

2024 USDA EXPLANATORY NOTES – HAZARDOUS MATERIALS MANAGEMENT PROGRAM

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PREFACE

This publication summarizes the fiscal year (FY) 2024 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the “Budget” is in regard to the 2024 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 2021 and 2022, enacted levels for 2023, and the President’s Budget request for 2024. Amounts for 2023 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 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 2021, 2022, 2023 and 2024.

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 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, and the restoration of land used for hunting, fishing, and hiking.

HMMP is headquartered in Washington, D.C. As of September 30, 2022, 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

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

AVAILABLE FUNDS AND FTEs

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

Item	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Salaries and Expenses:								
Discretionary Appropriations	\$6,514	4	\$7,540	4	\$7,581	5	\$7,630	5
Balance Available, SOY	3,254	-	4,945	-	5,488	-	-	-
Recoveries, Other	836	-	190	-	-	-	-	-
Total Available	10,604	4	14,917	4	13,069	5	7,630	5
Balance Available, EOY	-4,945	-	-5,488	-	-	-	-	-
Total Obligations	5,659	4	7,187	4	13,069	5	7,630	5

PERMANENT POSITIONS BY GRADE AND FTEs

Table HMM-2. Permanent Positions by Grade and FTEs

Item	2021			2022			2023			2024		
	D.C.	Field	Actual Total	D.C.	Field	Actual Total	D.C.	Field	Estimated Total	D.C.	Field	Estimated Total
GS-15	1	-	1	1	-	1	1	-	1	1	-	1
GS-14	2	1	3	2	1	3	3	1	4	3	1	4
Total Permanent	3	1	4	3	1	4	4	1	5	4	1	5
Unfilled, EOY	1		1	1		1						
Total Perm. FT EOY	4	1	5	4	1	5	4	1	5	4	1	5
FTE	4	1	5	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):

Salaries and Expenses

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.), [~~\$7,540,000~~]\$7,630,000, 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 HMM-3. Lead-Off Tabular Statement (In dollars)

Item	Amount
Estimate, 2023	\$7,581,000
Change in Appropriation	+ 49,000
Budget Estimate, 2024	<u>7,630,000</u>

PROJECT STATEMENTS

Table HMM-4. Project Statement on Basis of Appropriations (thousands of dollars, FTEs)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Dec.	Chg Key
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Appropriations:											
Hazardous Materials											
Management Program	\$6,514	4	\$7,540	4	\$7,581	5	\$7,630	5	+\$49	-	(1)
Recoveries, Other	836	-	190	-	-	-	-	-	-	-	-
Bal. Available, SOY	3,254	-	4,945	-	5,488	-	-	-	-5,488	-	-
Total Available	10,604	4	12,675	4	13,069	5	7,630	5	-5,439	-	-
Bal. Available, EOY	-4,945	-	-5,488	-	-	-	-	-	-	-	-
Total Obligations	<u>5,659</u>	<u>4</u>	<u>7,187</u>	<u>4</u>	<u>13,069</u>	<u>5</u>	<u>7,630</u>	<u>5</u>	<u>-5,439</u>	<u>-</u>	<u>-</u>

Table HMM-5. Project Statement on Basis of Obligations (thousands of dollars, FTEs)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Dec.	Chg Key
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Obligations:											
Hazardous Materials											
Management Program.....	\$5,659	4	\$7,187	4	\$13,069	5	\$7,630	5	-5,439	-	(1)
Bal. Available, EOY	4,945	-	5,488	-	-	-	-	-	-	-	-
Total Available	10,604	4	12,675	4	13,069	5	7,630	5	-5,439	-	-
Recoveries, Other	-836	-	-190	-	-	-	-	-	-	-	-
Bal. Available, SOY	-3,254	-	-4,945	-	-5,488	-	-	-	+5,488	-	-
Total Appropriations.....	<u>6,514</u>	<u>4</u>	<u>7,540</u>	<u>4</u>	<u>7,581</u>	<u>5</u>	<u>7,630</u>	<u>5</u>	<u>+49</u>	<u>-</u>	<u>-</u>

Hazardous Materials Management Program

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 \$49,000 (\$7,581,000 and 5 FTEs available in 2023).

The funding change is requested for the following items:

- A) An increase of \$49,000 in 2024 for Pay.

This increase will support the annualization of the 2023 4.6 percent Cost of Living pay increase and the 2024 5.2 percent Cost of Living pay increase. If this funding is not provided, the Office of Partnership and Public Engagement would not be able to fund approximately 3 FTEs and/or would need to significantly cut travel, training, and mission support. Failure to receive this increase would prevent the agency from fully performing its mission, which is necessary to ensure continued financial management and stewardship of financial resources for the Department.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs

Table HMM-6. Geographic Breakdown of Obligations and FTE (thousands of dollars, FTEs)

State/Territory/Country	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Colorado	\$192	1	\$194	1	\$196	1	\$198	1
District of Columbia	5,467	3	6,993	3	12,873	4	7,432	4
Obligations	5,659	4	7,187	4	13,069	5	7,630	5
Bal. Available, EOY	4,945	-	5,488	-	-	-	-	-
Total, Available	10,604	4	12,675	4	13,069	5	7,630	5

CLASSIFICATION BY OBJECTS

Table HMM-7. Classification by Objects (thousands of dollars)

Item No.	Item	2021 Actual	2022 Actual	2023 Estimated	2024 Estimated
	Personnel Compensation:				
	Washington D.C.....	\$468	\$487	\$752	\$756
	Personnel Compensation, Field.....	152	159	161	165
11	Total personnel compensation.....	620	646	913	921
12	Personal benefits	203	211	220	226
	Total, personnel comp., and benefits.....	823	857	1,133	1,147
	Other Objects:				
21.0	Travel and transportation of persons	-	-	25	25
23.3	Communications, utilities, and misc. charges	38	29	24	24
24.0	Printing and reproduction.....	3	-	3	3
25.2	Other services from non-Federal sources	37	41	37	37
25.3	Other goods and services from Federal sources	4,757	6,260	6,355	6,390
26.0	Supplies and materials.....	1	-	3	3
31.0	Equipment	-	-	1	1
	Total, Other Objects	4,836	6,330	6,448	6,483
99.9	Total, new obligations	5,659	7,187	7,581	7,630
	Position Data:				
	Average Salary (dollars), GS Position.....	\$132,000	\$134,250	\$136,000	\$140,000
	Average Grade, GS Position	14.5	14.5	14.5	14.6

STATUS OF PROGRAM

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 is 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. 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 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.

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 over \$40 million.
- The Farm Service Agency (FSA) Commodity Credit Corporation total estimated cost ranges from \$46 million to \$676 million.
- The Forest Service total estimated cost exceeds \$12 billion. The Forest Service reports their greatest contamination issues revolve around abandoned mine lands. This estimate was recently updated due to a recommendation in a GAO report titled, Abandoned Hardrock Mines: Land Management Agencies Should Improve Reporting of Total cleanup Costs (GAO-23-105408).

Selected Examples of Recent Progress

HMMP in coordination with OGC, recovered \$2.4 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 (\$0.4 million), the Southeast Idaho phosphate mines (\$0.2 million), and the Sunnyside Gold payment from the settlement (\$1.8 million).

In Fiscal Year 2022, USDA agencies completed 17 site assessments, 5 cleanup studies, 8 cleanup decisions, and 9 cleanups. FSA completed 16 vapor intrusion studies.

In addition, HMMP activities included:

Provided \$5.7 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
- 1 AOC where ARS has completed a cleanup and the site is undergoing performance monitoring

As of September 30, 2022, USDA has spent \$60 million for investigations and cleanups at BARC. ARS estimates it will take over \$39 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 \$1.2 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 24,000 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 of Agricultural Research Service, Forest Service Washington Office, and Farm Services Agency.

Responded to GAO's audit on environmental liabilities at abandoned mine sites. Provided input for policy and guidance as a member of the U.S.NRT for emergency planning, preparedness, and response to oil and hazardous substances spills during a significant emergency incident. HMMP provided technical guidance and training opportunities for the USDA's representatives on Regional Response Teams.

In collaboration with the USDA's OGC, continued to meet with the Deputy Assistant level of the Department of Defense (DoD), to establish a MOU/MOA and a standard access agreement to guide cleanup actions on land managed by the Federal Land Managers 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.

Completed the Environmental Management Departmental Regulation and an agency review draft of the associated Departmental Manual.