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# **Regional Planning Organizations**

## **A Limited Effort or Wave of the Future?**

### **Legal Aspects**

**CAPCA**

**April 12, 2007**



# VISTAS

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- **Origin – Regional Haze Rule**
  - Air Quality Protection Plans to Reduce Pollution Impacts on Visibility in Class I Areas
  - Five Regional Planning Organizations (RPO's)
  - Southeast States Air Resource Managers (SESARM) Designated as RPO for the Eight Region IV states plus VA, W.VA. and Tribes. [18 Class I Areas]
  - VISTAS (Visibility Improvement State and Tribal Association of the Southeast)



# Structure

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- Memorandum of Understanding – (MOU)
- Bylaws
- Provides For “Collaboration”
- Mission – Planning Activities Associated With Management of “regional haze, visibility and other air quality issues”
- Bylaws Specify no Independent Regulatory Authority
- No Authority to Direct State Law or Policy
- Participants Retain Own Rights and Legal Authorities
- VISTAS Does Not Apply For or Disburse Funds  
SESARM Responsible For Funding Regional Planning



# Issues With Regional Efforts

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- **Constitutional/Legal**
  - Federalism/States Rights
  - State Compacts/Congress Approves
  - Sovereignty/New Concepts
  - Parallel Actions
  - Litigation Cooperation



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- **Practical/Governmental**

- Authority Ceded In Fact
- More Than Planning
- Traditional State Rulemaking and Stakeholder Involvement



# Future of Regional Efforts

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- **Emerging Status of States**
  - Other Collaborations
  - Evolving Power of States Generally
  - Evolving Regional vs. National Interests
  - Regional Interests/Problems
- **Environmental Issues Often Regional**
  - Transborder Impacts
  - Interconnectedness of Solutions