

Intergovernmental Relations and Environmental Protection

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Major Federal Laws

- **Clean Air Act- 1970**
- **Clean Water Act- 1972**

- **Ground Pollution**
 - **RCRA (Resource Conservation & Recovery Act)- 1976**
 - **CERCLA (Superfund)- 1980**

U.S. Constitutional Principles

- **States created federal Government**
- **Federal government has limited powers**
- **All other powers reside in the states**
- **Federal government cannot force states to act**

U.S Constitution and Environment

- Environment generally regulated by commerce clause
- Other areas of authority
 - treaty
 - defense
 - federally owned lands

Pre-emption

- **Where federal government has authority, it may pre-empt regulation by state or local government**
- **States have same authority over local government**
- **General Enforcement Concepts**
 - **Federal government can encourage state cooperation**
 - **Denial of funding**
 - **Federal government can enforce federal laws**

Environmental Protection/ Resource Management

- **Environmental Protection= reduction of pollution of air, water, or ground**
- **Resource Management= value judgment about how to best use natural resources (energy; parks; public lands; fish & game; forests; coast; special areas)**

General concepts for Federal Environmental Protection

- **Federal facilities must follow state and local environmental laws**
- **Freedom of Information Act**
- **Citizen suits**
- **Protection standards**
 - **Health v. Cost/Benefit**
- **US EPA regulations subject to Presidential oversight process**

Hierarchy of Intergovernmental Regulation

- **Congress– Passes Law**
- **US EPA-**
 - **National Regulations**
 - **Approves Plans**
- **State-**
 - **Write and complete State Implementation Plan (SIP)**
- **Local/ Regional-**
 - **Writes Permits**
 - **Enforcement**

Air Pollution

- **Congress— Passes Law**
- **US EPA-**
 - National Regulations
 - Approves Plans
- **State- Air Resource Board (ARB)**
 - Write and complete State Implementation Plans (SIP)
- **Local/ Regional- Air Pollution Control District**
 - Writes Permits
 - Enforcement

Water Pollution

- Congress– Passes Law
- US EPA-
 - National Regulations
 - Approves Plans
- State- **State Water Resources Control Board**
 - Write and complete State Implementation Plan (SIP)
- Local/ Regional- **Regional Water Control Board**
 - Writes Permits
 - Enforcement

Toxic Ground Pollution

- Congress– Passes Law
- US EPA-
 - National Regulations
 - Approves Plans
- State- Department of Toxic Substance Control (DTSC)
 - Write and complete State Implementation Plan (SIP)
- Local/ Regional- Facilities- DTSC regions
Users- Local Fire Department
 - Writes Permits
 - Enforcement

Solid Waste Pollution

- **Congress– Passes Law**
- **US EPA-**
 - National Regulations
 - Approves Plans
- **State- Department of Resource Recycling and Recovery (DRRR)**
 - Write and complete State Implementation Plan (SIP)
- **Local/ Regional- County Health Departments**
 - Writes Permits
 - Enforcement

Federal Enforcement in Practice

- US EPA enforces in half of states
- Consistent during Nixon, Ford, & Carter
- Party dependent since 1981
 - Republican- no enforcement; lots of environmental citizen suits
 - Democrat- enforcement; lots of industry suits to attack new regulations



Administration of Environmental Protection

- Federal- United States Environmental Protection Agency
- Typical State- State Environmental Protection Agency

California's Unique Approach to Environmental Protection

- Many independent boards and commissions
- Multiple state/regional/local entities
 - Air- **31**
 - Water- **10**
 - Toxics Substance **~500**
 - Non-toxic- **59**

Cal EPA-



- **Air and Water**
- Water pollution control
 1. California Water Resources Control Board(also manages water rights)
Regional Water Quality Control Boards (9- handle water pollution permitting and enforcement; not involved in water rights)
- Air pollution control
 2. California Air Resources Board (ARB) plus about 30 separate air pollution control districts

Cal EPA- Toxics on Land

- Department of Toxic Substances Control
4 regional enforcement offices for treatment & disposal facilities
Local Fire Departments enforce for users of toxics
- Office of Pesticide Regulation
- Office of Environmental Health Hazards Assessment (OEHHA)

Resources Agency- Department of Resources Recycling and Recovery

- Non-toxic land pollution
- Department of Resources Recycling and Recovery (Cal Recycle)
 - 58 county enforcement agencies (County Environmental Health office)



California Resources Agency Departments



Department of Boating and Waterways

Department of Conservation Corps

Department of Conservation

Department of Fish and Game

Department of Forestry and Fire Protections

Department of Resources Recycling and Recovery

Department of Water Resources



California Resources Agency Commissions

California Coastal Commission

California Energy Commission

California State Lands Commission

San Francisco Bay Conservation and
Development

Delta Protection Commission

Central Valley Flood Protection Board

Board of Forestry

Fish and Game Commission

Mining and Geology Board

Wildlife Conservation Board



Special California Rules

- Brown Act
- Public Records Act
- Initiative/Referendum/Recall

California Approach- Advantages

- **Openness**
- **Continuity**
- **Distancing from political influence**

California- Disadvantages

- Lack of responsibility
- Appointments for political reasons
- Little oversight of appointee behavior

Overall comments

- Approaches made by media
- Some conceptual similarity
- Discouraging decline into partisanship