



The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman

There has been much discussion in recent weeks and months in the Joint Conservation Committee (JCC) and the General Assembly about the need for and cost of reliable, up-to-date water and sewer systems, as well as about renewal of the state's \$2 per ton fee to support municipal recycling operations and what to do about trash disposal "tipping" fees. To learn more about what Pennsylvanians

thought about these issues, the committee once again sponsored several questions as part of Mansfield University's annual *The Public Mind* statewide telephone survey.

The results of the first half of the survey are summarized on pages five and six of this month's newsletter, but they bear some brief discussion here. In a nutshell, the survey of some 1,700 Pennsylvanians from across the state found that most Pennsylvanians support renewal of the recycling fee and place high priority on reliable water and sewer, trash disposal and recycling services. The survey also found that the majority of such citizens are willing to pay more for services like these.

An overwhelming majority (71.2 percent) support renewal of the state's recycling fee, corroborating testimony received from statewide associations, local recyclers and county solid waste authorities at the committee's April public hearing on legislation to renew the fee (see Committee Chronicles on page 7).

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Notes From the Director

Craig D. Brooks, Director

Think back a decade ago when most state legislatures had just established statewide recycling goals, and in one way or another, had required recycling at the local level. Recycling was hot. Deinking mills were popping up throughout the paper industry, the plastics industry was busy promoting plastic recycling and aluminum saw significant recycling rates.

Recycling rates and markets have seen their ups and downs over the years but now we know what to expect. While recycling may not be as hot as it was in the beginning, it is far from being relegated to the back burner. Recycling is no different than any other new venture. After the initial excitement dissipates, the movement either stabilizes or loses momentum.

Because markets are volatile and unstable, it takes money and hard work to run a successful recycling program.

I remember a few years ago, recycling programs took a hard hit from a negative article that appeared in *The New York Times* that stressed weak markets and flat recycling rates (most recyclers probably got their revenge on the author by recycling his article). But the persistence of national recycling programs in general, and Pennsylvania’s recycling program in particular, show just how important recycling has become to Pennsylvanians and the nation.

News to Use in the Environmental Synopsis... share it with a friend

The *Environmental Synopsis* is issued monthly. The newsletter examines timely issues concerning environmental protection and natural resources.

If you or someone you know would like to receive a copy of the *Synopsis* each month, please contact the committee office at 717-787-7570.

The Joint Conservation Committee held a very successful public hearing in April to discuss Pennsylvania’s recycling program (see photos on page 7). We heard from statewide recycling agencies, local recycling coordinators, and county solid waste authorities and walked away with several messages.

What we know: recycling works in PA, we can always improve and there is overwhelming support for renewal of the state’s recycling fee.

First, recycling is working in Pennsylvania. People are willing to recycle if you provide a convenient program for them.

Second, while we’ve had success, there’s still room for improvement. Good recycling programs require a lot of planning, dedicated staff and continued public education.

And third, there’s overwhelming support for the renewal of the state’s recycling fee (more on that in The Chairman’s Corner and survey results on pages 5-6).

Because recycling markets continue to be volatile and unstable, it takes money and hard work to run a successful recycling program.

Today over 90 percent of Pennsylvanians have access to convenient recycling programs and many communities have recycling participation rates in excess of 90 percent (even though the average state recycling rate is about 32 percent). Recycling has added billions of dollars to Pennsylvania’s economy in the form of jobs, employing over 81,000 people with a total annual payroll of \$2.9 billion. Pennsylvania leads the nation in glass, metals, paper, plastic and rubber reuse and recycling industries. Clearly, “Recycling Works in Pennsylvania”.



Research Briefs

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission. Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

Federal Requirements Hampering State Environmental Innovations

— Tony M. Guerrieri, Research Analyst

On Earth Day 1971, the now immortal words "We have met the enemy and he is us," were uttered by Pogo in the comic strip of the same name as Pogo and his friend Porkypine surveyed a garbage-laden landscape. According to a recent U.S. General Accounting Office (GAO) report, state governments seeking federal approval for innovative approaches to environmental problems may be justified in feeling the same way.

The report examines the major obstacles that impede states from pursuing innovative approaches needing the U.S. Environmental Protection Agency's (EPA) approval. Innovation is an area in which states have begun to experiment in order to improve environmental compliance among the regulated community.

The GAO report, *"Environmental Protection: Overcoming Obstacles to Innovative State Regulatory Programs"*, found that the complexity of federal environmental regulations that must be followed to the letter is the biggest obstacle state officials face when they try to be innovative. The report also cited the tendency of EPA staffers to be resistant to regulatory change as another major obstacle. Results were based on interviews with environmental regulators from 15 states (including Pennsylvania) and a review of 20 initiatives which those states pursued.

According to the report, a main culprit is the lack of flexibility states are allowed in implementing federal mandates. "Prescriptive" is how federal regulations were described in the report. Federal regulations tend to prescribe specific means to reach environmental goals, rather than establishing goals and allowing states and facilities the flexibility to reach those goals, particularly in pollution prevention and environmental restoration.

An EPA task force created in April 2001 to review the agency's regulatory development process recommended more regulatory flexibility and stronger partnerships with state officials in the development of rules that advocate innovative approaches to environmental policies. The GAO report suggests involving state officials in the early stages of rulemaking would probably lead to more new rules being developed that promote innovation, but it said this still does not address the problem of obstacles posed by existing regulations.

Lack of EPA support for inventive approaches was listed as either the first or second obstacle to innovation by 14 of 15 states.

The report states that a "prescription" for prescriptive regulations will not be found until legislative changes are made to give the EPA more latitude to approve original approaches in lieu of specific regulatory requirements. The absence of this "safe legal harbor" for the EPA has been a significant obstacle to testing innovative proposals.

Compounding the problem, EPA has had difficulty achieving "buy-in" among the agency's rank and file, who have grown accustomed to prescriptive regulations during the agency's 32-year history. According to the report, many EPA officials believe if they follow regulations to the letter, they will be in a better position to defend their decisions from lawsuits. This hesitancy on the part of EPA officials to support inventive changes was listed as either the number-one or number-two obstacle to innovation by officials from 14 of the 15 states surveyed.

To promote more novel approaches, the EPA has launched a number of initiatives that are intended to offer participants the opportunity to experiment with "outside the box" ways to improve compliance more efficiently and effectively.



For example, Project XL allows individual companies to test original ways of achieving environmental protection if they can demonstrate that the proposed changes will yield superior environmental performance.

Fifteen states had submitted 45 proposals to the EPA under Project XL as of January 2002. Twenty proposals had received agency approval, 22 were still being considered, and three had been withdrawn or denied approval. States have also used several other formal and informal avenues to pursue innovation with the EPA.

To obtain a copy of the report, call the U.S. General Accounting Office at (202)-512-6000 and request report number GAO-02-268. The report is also available on the GAO's Worldwide Web Home Page at: <http://www.gao.gov/new.items/d02268.pdf>.

National Coastal Environmental Condition Analyzed in Recent Report

—Jason H. Gross, Research Analyst

The US Department of Agriculture (USDA), the Environmental Protection Agency (EPA) and other federal agencies recently issued the *National Coastal Condition* report. The report is a response to a congressionally driven directive to develop a clean water action plan to protect public health and restore the health of national waterways.

As its name implies, the *National Coastal Condition* is a comprehensive examination of the current condition of national coastal waters, using data from federal agencies to provide a clear overview and broad baseline picture of the condition of coastal waters across the different coastal regions of the United States. The report provides a starting point and a benchmark for analyzing the progress of coastal programs, their future and what improvements can be made to coastal waterways.

The report admittedly is flawed in part because comprehensive data was not available for every coastal region. However, the report represents the best current available characterization and assessment of the conditions in national estuaries. The assessment is also based on a limited number of ecological indications, which are taken to represent generalized estuaries. Although a concerted effort through multi-agency and multi-state monitoring was made, the data remains incomplete. Through increased monitoring and data support, the report may be revised and improved in the future.

That said, among the report's major findings is that the overall rating of the nation's estuaries is fair. This evaluation was based on seven basic indications: water clarity, dissolved oxygen, loss of coastal wetlands, eutrophic (amount of nutrients and their effect on oxygen supply) condition, sediment contamination, benthic (flora and fauna found on the bottom or in bottom sediments) condition, and accumulation of contaminants in fish tissue. While fair is the overall rating, 56 percent of assessed estuaries were rated in good condition while 44 percent were rated impaired.

Coastal areas were rated as poor if the mean conditions for the indicators showed that greater than 20 percent of an estuary area was degraded within a region. According to the report, the poorest conditions throughout the United States were in coastal wetlands, and in the areas of eutrophic and benthic conditions. On the opposite extreme, the best conditions were in water clarity and dissolved oxygen concentrations.

Among the report's recommendations - strengthen management of Marine Protected Areas and expand their number.

Among the report's recommendations for developing increased coastal health is a call for development of a national strategy regarding Marine Protected Areas (MPAs). Since the 1950's, a combination of legislation, voter initiatives, and regulations has created MPAs. An MPA is any area in which the marine environment has been reserved by regulation to provide lasting protection of the natural and cultural resources in it.

In order to protect these vital areas, the report recommends that we strengthen the management, protection and conservation of MPAs. The report also suggests that the list of MPAs be expanded. Even though this represents a comparatively small amount of total protected area, these are key coastal resource areas.

In order to draft a more accurate picture of national coastal health, more data, fieldwork and research must be done. This, in turn will provide a more complete picture of the coastal situation, allowing scientists to make more specific recommendations on how to repair troubled coastal areas.

For further information call the EPA at 513-489-8190 and request document # EPA-620/r-01/005 or visit via the Worldwide Web at: <http://www.epa.gov/ipbpages/archive/v.1/279.htm>.



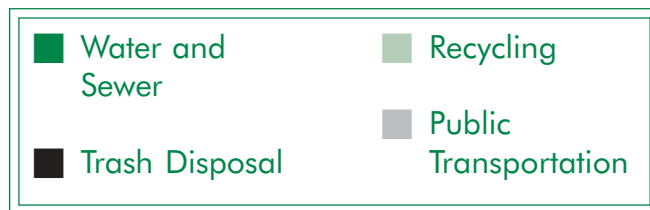
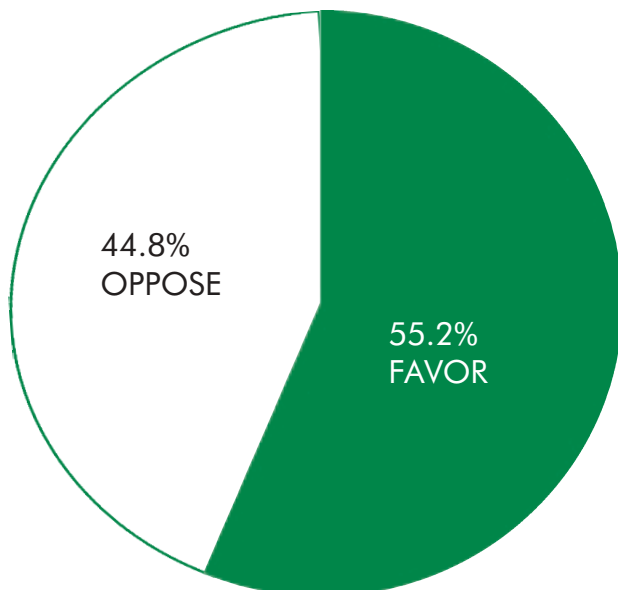
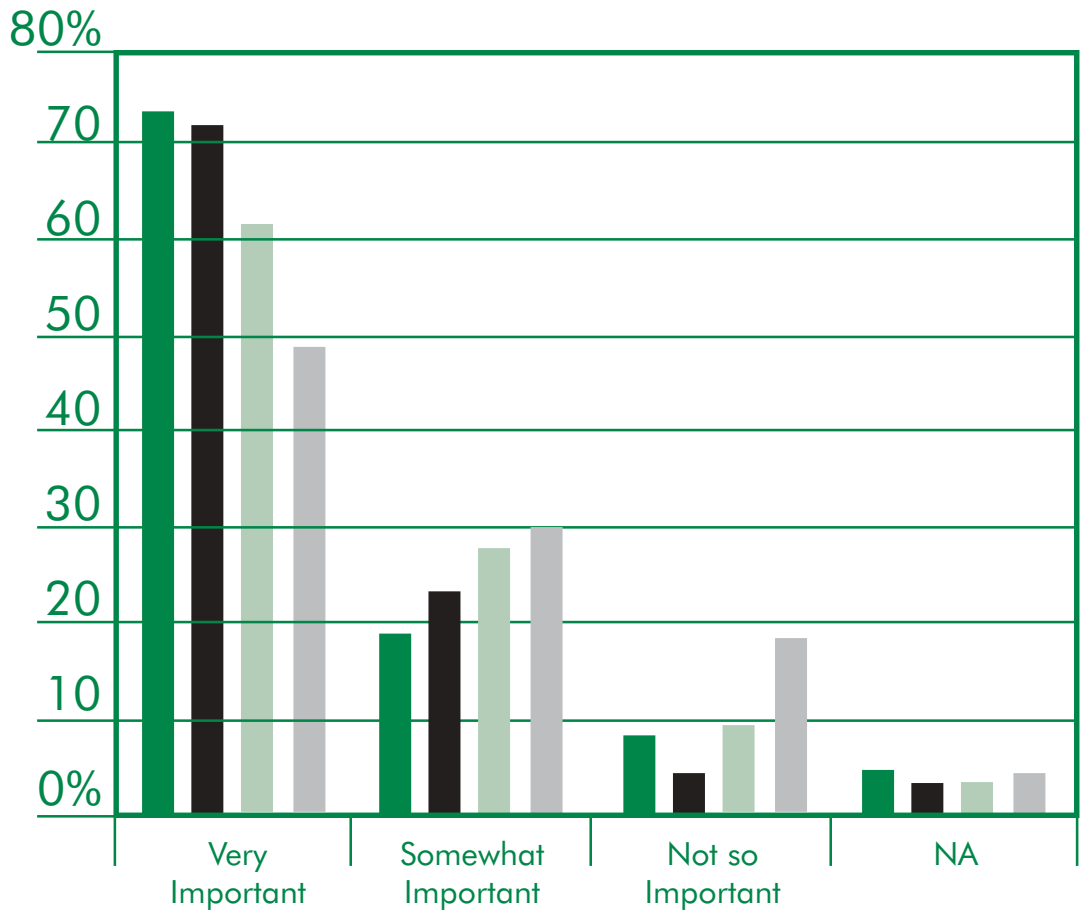
Survey Results

The Public Mind 2002



Public Services and their Importance

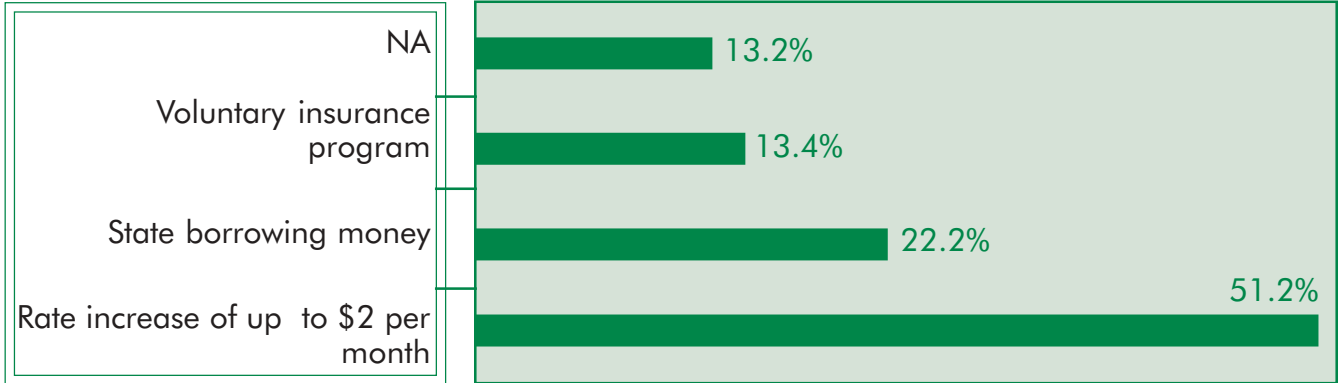
How important to you is the quality of the following public services in your community or area?



Sewer and Water System Financing

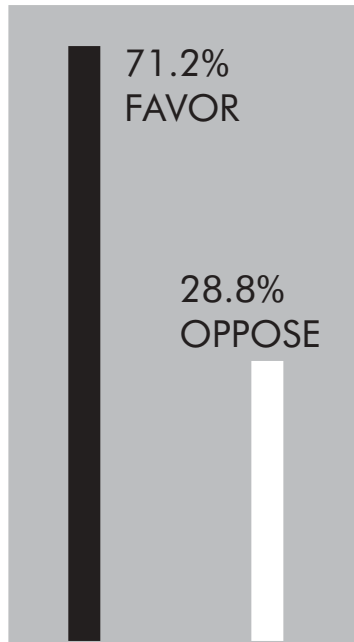
Would you favor or oppose increasing financial assistance for maintaining or upgrading Pennsylvania's sewer and water system?

If you favor increasing financial assistance for maintaining or upgrading sewer and water systems, where should the increased funding come from?

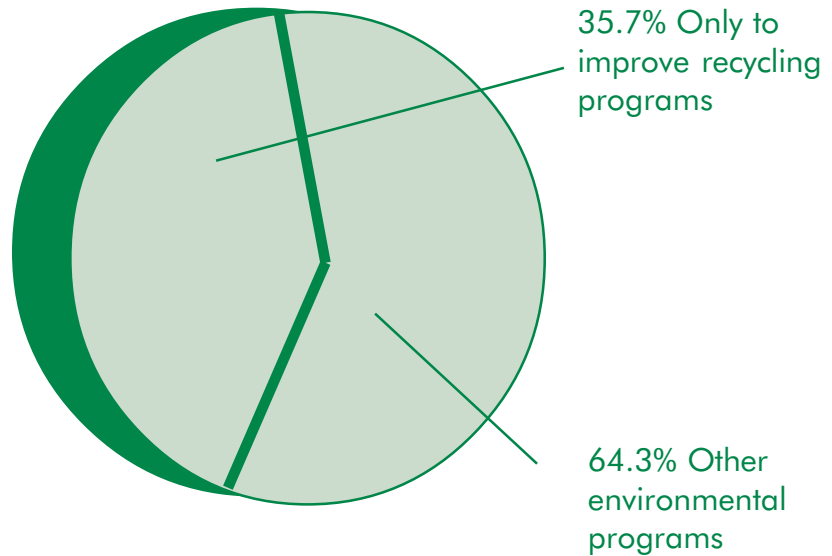


Recycling Fee Questions

Do you favor or oppose continuing the state's \$2 per ton recycling fee?



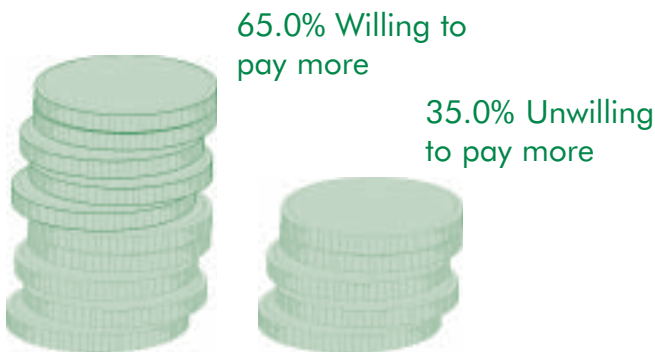
How should any extra money generated from the recycling fee be used?



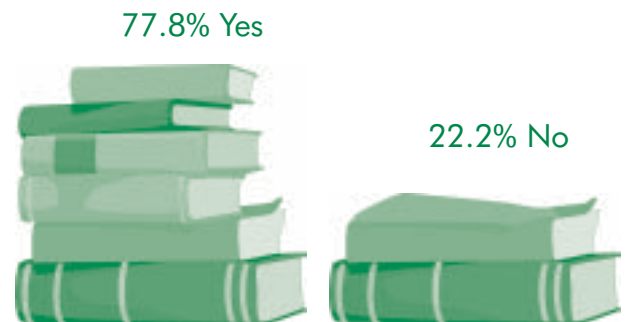
Trash Disposal Questions

Do you think the law should be changed to put a limit on out-of-state trash? YES - 89.4% NO - 10.6%

Would you be willing to pay up to \$2 more per month for your trash if it helped to limit out-of-state trash?



If trash fees generate extra money, would you agree to using some of the funds for other public purposes such as local schools, volunteer firefighters and local libraries?



On The Horizon...

a look at upcoming committee events

► **Thursday, July 11, 10 a.m., Room 107, Penn Stater Conference Center Hotel, State College – Legislative Forestry Task Force Meeting.** The task force will discuss taxation of forestland in Pennsylvania. Individuals planning to attend should contact Lynn in the committee office in advance at 717-787-7570.

► **July 22-23 – Tours of Pennsylvania’s Heritage Parks.** Committee members and staff will visit the National Road Heritage Park (July 22) and the Lincoln Highway Heritage Corridor (July 23).

► **August 20-21, Clarion Hotel and Convention Center, Carlisle – Infiltration and Inflow Control Symposium.** The PA Department of Environmental Protection (DEP) and the Joint Conservation Committee are cosponsoring this symposium focusing on infiltration of groundwater into sanitary sewers. It will feature presentations on practical solutions, technology exhibitors and many of the recommendations of the Joint Conservation Committee’s Infiltration Task Force report.

Watch future issues for the fall schedule of Environmental Issues Forums. The forums are open to the public.

Committee Chronicles...

a review of some memorable committee events

On April 11, the committee held a public hearing in McKee’s Rocks, Allegheny County on reauthorization of the state’s recycling fee. The committee heard from statewide associations, local recycling operations and the waste industry and found overwhelming support for reauthorization. Pictured here are members of



the audience who attended the hearing, several of whom also testified, and one of the witnesses, Tanya McCoy-Caretti , president of the Professional Recyclers of Pennsylvania (PROP) and executive director of the Cambria County Solid Waste Authority.





In regard to the recycling fee's use, just over 64 percent favor the use of any extra funds generated from the recycling fee for a variety of other environmental programs, such as stream restoration and mine clean-ups.

Sixty-five percent said they would be willing to pay up to \$2 more per month for trash disposal if it would help limit out-of-state trash. And, 77.8 percent favor the use of any excess funds from trash disposal fees for a variety of public purposes, such as schools, volunteer firefighters or libraries. By the way, an overwhelming 89.4 percent want to see the law changed to limit trash imports.

Turning to the importance of the quality of public water and sewer, recycling and trash disposal services, more than 90 percent stated that the quality was important to their communities, and in most cases (a range of 73-62 percent), very important. As is often the case, not everyone was equally enthusiastic about paying for quality services, but the survey found that a majority - 55.2 percent - favored increasing financial assistance to maintain or upgrade Pennsylvania's sewer and water systems.

See pages 5 and 6 of this issue for details on The Public Mind survey results

Of that majority, most (51.2 percent) indicated that they would prefer paying up to \$2/month more in increased rates to provide the increased funding. Just over 22 percent favored the state borrowing money, while 13.4 percent favored a voluntary insurance program funded by ratepayers. Regular readers may recall that these alternatives were among options put forward in

the committee's reports to address the problems of combined sewer overflows (CSOs) (issued in November 2001), and infiltration and inflow of extraneous water into sewer systems (issued in February 2002).

Other survey findings in brief (details to be included in the July issue) are:

— Two-thirds to three-quarters of those responding got their water and/or sewage treatment through a public system, and large majorities were satisfied with service and quality.

— However, most (79.3 percent) of those with their own wells did not prefer to be switched to a public system. While a strong majority with their own septic systems felt the same way, the percentage (66.3 percent) was significantly lower.

— Of those with wells, 49.3 percent had had the water tested within the past year and of those, the water was safe to drink 87.3 percent of the time.

— Of those with septic systems, 34.7 percent had had the system serviced within the past year, 31.3 percent within the past 2-5 years, 15.2 percent more than five years ago, and 6.3 percent never. More than 12 percent said they did not know.

The survey also asked a series of drought questions and found that while not all respondents seemed to be sure that their geographical area was under a drought warning (only 53.9 percent of those in the Southeast, for example, responded affirmatively), 83.6 percent said they did reduce water use when a drought warning was issued by the state. Close to 91 percent of well users said their wells had not gone dry in the past three years.

The survey has a margin for error of plus or minus two percent. Contact the committee office for complete tabulations of the survey results.



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