

2025 USDA EXPLANATORY NOTES -HAZARDOUS MATERIALS MANAGEMENT PROGRAM

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PREFACE

This publication summarizes the fiscal year (FY) 2025 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the “Budget” is in regard to the 2025 Budget, unless otherwise noted. All references to years refer to fiscal year, except where specifically noted. The budgetary tables throughout this document show actual amounts for 2022 and 2023, annualized Continuing Resolution levels for 2024, and the President’s Budget request for 2025. Amounts for 2024 estimated levels include: non-enacted amounts such as Full-Time Equivalent levels, fleet levels, information technology investment levels, recovery levels, transfers in and out, balances available end of year, and obligation levels.

Throughout this publication, the “2018 Farm Bill” is used to refer to the Agriculture Improvement Act of 2018. Most programs funded by the 2018 Farm Bill are funded through 2023. Amounts shown in 2024 and 2025 for most Farm Bill programs reflect those confirmed in the baseline.

Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, sequestration is included in the numbers for mandatory programs in 2022, 2023, 2024 and 2025.

In tables throughout this document, amounts equal to zero (0) are displayed as dashes (-). Amounts less than 0.5 and greater than zero are rounded and shown as a zero (0). This display treatment is used to prevent the masking of non-zero amounts that do not round up to one (1).

AGENCY-WIDE

PURPOSE STATEMENT

The Hazardous Materials Management Program (HMMP) provides leadership and policy in five key environmental areas: (1) establishing annual funding priorities and funding hazardous material cleanups on USDA-managed lands and sites contaminated from past activities; (2) overseeing enforcement activities and tracking cost recovery from polluters; (3) ensuring pollution prevention and environmental compliance; (4) planning, preparing for, and responding to oil spills and hazardous substance releases affecting the natural and built environment; (5) ensuring that USDA minimizes environmental liabilities associated with property transfers.

HMMP staff represents USDA on environmental cleanup and compliance issues with federal and state environmental regulatory agencies. In addition, HMMP is responsible for requirements, criteria, and procedures of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 42 U.S.C.§9601 et seq) and the Resource Conservation and Recovery Act (RCRA, 42 U.S.C.§6901 et. seq). The program also supports emergency response objectives by representing USDA on the U.S. National Response Team for oil and hazardous substance releases and several emergency supporting functions under the Federal Emergency Management Agency’s National Response Plan. HMMP supports natural resources stewardship and quality-of-life goals for rural America through the remediation of legacy pollution in communities that experience disproportionately high adverse human health, environmental and climate change impacts. HMMP supports remediation of watersheds and groundwater used for drinking water of rural communities and the restoration of land used for hunting, fishing, camping, and hiking.

HMMP is headquartered in Washington, D.C. As of September 30, 2023, there were four permanent full-time employees, with three located in the national headquarters and one located in a field office in Colorado.

OIG AND GAO REPORTS

HMMP did not have any Office of the Inspector General or Government Accountability Office evaluation reports during the prior year.

AVAILABLE FUNDS AND FTEs

Table HMMP-1. Available Funds and FTEs (thousands of dollars, FTEs)

Item	2022		2023		2024		2025	
	Actual	FTEs	Actual	FTEs	Estimated	FTEs	Estimated	FTEs
Salaries and Expenses:								
Discretionary Appropriations.....	\$7,540	4	\$7,581	4	\$7,581	4	\$7,615	4
Balance Available, SOY	4,945	-	5,518	-	5,815	-	-	-
Recoveries, Other.....	220	-	556	-	-	-	-	-
Total Available.....	12,705	4	13,655	4	13,396	4	7,615	4
Balance Available, EOY	-5,518	-	-5,815	-	-	-	-	-
Total Obligations	7,187	4	7,840	4	13,396	4	7,615	4
Total Available, HMMP	12,705	4	13,655	4	13,396	4	7,615	4

Note: 2022 Actuals have been updated from the 2024 Explanatory Notes.

PERMANENT POSITIONS BY GRADE AND FTEs

Table HMMP-2. Permanent Positions by Grade and FTEs

Item	2022			2023			2024			2025		
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total
GS-15	1	-	1	1	-	1	1	-	1	1	-	1
GS-14	2	1	3	2	1	3	2	1	3	2	1	3
Total Permanent...	3	1	4	3	1	4	3	1	4	3	1	4
Total Perm. FT EOY	3	1	4	3	1	4	3	1	4	3	1	4
FTE*	3	1	4	3	1	4	3	1	4	3	1	4

*Total FTEs are all inclusive of workforce categories including temporary positions.

ACCOUNT 1: SALARIES AND EXPENSES

APPROPRIATIONS LANGUAGE

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), [\$7,630,000]\$7,615,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

LEAD-OFF TABULAR STATEMENT

Table HMMP-4. Lead-Off Tabular Statement (In dollars)

Item	Amount
Estimate, 2024	\$7,581,000
Change in Appropriation	+34,000
Budget Estimate, 2025	<u>7,615,000</u>

PROJECT STATEMENTS

Table HMMP-5. Project Statement on Basis of Appropriations (thousands of dollars, FTEs)

Item	2022		2023		2024		2025		Inc. or	FTE Inc.
	Actual	FTEs	Actual	FTEs	Estimated	FTEs	Estimated	FTEs	Dec.	or Dec.
Discretionary Obligations:										
Hazardous Materials Management	\$7,540	4	\$7,581	4	\$7,581	4	\$7,615	4	+\$34	-
Recoveries, Other.....	220	-	556	-	-	-	-	-	-	-
Bal. Available, SOY.....	4,945	-	5,518	-	5,815	-	-	-	-5,815	-
Total Available.....	12,705	4	13,655	4	13,396	4	7,615	4	-5,781	-
Bal. Available, EOY.....	-5,518	-	-5,815	-	-	-	-	-	-	-
Total Obligations.....	<u>7,187</u>	<u>4</u>	<u>7,840</u>	<u>4</u>	<u>13,396</u>	<u>4</u>	<u>7,615</u>	<u>4</u>	<u>-5,781</u>	<u>-</u>

Note: 2022 Actuals have been updated from the 2024 Explanatory Notes.

Table HMMP-6. Project Statement on Basis of Obligations (thousands of dollars, FTEs)

Item	2022		2023		2024		2025		Inc. or	FTE Inc.
	Actual	FTEs	Actual	FTEs	Estimated	FTEs	Estimated	FTEs	Dec.	or Dec.
Discretionary Obligations:										
Hazardous Materials Management	\$7,187	4	\$7,840	4	\$13,396	4	\$7,615	4	-\$5,781	-
Total Bal. Available, EOY.....	5,518	-	5,815	-	-	-	-	-	-	-
Total Available.....	12,705	4	13,655	4	13,396	4	7,615	4	-5,781	-
Less:										
Recoveries, Other.....	-220	-	-556	-	-	-	-	-	-	-
Bal. Available, SOY.....	-4,945	-	-5,518	-	-5,815	-	-	-	+5,815	-
Total Appropriation.....	<u>7,540</u>	<u>4</u>	<u>7,581</u>	<u>4</u>	<u>7,581</u>	<u>4</u>	<u>7,615</u>	<u>4</u>	<u>+34</u>	<u>-</u>

Note: 2022 Actuals have been updated from the 2024 Explanatory Notes.

JUSTIFICATION OF CHANGES

Hazardous Materials Management Program

Base funding supports the continued oversight, guidance, planning, and coordination of Department-wide efforts to advance the cleanup and site remediation activities of USDA agencies under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act efforts. Further, the account pays for legal activities performed by the Office of the General Counsel staff to fix responsibility for pollution cleanup and recover costs from responsible parties. Monetary judgments awarded to the Department resulting from these legal activities do not only go to the individual USDA agency that has performed or contracted for cleanup work. Proportional amounts are also credited to the Hazardous Materials Management account based on the value of legal services performed. In addition to the activities and functions specifically described in the budget request, current year and budget year base funds will be used to carry out activities and functions consistent with the full range of authorities and activities delegated to the office. In addition to Departmental Administration funding used for human resources operational services, current year and budget year base funds will also be used to support expedited and enhanced classification, staffing and processing efforts.

HMMP oversees USDA’s environmental management of hazardous materials which includes the following functions:

- Funds priority projects for addressing hazardous material releases on USDA-managed lands and other properties;
- Funds environmental attorneys in the Office of General Counsel who provide legal advice regarding environmental compliance and recovery of cleanup costs;
- Negotiates environmental compliance and cleanup issues with federal and state regulators;
- Develops policies on environmental compliance and hazardous materials management;
- Performs program reviews of agency environmental programs;
- Minimizes environmental liabilities associated with property transactions;
- Promotes brownfield redevelopment to improve quality of life in rural America;
- Represents USDA on the U.S. National Response Team and coordinates with USDA Regional Response Teams to prepare for and respond to oil and hazardous substance releases;
- Supports disaster response functions under the National Response Framework;
- Participates in interagency meetings and rule-making processes; and
- Supports natural resources stewardship through cleanup of contaminated land and prevention of future releases.

The numbers and letters of the following listing relates to values in the Change (Chg) Key column of the Project Statement:

- (1) An increase of \$34,000 (\$7,581,000 and 4 FTEs available in 2024).

The funding change is requested for the following items:

- A) An increase of \$34,000 for pay and employee costs in the Hazardous Materials Management Program.
 This increase consists of \$34,000 in 2025 pay and employee costs, for continuation of the 2024 pay cost increase of 5.2 percent and the 2025 pay cost increase of 2 percent. If this funding is not provided, HMMP will have a limited ability to meet the demands and statutory requirements imposed on HMMP.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs

Table HMMP-7. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)

State/Territory/Country	2022		2023		2024		2025	
	Actual	FTEs	Actual	FTEs	Estimated	FTEs	Estimated	FTEs
Colorado.....	\$194	1	\$196	1	\$198	1	\$199	1
District of Columbia	6,993	3	7,644	3	13,198	3	7,416	3
Obligations.....	7,187	4	7,840	4	13,396	4	7,615	4
Bal. Available, EOY	5,518	-	5,815	-	-	-	-	-
Total, Available.....	12,705	4	13,655	4	13,369	4	7,615	4

CLASSIFICATION BY OBJECTS**Table HMMP-81 Classification by Objects (thousands of dollars)**

Item No.	Item	2022 Actual	2023 Actual	2024 Estimated	2025 Estimated
	Personnel Compensation:				
	Washington D.C.	\$487	\$527	\$551	\$602
	Personnel Compensation, Field	159	162	164	165
11	Total personnel compensation	646	689	715	767
12	Personal benefits.....	211	249	254	256
13.0	Benefits for former personnel.....	-	1	-	-
	Total, personnel comp. and benefits.....	857	939	969	1,023
	Other Objects:				
21.0	Travel and transportation of persons	-	27	30	30
23.3	Communications, utilities, and misc. charges	29	32	30	30
25.2	Other services from non-Federal sources	41	39	40	40
25.3	Other goods and services from Federal sources	6,260	6,800	12,324	6,489
26.0	Supplies and materials	-	3	3	3
	Total, Other Objects	6,330	6,901	12,427	6,592
99.9	Total, new obligations	7,187	7,840	13,396	7,615
	Position Data:				
	Average Salary (dollars), GS Position.....	\$134,250	\$136,000	\$138,000	\$140,000
	Average Grade, GS Position.....	14.3	14.3	14.3	14.3

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STATUS OF PROGRAMS

Current Activities

HMMP devotes available funding to cleanup projects that pose the greatest risk to human health and the environment. Additionally, HMMP staff ensures environmental compliance, reviews environmental assessments for high value land transactions, and leverages HMMP dollars through environmental enforcement against and cost recovery from potentially responsible parties (PRPs).

Part of HMMP funds are used to fund staff in the Office of Property and Environmental Management, Environmental Management Division (EMD) and the Office of the General Counsel (OGC). OGC provides legal advice to the HMMP and USDA agencies, and ensures USDA is following environmental laws and regulations. Each year OGC has been successful in bringing additional money into this program through enforcement actions and other agreements with PRPs. In most cases, this cost recovery comes from past owners or operators of abandoned mine lands. Using this cost recovery, USDA is able to fund further efforts to clean up USDA managed lands.

HMMP staff provides Departmental leadership through the development and implementation of policy and guidance and oversees CERCLA and RCRA activities of the Department and other entities that operate on USDA-managed land. The HMMP includes environmental cleanup, preparedness, and response to discharges of oil and releases of hazardous substances, pollutants, or contaminants. The program also includes environmental compliance for all USDA facilities and assessing environmental conditions on real property for acquisition or disposal.

As a member of the U.S. National Response Team (NRT), HMMP provides technical assistance, resources, and coordination on planning, preparedness, response, and recovery activities for emergencies involving oil, hazardous substances, pollutants and contaminants, weapons of mass destruction, and other environmental incidents of national significance.

For Fiscal Year 2023, the following three USDA agencies are reporting estimated cleanup costs for contamination issues on USDA managed lands or facilities, or contamination for which USDA is otherwise responsible for the cleanup:

- The Agricultural Research Service (ARS): Total estimated cost is over \$49 million.
- The Farm Service Agency (FSA) Commodity Credit Corporation: Total estimated cost ranges from \$47 million to \$665 million.
- The Forest Service: Total estimated cost exceeds \$12 billion. The Forest Service reports their greatest contamination issues revolve around abandoned mine lands.

Selected Examples of Recent Progress

HMMP in coordination with OGC, recovered \$2.2 million from responsible parties for contamination on USDA managed lands. This amount includes reoccurring payments from responsible parties at the Holden Mine site in Washington State (\$0.67 million) and the Southeast Idaho phosphate mines (\$0.18 million). The amount also includes a settlement from the Gold King acid mine drainage spill in Colorado (\$0.98 million) and a settlement with San Diego County for contamination at the Ramona Burn Dump (\$0.39 million).

In Fiscal Year 2023, USDA agencies completed 4 site assessments, 10 cleanup studies, 7 cleanup decisions, and 7 cleanups. In addition, HMMP activities included:

- Provided \$3.8 million to the ARS Beltsville Agricultural Research Center (BARC) in Maryland. BARC is listed on the EPA National Priorities List (NPL), EPA's list of the Nation's most contaminated sites on private and Federal land. ARS investigations in the late 1990s identified 63 Areas of Concern (AOC). HMMP efforts to date to address the original 63 AOCs have led to the following:
 - 44 AOCs where EPA has determined that ARS needs to take no further action;
 - 4 AOCs where ARS is seeking EPA concurrence that no further action is needed;
 - 5 AOCs where EPA will likely require further investigation;
 - 8 AOCs currently undergoing in depth investigations;
 - 1 AOC where ARS is waiting EPA approval on a proposed plan for cleanup; and
 - 1 AOC where ARS has completed cleanup and the site is undergoing performance monitoring.

- As of September 30, 2023, USDA has spent \$64 million for investigations and cleanups at BARC. ARS estimates it will take over \$45 million to complete the remaining investigations, cleanups, and long-term monitoring at BARC. Results of investigations in progress and subsequent choices of remediation methods could increase this estimate.
- Contributed \$2 million to FSA's efforts to address groundwater contamination in several rural mid-western communities. This contamination resulted from historic USDA activities associated with storing grain as part of a price support program for farmers during the 1930s - 1970s.
- Continued enhancement of the National Environmental Accomplishment Tracking (NEAT) system – a SharePoint database for tracking the status of USDA's more than 19,000 potentially contaminated site inventory, cleanup accomplishments, and environmental compliance. Enhancements include developing a dashboard for viewing status information in NEAT.
- Developed an Environmental Compliance and Enforcement dashboard linking to an EPA's Enforcement and Compliance History Online database for viewing environmental compliance information for more than 1,200 USDA permitted facilities.
- Conducted three formal reviews of USDA agency environmental programs to address the USDA Office of the Inspector General's recommendations concerning funds accountability and the Government Accountability Office's (GAO) concerns about reconciling USDA's inventory of contaminated sites. Formal program reviews were conducted for three Forest Service regions.
- In collaboration with the USDA's OGC, continued to meet with the Office of Deputy Assistant Secretary of Defense to establish a MOU and a standard access agreement to guide cleanup actions on land managed by USDA that are being conducted under the Formerly Used Defense Sites Program. Continued to review and update the status of all military legacy sites known to exist on USDA-managed land and added new sites in NEAT to establish a more comprehensive inventory. Provided guidance and support to USDA agencies to streamline the cleanup of the military legacy sites.