

(e) The effect of geologic and hydrologic conditions, such as soil suitability, land availability, natural barriers (rivers and mountains), the quantity and availability of water resources, and the susceptibility of ground water to contamination should be considered. Aquifer protection in accordance with State water quality management plans and policies could influence boundary selection.

(f) Coordination with ongoing planning for other purposes may be an influence in selecting boundaries.

(1) The local and regional planning process should be integrated into the State planning process.

(2) Use of a common data base should be encouraged among transportation, land use, and other planning areas.

(3) To the extent practicable, coterminous planning regions should be encouraged, and larger regions should be multiples of whole smaller regions.

(4) Coordination should be provided with those agencies designated for water quality management planning under section 208 of the Federal Water Pollution Control Act, with underground injection control agencies designated in accordance with the Safe Drinking Water Act, and with air quality planning agencies designated under the Clean Air Act.

(Sec. 4002(a), Pub. L. 94-580, 90 Stat. 2795 (42 U.S.C. 6942))

§ 255.11 Criteria for identifying agencies.

The following criteria are intended to assist in the process of agency selection pursuant to section 4006(b) of the Act. They may also be useful in pointing out needed improvements in the qualifications of the selected agencies.

(a) Existing agencies with demonstrated satisfactory ability to plan, manage, or operate solid waste management services should be considered for planning and implementation responsibilities. Agencies which have completed planning that resulted in successful implementation of solid waste management facilities or services should be given priority consideration for future planning responsibilities when they otherwise meet these criteria.

(b) An agency to be identified as responsible for conducting regional solid waste management planning should:

(1) Be a representative organization composed of, or whose membership is composed of, individuals at least a majority of whom are elected officials of local governments or their designees having jurisdiction in the planning region.

(2) Have planning jurisdiction in the entire planning region.

(3) Be capable of having the planning process fully underway within 1 year after identification.

(4) Have established procedures for adoption, review, and revision of plans and resolution of major issues, including procedures for public participation in the planning process.

(5) Have appropriate experience and skills to perform all of its assigned responsibilities, including expertise for the particular waste type, processing or disposal technology, and functional area. (Attention is directed to OMB Circular No. A-95, paragraph 1.e., part IV of Attachment A which encourages the designation of established substate district comprehensive planning agencies as the agencies to carry out areawide planning assisted or required under any Federal program).

(c) In identifying agencies for solid waste management planning and implementation under section 4006 of the Act, the State should review the solid waste activities being conducted by water quality management planning agencies designated under section 208 of the Federal Water Pollution Control Act. Where feasible, identification of such agencies should be considered in the joint identification processes of subpart C of this part. There should be a formal means of coordination established with the State water quality management agencies.

(d) Planning objectives will influence agency selection. Distinctions may be made between policy planning and facility planning and between planning a single solid waste management system and comprehensive planning which addresses trade-offs among various media.

(e) For coordinating planning and implementation under the State plan, as

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required in section 4003(1)(c), consideration should be given to identifying one agency for both functions. Where separate planning and implementation agencies are selected, there should be some means to ensure implementation, such as State legislation or an inter-agency agreement that all constituent jurisdictions will abide by the plan. Furthermore, strong coordination should be established between the planning agency and the implementing agency. During the planning period, the implementation agency should have continual access to plan development processes. There should be an administrative procedure to resolve conflicts between planners and implementers.

(f) The agency responsible for carrying out the regional plan should be constituted with authority to implement the plan in its constituent jurisdictions.

(g) The need for a reliable volume of waste to supply disposal or recovery facilities should be addressed. The Agency providing such facilities whose member jurisdictions could choose whether or not to utilize the facility should analyze that need and consider methods such as franchising or public utility controls to assure an adequate supply.

Subpart C—Procedures for Identifying Regions and Agencies

NOTE: The following procedures are provided to assist in establishing consultation and joint identification processes to be used for identifying regions and agencies pursuant to section 4006. Any process which meets the substantive intent of these guidelines may be submitted to the EPA Regional Administrator for purposes of determining grant eligibility under section 4007, especially if such process has been mandated or funded by State legislation.

§ 255.20 Preliminary identification of regions.

Preliminary identification of regions should be made by the Governor or his representative after consultation with regional and areawide planning agencies, water quality and solid waste management planning agencies, cities, and counties and other appropriate units of general purpose local govern-

ment. The Governor should notify the concerned agencies of his recommendations concerning boundaries. Where the regional identification has already been established by State legislation or other method in keeping with these guidelines, this notification need only request comments on the existing arrangement.

[42 FR 24927, May 16, 1977, as amended at 48 FR 29303, June 24, 1983]

§ 255.21 Local consultation on boundaries.

Any chief executive of a general purpose government within the State may comment on the Governor's recommendation concerning the boundaries.

(a) The purposes of these comments are to assure that the experience of local agencies is used to fullest advantage in boundary decisions, that incompatible institutional arrangements are not forced, and that significant local considerations are not overlooked.

(b) When the objectives of the Act concerning local consultation can be met by an equivalent or existing process established under State administrative procedures acts or other State procedural guidance, the Governor may request that the EPA accept that process in fulfillment of the grant eligibility criteria under section 4007 of the Act.

§ 255.22 Establishing regional boundaries.

Under section 4006(a) of the Act the formal means for identifying regional boundaries are to be regulations promulgated by the Governor. Where the identification of areas has already been made by State legislation or other means which have legal stature equivalent to the required regulations, and where notification and consultation have occurred pursuant to §§ 255.20 and 255.21 of this part, such legislation may be used in lieu of those regulations. Where substantial disagreement persists between the Governor and local officials, normal State administrative and judicial appeals procedures are available to resolve such conflict.