



# Environmental Information

EPA Administrator Russell E. Train said in a speech to the National Association of Regional Councils that decisions on pressing environmental and other social and economic issues should be made by local governments acting on a regional basis and not by the Federal government or the courts. Speaking in Boston on May 28, Train said:

"In my judgment, far too many decisions in recent years have ended up in the hands of the courts and the Federal government--not because they have the slightest interest in treading on or taking over anybody else's territory--but because the citizens of this country, frustrated by the failure of States and localities to face up to their needs and problems, have turned instead to the Federal government and, increasingly, to the courts....As a result, far too many decisions have become much too far removed from the regular processes of democratic control."

Train noted that EPA's major legislation is up this year for Congressional review and that one of the Agency's top priorities is to fashion with Congress "a more coherent and coordinated set of environmental programs which can be synchronized far more simply with State and local plans and programs."

Train said that the areawide intergovernmental approach to water pollution control under Section 208 of the Water Pollution Control Act offers "intriguing possibilities" as a national program "put together and carried out by local authorities acting on a regional basis." He said that the 208 process involves both planning and implementation and represents an effective approach "not only to water pollution, but to air pollution and solid waste as well." He said EPA is studying the possibility of draft legislation to expand the 208 program to include air and solid waste.

The speech is attached for your information and use.

Office of Public Affairs

REMARKS BY THE HONORABLE RUSSELL E. TRAIN  
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY  
PREPARED FOR DELIVERY BEFORE THE  
NATIONAL ASSOCIATION OF REGIONAL COUNCILS  
BOSTON, MASSACHUSETTS, MAY 28, 1975

FROM THE GROUND UP:

Making the Federal System Work

I have long looked forward to the opportunity to meet and talk with the members of this Association, not only because EPA has been throwing a good deal of business your way -- and in the process helping, so to speak, to put some real teeth into the COGs -- but because I am convinced that, if this country is going to gain the upper hand upon the environmental and other problems that confront us, it is at the regional level that the political action and initiative must increasingly occur.

Nor can I imagine a better meeting ground, as the country stands on the threshold of its Third Century, than this city and this region, which have served as cradle and crucible for so much of our history and heritage. At a time when all indications are that vast numbers of the American people are thoroughly turned off of politics and government, I think it is well to remind ourselves that a set of political principles and processes, and a system of government -- the very same ones that we still have -- are precisely what all the fuss was about, two centuries ago, when the war was over and the fathers of this country got down to the basics of building a new nation. We have, in my view, no more urgent business than to start demonstrating to the people of this country -- or more accurately, to start letting them demonstrate to themselves -- that, in coping with common problems and needs, our political processes and governmental institutions

are something more than the merely decorative and increasingly dispensable vestiges of a vanished age, that they are, in fact, what they have always been: A citizen's best instruments for deciding public questions, and dealing with public problems, in ways that are both fair and effective.

As we do so, we might keep in mind these words that George Washington once wrote concerning the Constitution:

I think the people (for it is with them to judge) can, as they will have the advantage of experience on their side, decide with as much propriety on the alterations and amendments which are necessary, as ourselves. I do not think we are inspired, have more wisdom or possess more virtue than those who will come after us.

The basic structure of our federal system remains as sound and suited to our needs and conditions as it ever was; indeed one of its essential sources of strength has always been its ability, as we have been willing to take advantage of it, to undergo adjustments to changing conditions without itself experiencing any fundamental change in character.

It is in that context -- of the need to make our political processes and governmental system work far better than they have in recent years -- that I would like, this morning, to take a brief, broad look at the environmental effort and some of its implications for the federal system.

I want, at the outset, to underscore my conviction that our major environmental laws -- in particular, the Clean Air and Water Acts -- are good laws. Their primary purpose is to protect the public health and welfare, and we have made real progress toward achieving that purpose. We have, in the process, learned enough -- and, as in most educational experiences, suffered on all sides a sufficient measure of pain -- to make some very real improvements in both the

laws themselves and the way EPA carries out those laws. We must all understand, at the same time, that the evidence continues to accumulate that the harmful effects of pollution upon human health and well-being are not only serious, but even worse than we thought. And in no respect can we justify, or permit, any change in those laws that would, in fact, constitute a retreat or relaxation in our effort to assure for all Americans a whole and a healthy environment.

As you know, the first major deadline under the Clean Air Act -- for the achievement of health-related standards for six serious pollutants -- will fall only a few days from now, on Saturday, May 31. We will have achieved, on a national level, none of these standards. We will, on the other hand, have accomplished -- both nationally and in major areas of the country -- some rather deep reductions in some air pollutants and put in place and in motion the basic machinery we must have to continue to lighten the load of hazardous air pollutants in the air we breathe. While it is still too early to report specific improvements as a result of our efforts under the Water Act, we expect by the end of fiscal 1977 to obligate nearly all of the \$18 billion in grants for the construction of sewage treatment plants, and we are working on ways to ensure that the American public gets the chance to enjoy the full benefits of the clean water that its tax dollars have purchased.

In this regard, I am happy to report that EPA's New England Regional Office, headquartered here in Boston, has been working with the outdoor recreation offices of the states within the region, as well as the Regional Office of the

Bureau of Outdoor Recreation of the Department of Interior, to synchronize their outdoor recreation and open space programs with the clean up of the Region's rivers and lakes under the Water Act. They have agreed, among other things to coordinate the opening this summer of major treatment plants at Fitchburg, Massachusetts, with plans by the Nashua River Watershed Association to develop a Greenway along the river. Both nationally and through its regional offices, EPA will seek as strenuously as it can to encourage, assist and engage in joint efforts with other federal, state and local agencies, and with citizens groups, to secure for the people of this country a full and fair return on their investment in cleaning up the nation's waters.

But if we are making progress under these laws, and if their basic strength must not be impaired, there is a great deal we can do to improve both their structure and the ways in which we carry them out. We are beginning, I think, to make some very real headway along these lines, and I have every confidence that, before the year is out, we shall -- with the help of the Congress -- have fashioned a more coherent and coordinated set of environmental programs which can be synchronized far more simply with state and local plans and programs.

We are, for example, taking a long, hard look at whether -- or to what degree -- EPA should undertake a combined grant assistance program that would integrate all of its planning and management efforts. Our options are limited by the fact that, while money is authorized for some of these programs, such as the Section 208 areawide waste treatment management planning, no money is authorized for other programs such as

air quality maintenance, nonsignificant deterioration and indirect source review. I am determined, however, that in the coming months we do all that our current legislation will allow to pull our efforts together and that we work with the Congress to secure the legislative changes we need to achieve even greater coherence. As you know, our major legislation is up this year for Congressional review and revision, and one of our major priorities is to suggest and support changes that will strengthen our ability to coordinate our efforts with yours.

In the meantime, we have reached an agreement with the Department of Housing and Urban Development upon the coordination of the land use-related provisions of EPA's 208 and HUD's 701 grant programs. We hope soon to reach a similar agreement with HUD on the coordination of our air quality planning activities with the 701 program.

Since I first joined EPA over a year and a half ago, I have stressed as strongly as I can my view that -- in carrying out the provisions of the Clean Air Act and other legislation -- the Agency must do a far better job of working with the citizens of this country, primarily through their elected officials at the state and local levels, not simply after the fact, but in the very formulation of our regulations, guidelines and plans. I have, again and again, emphasized the fact that, before we put together and publish regulations, before we step in and start telling people where they can or can't build, or where they can and can't drive, we must -- from the very first -- make them a full partner in the process by which those decisions are made.

I would go even farther than that and say that our job,

as a federal agency, is to make sure that, in fact, there does exist a process by which they themselves can and will make those decisions. In other words, when we are talking about transportation control plans, and indirect source reviews, and other programs that have very real social, economic and other impacts at the local and regional level, EPA's role -- as a federal agency -- must be to do everything within its power to see to it that there is, at the state, local and regional levels, an effective, open and equitable process for confronting these questions, a process that not only allows but insists upon full public discussion and decision on the issues and alternatives involved.

I want, to the fullest extent possible, to get EPA out of the business of putting together and, in effect, mandating detailed transportation plans for cities across the country, and of having to review every single major new shopping or convention center in the country. I want to get the localities, acting on a regional basis, into the business of really facing up to these issues. People's lives are profoundly affected by the way these issues are resolved -- not to speak of whether or not they are resolved -- and they must be given the opportunity, through the political process, to do their own resolving. But if the people affected are to have a real chance to wrestle with and resolve these issues, there must be a process -- a democratic, decision-making process -- that will enable them to do it. And all too often, at the level at which the problems occur, such a process simply does not exist.

In this regard, the 208 planning process offers some intriguing possibilities. It is areawide and includes all

aspects of water pollution control. It is a national program, but is put together and carried out by local authorities acting on a regional basis. It involves not only planning, but implementation. It has a high degree of public involvement and accountability, and it ties the planning and the political processes together.

It is still far too early to tell if 208 will, in fact, prove to be as effective an approach as it promises. But as my brief description suggests, it does have the basic ingredients of an effective areawide intergovernmental approach not only to water pollution, but to air pollution and solid waste as well. We are, in fact, seriously exploring the possibility of draft legislation that would expand the 208 program to include air and solid waste.

It may well be that the 208 process, or something like it, can help move us toward the point at which wastewater treatment plans, air quality maintenance plans, transportation control plans, and the like are integral parts of more comprehensive land use and growth management plans for localities, for regions and for states. These plans, moreover, would be created and carried out through a political process in which both citizens and their elected officials -- not experts or appointed officials -- make all the basic choices and decisions.

But before we can arrive at this point -- and I think we must if we ever expect to come to grips with the problems of growth in this country -- we are going to have to face up to the fact that fragmentation is not local strength, but local weakness; that the way to guarantee, not only the greatest degree of local autonomy, but the greatest degree of local involvement



and influence in coping with larger than local problems, is for local governments themselves to join in effective efforts to deal with those problems. This is, I think, what the Mayor of a Minnesota city meant when, in testimony on the proposed Twin Cities Metropolitan Council, he said: "Gentlemen, we look on metropolitan government as local government."

It is often said that, of all our levels of government, local government is closest to the people and their problems. In most respects, that is -- or ought to be -- true. But to the degree that problems reach far beyond the boundaries and resources of any local jurisdiction, then local governments are not closest, but farthest from those problems. Nor can they be said to be closest to the people who are affected by these problems, for they do not serve as effective means for enabling these people to deal with these problems.

It may well be a fact of life that, no matter how nice or neat they sound in academic circles, full-fledged regional or so-called "super" governments are simply not going to happen in this country. And I, for one, think that's probably a good thing. But I also think it is a fact of life that the degree to which local government will have a real say in efforts to deal with urgent areawide problems will depend, deeply and directly, on the degree to which they themselves, on their own initiative, come up with their own effective arrangements for handling these problems. There would, and there should, be great variety in these arrangements all across the country. All of them, however, would have at least two things in common: First, they would reflect the unique needs, values, traditions of their different regions; and second, they would be effective, accountable mechanisms that would allow their citizens to

really get at areawide problems.

The emergence of such arrangements in good working order would go far toward convincing the people of this country that, through their local governmental and political processes, they can actually do something to attack their most pressing public problems. It would enable local governments to play a far stronger and more creative role within the federal system. And it would, to everybody's relief, bring to a virtual end the proliferation of state and federal single and special purpose authorities to deal with areawide problems as well as the explosion of court cases touched off by efforts to control growth on a strictly local basis.

To say that the practicalities of politics prevent us from going in the directions I suggest is simply to confirm the feeling of those who regard our political processes and governmental institutions as increasingly incapable of responding to our needs and resolving our problems. The kinds of problems we are talking about -- of transportation, of air and water quality, of where and when and how growth should or should not occur, of how to reconcile the need for housing and economic growth and the need for a whole and a healthy environment -- these kinds of problems, as you well know, do not have single or simple answers. They do not, in fact, call for answers or solutions at all. What they call for are decisions -- decisions that are reached through a democratic, decision-making process that gives everybody affected a chance to really understand and assess the tradeoffs and to have a full say and fair shake in making them. That means that we need to get these "decisions" back into the political and governmental process, and to get the political and governmental process back into the business

of making them. That means that we need to forge far closer, clearer links both between the planning and the political processes and between the people and those processes.

Nearly seventy years ago, the distinguished American lawyer and statesman, Elihu Root, issued a prophetic warning in an address entitled "How to Preserve the Local Self-Government of the States." He said, in part:

The intervention of the National Government in many of the matters which it has recently undertaken would have been wholly unnecessary if the States themselves had been alive to their duty toward the general body of the country . . . The instinct for self-government among the people of the United States is too strong to permit them long to respect any one's right to exercise a power which he fails to exercise. . . . There is but one way in which the States of the Union can maintain their power and authority under the conditions which are now before us, and that way is by an awakening on the part of the States to a realization of their own duties to the country at large . . . ."

It is not oversimplifying things too much to say that, over the centuries, the relative roles of the levels of government in this country have pretty much followed this pattern: (1) if the localities can't or won't, the states will; (2) if the localities and the states can't or won't, the federal government will; (3) if all of these can't or won't, the courts will. In my judgement, far too many decisions in recent years have ended up in the hands of the courts and the federal government -- not because they have the slightest interest in treading on or taking over anybody else's territory -- but because the citizens of this country, frustrated by the failure of states and localities to face up to their needs and problems, have turned instead to the federal government and, increasingly, to the courts.

One of the great strengths of our system is the fact

that it offers more than one avenue for the resolution of issues and problems. If one alternative doesn't work, the citizen can always resort to another. To far too great a degree, however, the last resort has become the first resort, the extraordinary and unusual measure has become the order of the day, and the people of this country have increasingly come to seek satisfaction not through more immediate levels of government, but through the courts and the federal government, and often through direct action outside the established political processes and institutions. As a result, far too many decisions have become much too far removed from the regular processes of democratic control.

I said, at the start, that it is at your level that the political action in this country will, and must, increasingly occur. If we can, at your level, move toward developing the kinds of effective, accountable political and governmental "arrangements" that I have described, then I think we will go a long way toward putting the people of this country back in contact and in control of their political processes and their governmental institutions. We will start making some real headway against our environmental and other most pressing problems. And we will be making the federal system work the way it really should -- from the ground up.



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