

2022 USDA EXPLANATORY NOTES – HAZARDOUS MATERIALS MANAGEMENT PROGRAM

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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 for, evaluating, and responding to oil and hazardous substance spills and other incidents 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 (42 U.S.C. §6901 *et. seq*). The program also supports homeland security objectives by representing USDA on the National Response Team for oil and hazardous substance releases and several emergency supporting functions under the National Response Plan. HMMP supports natural resources stewardship and quality-of-life goals for rural America through the remediation and reduction of legacy pollution in communities that experience disproportionately high adverse human health and environmental impacts and the restoration of lands used for hunting, fishing and hiking.

The HMMP is headquartered in Washington, D.C. As of September 30, 2020, there were five permanent full-time employees, with four located in the national headquarters and one located in a field office in Colorado.

The HMMP responded to General Accountability Office (GAO) information requests on the historical amount of HMMA funding provided to address contamination from abandoned hard rock mines. This information was published in GAO report 20-238 (<https://www.gao.gov/products/gao-20-238>). HMMP did not receive any information requests from the Office of the Inspector General.

AVAILABLE FUNDS AND FTES**Table HMMP-5. Available Funds and FTEs (thousands of dollars, FTEs)**

Item	2019		2020		2021		2022	
	Actual	FTE	Actual	FTE	Enacted	FTE	Budget	FTE
Salaries and Expenses:								
Hazardous Materials Management Program.....	\$3,503	4	\$4,503	5	\$6,514	5	\$6,545	5
Balance Available, SOY.....	367	-	5,514	-	3,254	-	3,254	-
Recoveries.....	12,011	-	302	-	-	-	-	-
Total Available.....	15,881	4	10,319	5	9,768	5	9,799	5
Balance Available, EOY.....	-5,514	-	-3,254	-	-3,254	-	-3,254	-
Total Obligations.....	10,367	4	7,065	5	6,514	5	6,545	5

PERMANENT POSITIONS BY GRADE AND FTE'S**Table HMMP-6. Permanent Positions by Grade and FTEs**

Item	2019			2020			2021			2022		
	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	3	1	4	3	1	4	3	1	4
Total Permanent.....	3	1	4	4	1	5	4	1	5	4	1	5
Unfilled, EOY.....	-	-	-	-	-	-	-	-	-	-	-	-
Total Perm. FT EOY.....	3	1	4	4	1	5	4	1	5	4	1	5
FTE.....	3	1	4	4	1	5	4	1	5	4	1	5

ACCOUNT 1: SALARIES AND EXPENSES**APPROPRIATIONS LANGUAGE**

The appropriations language follows (new language underscored; deleted matter enclosed in brackets):

Hazardous Materials Management Program

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.), [~~\$6,514,000~~ \$6,545,000], 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-9. Lead-Off Tabular Statement (In dollars)**

Item	Amount
2021 Enacted.....	\$6,514,000
Change in Appropriation.....	+ 31,000
Budget Estimate, 2022.....	<u>6,545,000</u>

PROJECT STATEMENT**Table HMMP-10. Project Statement (thousands of dollars, FTEs)**

Item	2019		2020		2021		Inc. or		Chg		2022	
	Actual	FTE	Actual	FTE	Enacted	FTE	Dec.	FTE	Key	Budget	FTE	
Discretionary Appropriations:												
Hazardous Materials Management												
Program.....	\$3,503	4	\$4,503	5	\$6,514	5	+\$31	-	(1)	\$6,545	5	
Recoveries	12,011	-	302	-	-	-	-	-	-	-	-	
Bal. Available, SOY.....	367	-	5,514	-	3,254	-	-	-	-	3,254	-	
Total Available.....	15,881	4	10,319	5	9,768	5	31	-	-	9,799	5	
Bal. Available, EOY.....	-5,514	-	-3,254	-	-3,254	-	-	-	-	-3,254	-	
Total Obligations.....	<u>10,367</u>	<u>4</u>	<u>7,065</u>	<u>5</u>	<u>6,514</u>	<u>5</u>	<u>+31</u>	<u>-</u>	<u>-</u>	<u>6,545</u>	<u>5</u>	

PROJECT STATEMENT**Table HMMP-11. Project Statement (thousands of dollars, FTEs)**

Item	2019		2020		2021		Inc. or		2022	
	Actual	FTE	Actual	FTE	Enacted	FTE	Dec.	FTE	Budget	FTE
Discretionary Obligations:										
Hazardous Materials Management										
Program.....	\$10,367	4	\$7,065	5	\$6,514	5	\$31	-	\$6,545	5
Bal. Available, EOY.....	5,514	-	3,254	-	3,254	-	-	-	3,254	-
Total Available.....	15,881	4	10,319	5	9,768	5	31	-	9,799	5
Bal. Available, SOY.....	-367	-	-5,514	-	-3,254	-	-	-	-3,254	-
Recoveries, Other	-12,011	-	-302	-	-	-	-	-	-	-
Total Appropriation.....	<u>3,503</u>	<u>4</u>	<u>4,503</u>	<u>5</u>	<u>6,514</u>	<u>5</u>	<u>31</u>	<u>-</u>	<u>6,545</u>	<u>5</u>

Hazardous Materials Management Program (HMMP)

HMMP oversees USDA’s environmental management of hazardous materials. It includes primarily 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 process; 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 \$31,000 (\$6,514,000 and 5 FTE’s available in 2021).

The funding change is requested for the following items:

- A) An increase of \$26,000, which includes \$18,000 for pay inflation and \$8,000 for FERS.

This increase will support a 2.7 percent Cost of Living pay increases for civilian employees, and a 1.1 percent increase to cover the expenses for the mandated increase of USDA’s contribution to FERS. This critical increase is needed to support and maintain current staffing levels to meet the demands and statutory requirements imposed on HMMP. Elimination of the pay cost increase means the HMMP would need to significantly cut travel, training, and mission support. Approximately 20 percent of our budget supports personnel compensation and benefits. Failure to receive this increase would prevent us from fully performing our mission, which is necessary to ensure environmental concerns are addressed.

- B) An increase of \$5,000 in hazardous waste cleanup activities.

This increase in funding will result in additional hazardous waste cleanup activities.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTE

Table HMMP-13. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)

State/Territory/Country	2019		2020		2021		2022	
	Actual	FTE	Actual	FTE	Enacted	FTE	Budget	FTE
Colorado.....	\$183	1	\$188	1	\$192	1	\$194	1
District of Columbia.....	10,184	3	6,877	4	6,322	4	6,351	4
Obligations.....	10,367	4	7,065	5	6,514	5	6,545	5
Bal. Available, EOY.....	5,514	-	3,254	-	3,254	-	3,254	-
Total, Available.....	15,881	4	10,319	5	9,768	5	9,799	5

CLASSIFICATION BY OBJECTS**Table HMMP-14 Classification by Objects (thousands of dollars)**

Item	2019 Actual	2020 Actual	2021 Enacted	2022 Budget
Personnel Compensation:				
Washington D.C.	\$401	\$595	\$603	\$614
Personnel Compensation, Field.....	147	148	152	154
Total personnel compensation.....	548	743	755	768
Personal benefits.....	134	208	210	212
Total, personnel comp. and benefits.....	682	951	965	980
Other Objects:				
Travel and transportation of persons.....	25	7	25	25
Communications, utilities, and misc. charges.....	24	22	24	24
Printing and reproduction.....	3	3	3	3
Other services from non-Federal sources.....	25	37	37	37
Other goods and services from Federal sources.....	9,603	6,040	5,456	5,472
Supplies and materials.....	3	-	3	3
Equipment.....	2	5	1	1
Total, Other Objects.....	9,685	6,114	5,549	5,565
Total, New Obligations.....	10,367	7,065	6,514	6,545
Position Data:				
Average Salary (dollars), GS Position.....	\$130,000	\$132,000	\$134,250	\$136,000
Average Grade, GS Position.....	14.5	14.5	14.5	14.5

STATUS OF PROGRAMS

The Hazardous Materials Management Program (HMMP) provides leadership, policy development, and oversight of USDA's implementation of the Nation's two primary statutes governing hazardous materials compliance: 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.). Funds are appropriated yearly to HMMP for use in meeting requirements of CERCLA and RCRA at USDA facilities and on USDA managed and non-Federal lands.

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 Fleet Management, Environmental Management Division 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. Through the use of 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 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.

Currently, 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 nearly \$32 million.
- The Farm Service Agency (FSA) Commodity Credit Corporation total estimated cost ranges from \$34 million to \$914 million.
- The Forest Service total estimated cost ranges from \$4 billion to \$6 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 \$1.68 million from responsible parties for contamination on USDA managed lands; includes reoccurring payments from responsible parties at the Holden Mine site in Washington \$0.41 million, the Southeast Idaho phosphate mines \$0.44 million plus two one-time settlements totaling \$0.83 million. In addition, the HMMP and OGC finalized an administrative settlement and order on consent for the Ross Adams Uranium Mine in Alaska where the responsible party agreed to conduct the cleanup of the site at a cost estimated at over \$6 million.

The HMMP and OGC worked with the U.S. Environmental Protection Agency (EPA) to sign an agreement whereby each agency can redelegate to each other its cleanup authority. This agreement will result in cost savings and reduced administrative burdens at so called "mixed-ownership sites,"- sites that are split between federally managed and privately owned land.

In addition, HMMP activities included:

- Provided \$1.8 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:
 - 5 AOCs with completed or planned cleanup activities

- 8 AOCs in the study phase
- 43 AOCs where EPA has determined that ARS needs to take no further action
- 7 AOCs where ARS is awaiting EPA's likely determination that ARS needs to take no further action.
- As of September 30, 2020, USDA has spent \$54 million for investigations and cleanups at BARC. ARS estimates it will take nearly \$32 million to complete the remaining investigations, cleanups, and periodic monitoring at BARC. Results of investigations in progress and subsequent choices of remediation methods could increase this estimate.
- ARS completed the cleanup of its former U.S. Citrus and Subtropical Products Research Laboratory in Winter Haven, Florida. USDA provided funding for the removal of oil contaminated soil resulting from weed control activities along fence lines, chromium contaminated soil around the cooling tower, and dioxin contaminated concrete resulting from a pesticide spill in a garage. With the cleanup completed, ARS has started the process for disposal of the property.
- Contributed \$0.9 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.
- Contributed \$1 million to the Southwestern Region of the Forest Service to clean up the 3R Mine in a unique win-win partnership with the State of Arizona.
- Contributed an additional \$1 million to support cleanup efforts of the Rocky Mountain Region of the Forest Service, of the Brooklyn Mine which is part of EPA's Bonita Peak Mining District NPL site. EPA placed the Bonita Peak Mining District on the NPL in response to the Gold King mine disaster where, in August 2015, workers inside the mine triggered a sudden release of acidic water into the Animas River.
- Continued enhancement of the National Environmental Accomplishment Tracking system – a SharePoint database for tracking the status of USDA's contaminated site inventory, cleanup accomplishments, and environmental compliance.
- 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 of Forest Service Regions 1, 4, and 5.
- Continued to work with the EPA headquarters and regional offices, to address GAO audit concerns on the status of the 272 USDA sites on EPA's Federal Agency Hazardous Waste Compliance Docket. As a result of these efforts, EPA has reviewed the status of 251 of the USDA Docket sites determining no further EPA involvement is necessary, which helped USDA avoid doing unnecessary studies and cleanups at these sites, saving taxpayers millions of dollars while keeping the Department in compliance with environmental laws.
- Provided input for policy and guidances as a member of the NRT for emergency planning, preparedness, and response to oil and hazardous substances spills during a significant emergency incident. HMMP also coordinated USDA's resources in support of international oil spills responses, participated in the 2020 Spill of National Significance senior executive exercise, and provided training opportunities for the USDA's representatives on Regional Response Teams.
- In collaboration with the Department of the Interior and USDA's OGC, re-initiated meetings at the Deputy Assistant level of the Department of Defense, Army, and Army Corps of Engineers, to guide cleanup actions on land managed by the Federal Land Managers that are being conducted under the Formerly Used Defense Sites Program. The team drafted a set of collaboration principles to use as the basis for a memorandum of agreement to ensure the Army Corps actions are consistent with USDA mission requirements and protect of USDA-managed lands.
- Reviewed and updated 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.
- Executed a new contract for environmental support services. Initial tasks will focus on environmental justice, emerging contaminants and developing an environmental newsletter.
- Prepared draft revision of Departmental Regulation on Environmental Management.