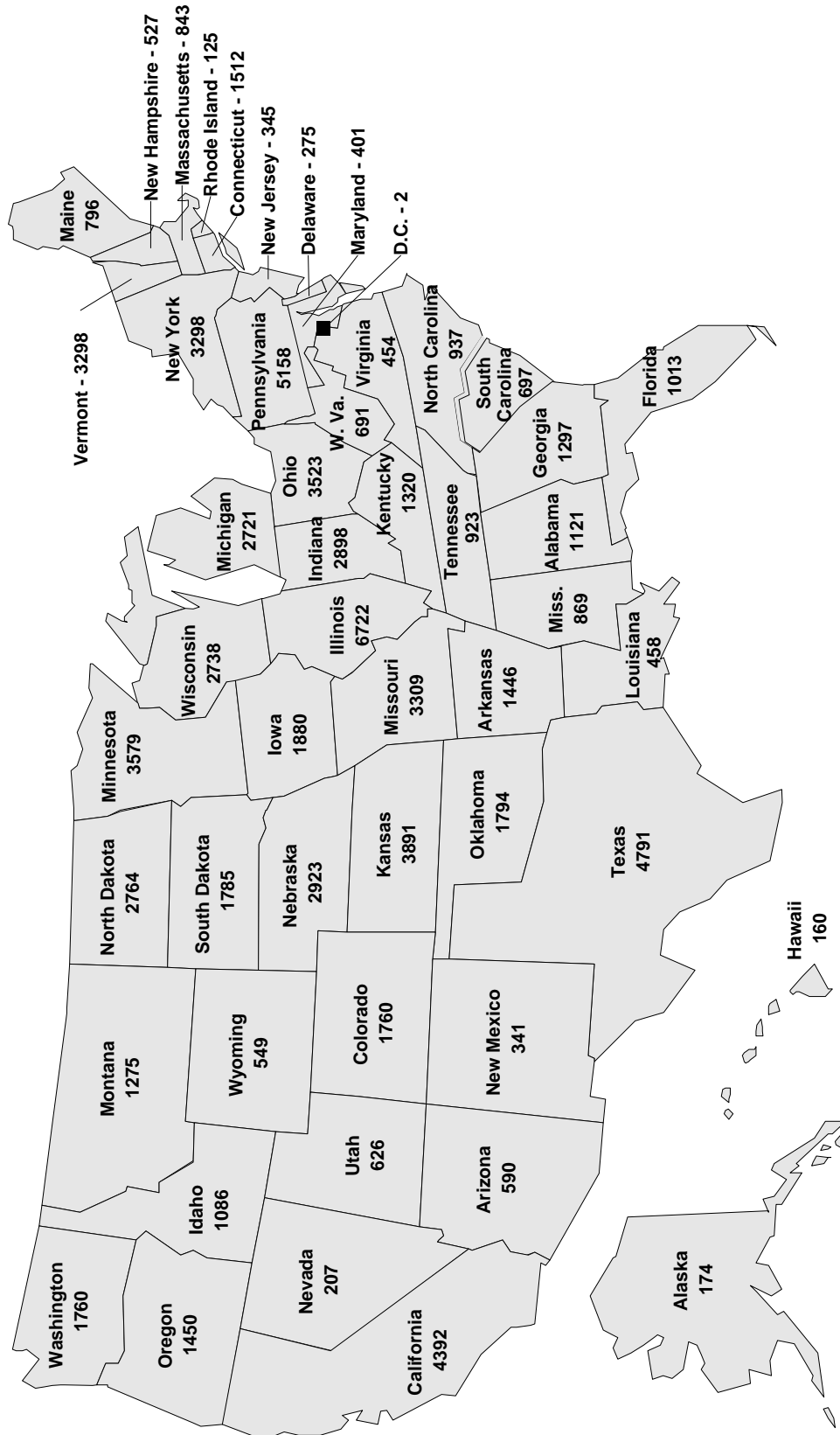
Although these are four discrete types of local government, it is important to note that subcounties, special districts, and school districts can be located within a county, yet still maintain their autonomy for specified functions. For example, a subcounty, school district and special district could all be located within one county. The Census Bureau would count this situation as four local governments. In 1992, each county in the United States had an average of 27 local governments. Appendix A provides more detailed information on the number and types of local governments in the United States.

The remainder of this chapter discusses the provision of services, organizational structures, and financial conduct of local governments, as well as the importance of public participation to local government.

## 2.1 APPROACHES FOR PROVIDING SERVICES

As mentioned in Chapter 1, local governments provide a wide assortment of services to their populations. These services are as diverse as the local governments providing them. The

Exhibit 2-2. Number of Local Governments in Each State, 1992



mechanisms through which local governments provide the services are also diverse. A local government usually provides services through two distinct mechanisms:

- C Through its own employees
- C Through a contract.

A county, for example, may hire and retain its own personnel and equipment (e.g., dumpsters, trucks) to collect solid waste within its boundaries. In contrast, a county may negotiate a contract with a private waste management company to collect solid waste. Through either of these mechanisms, the local government is providing the service. It should be noted, too, that even though a local government may not actually conduct the operation (e.g., collect solid waste) and contracts it to a private company, the local government is still ultimately responsible for the environmental performance of that operation and contractor. For this reason, local governments should be aware of the environmental requirements of all operations whether they actually conduct them or not.

In addition to the two methods of providing service discussed above, a local government may allow private companies to compete for the business rather than provide the service itself. For example, a county may decide to allow several private waste management companies to compete for business from commercial and residential customers. In this type of scenario, the local government is not responsible for the environmental performance of the private waste management companies.

In situations where the local government does not, or cannot, provide services, another option is to establish a special district. Special districts are local government units that perform one or more specific services that are not being supplied by other government units. Special districts are known by a variety of titles, including districts, authorities, boards, and commissions. A majority of special districts are established to perform a single function, but some have been given authority to provide several, usually related large-scale services, such as water supply, wastewater treatment, or solid waste management. They may exist within the boundaries of a single city, across city and county boundaries, or across state lines.

Examples of special districts include the Tennessee Valley Authority, which provides water, electricity, and flood control services in the southeast; the Port Authority of New York/New Jersey, which provides transportation services in New York and New Jersey; and the Sanitary District of Decatur, which manages the sanitary sewer system in parts of several local governments in Illinois.

Special districts are the fastest growing local government unit in the United States for various reasons. Special districts can often provide a service more efficiently, because their boundaries can be tailored to provide services where they are specifically required. In addition, special districts are independent financial entities and are able to levy user fees or special assessments, rather than rely on taxes or municipal bonds to fund their services.

## 2.2 ORGANIZATIONAL STRUCTURE

Most local governments have some basic organizational structures, however, the variations in these structures are as numerous as the local governments themselves. For counties, the principal governing body is usually a county board, which may also be referred to as a board of county commissioners or county commission. The county board often appoints a county administrator or manager whose responsibilities may include appointing county officials, supervising all county offices and departments, and executing regulations. At the subcounty level, various government structures are possible, the most common of which are listed below:

- C Commission
- C Council-mayor
- C Council-manager.

In each of these forms of government, the commissions/councils and mayors/managers have clearly defined roles and responsibilities, ranging from passing local ordinances to overseeing specific departments to developing and approving budgets. Special districts, like both counties and subcounties, can be organized in a variety of ways, depending on the type of special district and the types of services they provide.

Appendix A presents more information on the organization of local governments and typical organizational structures.

## 2.3 FINANCIAL OVERVIEW

From a financial standpoint, a local government operates like any business, organization, or household. It has cash inflow and outflow, savings accounts, investments, and debt. It also has a defined system for managing its finances and controlling its assets, liabilities, and capital. Appendix A examines these financial components of local governments. Specifically, the appendix provides information on a local government's budget process, revenue generation, expenditures, cash and security holdings, and debt and debt transactions.

## 2.4 PUBLIC PARTICIPATION

Public participation is a critical component in a local government's efforts to comply with environmental regulations because it adds a layer of accountability to the performance of the local government. Public participation ensures that citizens are informed of environmental issues affecting them and involved in decision-making processes from the outset, which helps avoid conflicts, misunderstandings, and any consequent potential delays in operations. Public participation involves various activities that can be divided into two basic categories: 1) public outreach and education and 2) public involvement. Public outreach and education tools are designed to increase the public's awareness, in this case, of environmental issues pertaining to local government operations. Public involvement tools are designed not only to inform the public, but also to encourage activism and involve the public in decision-making processes. Public involvement also is important in fostering good relationships and open communication among citizens, operators of local government facilities, local governments, and other stakeholders. Appendix B describes the tools in each of these categories.