

2020 USDA EXPLANATORY NOTES – HAZARDOUS MATERIALS MANAGEMENT PROGRAM

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AGENCY-WIDE**PURPOSE STATEMENT**

The Hazardous Materials Management Program (HMMP) provides leadership in six key environmental areas: (1) establishing annual funding priorities and funding hazardous material cleanups on USDA-managed lands and sites contaminated from past activities; (2) developing Departmental policies on environmental management systems, pollution prevention, and environmental compliance; (3) coordinating implementation of environmental management systems; (4) planning for, evaluating, and responding to natural and other incidents affecting the natural and built environment; (5) ensuring that USDA minimizes environmental liabilities associated with property transfers; and (6) representing USDA, which serves as a key Federal partner, in the national Brownfields program. In addition, HMM is responsible for requirements, criteria, and procedures of the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act; and other environmental requirements guide decision making. The program also supports homeland security objectives by representing USDA on the National Response Team for oil and hazardous substance releases and several emergency support functions under the National Response Plan. HMMP also supports natural resources stewardship, quality-of-life goals for rural America, and Brownfields and Mine-Scarred Lands initiatives under the Small Business Liability Relief and Brownfields Revitalization Act.

The HMMP is headquartered in Washington, D.C. As of September 30, 2018, there were four permanent full-time employees, with three located in the national headquarters and one located in a field office in Colorado.

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

AVAILABLE FUNDS AND STAFF YEARS**Table HMMP-1. Available Funds and Staff Years (thousands of dollars, staff years (SY))**

Item	2017		2018		2019		2020	
	Actual ^{a/}	SY	Actual	SY	Estimate	SY	Budget	SY
Salaries and Expenses:								
Hazardous Material Mgt	\$3,633	4	\$3,503	4	\$3,503	4	\$3,290	4
Balance Available, SOY	235	-	157	-	-	-	-	-
Recoveries, Other (Net)	873	-	5,747	-	-	-	-	-
Total Available	4,741	4	9,407	4	3,503	4	3,290	4
Balance Available, EOY	-157	-	-367	-	-	-	-	-
Obligations.....	4,584	4	9,040	4	3,503	4	3,290	4

^{a/} Recoveries not previously recorded.

PERMANENT POSITIONS BY GRADE AND STAFF YEARS**Table HMMP-2. Permanent Positions by Grade and Staff Years**

Item	2017			2018			2019			2020		
	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 Perm. FT												
EOY	3	1	4	3	1	4	3	1	4	3	1	4
Staff Year Est.....	3	1	4	3	1	4	3	1	4	3	1	4

ACCOUNT 1: SALARIES AND EXPENSES

LEAD-OFF TABULAR STATEMENT

Table HMMP-3. Lead-Off Tabular Statement

Item	Amount
2019 Annualized Continuing Resolution.....	\$3,503,000
Change in Appropriation	-213,000
Budget Estimate, 2020.....	<u>3,290,000</u>

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 Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$3,290,000, 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.

PROJECT STATEMENT

Table HMMP-4. Project Statement (thousands of dollars, staff years (SY))

Item	2017		2018		2019		Inc. or	Chg	2020		
	Actual	SY	Actual	SY	Estimate	SY	Dec.	Key	SY	Budget	SY
Discretionary Appropriations:											
Hazardous Materials Mgt.....	\$3,633	4	\$3,503	4	\$3,503	4	-\$213	(1)	-	\$3,290	4
Recoveries, Other (Net).....	873	-	5,747	-	-	-	-	-	-	-	-
Bal. Available, SOY.....	235	-	157	-	-	-	-	-	-	-	-
Total Available.....	4,741	4	9,407	4	3,503	4	-213	-	-	3,290	4
Bal. Available, EOY.....	-157	-	-367	-	-	-	-	-	-	-	-
Total Obligations.....	4,584	4	9,040	4	3,503	4	-213	-	-	3,290	4

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 the Department resulting from these legal activities 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.

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

- (1) A decrease of \$213,000 (\$3,503,000 and 4 staff years available in 2019).

The funding change is requested for the following item:

- a. A decrease of \$213,000 in hazardous waste cleanup activities.

This decrease in funding will result in a reduced level of effort towards USDA’s hazardous waste cleanup obligations and subsequent reduction in USDA’s environmental disposal liabilities, primarily at the Beltsville Agricultural Research Center (BARC) in Maryland. BARC is on Environmental Protection Agency’s National Priorities List, the list of the Nation’s most hazardous waste sites.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND STAFF YEARS

Table HMMP-5. Geographic Breakdown of Obligations and Staff Years (thousands of dollars, staff years (SY))

State/Territory/Country	2017 Actual	SY	2018 Actual	SY	2019 Estimate	SY	2020 Budget	SY
Colorado.....	\$173	1	\$177	1	\$180	1	\$183	1
District of Columbia.....	4,568	3	8,863	3	3,323	3	3,107	3
Obligations.....	4,741	4	9,040	4	3,503	4	3,290	4
Bal. Available, EOY	-157	-	367	-	-	-	-	-
Total, Available	4,584	4	9,407	4	3,503	4	3,290	4

CLASSIFICATION BY OBJECTS

Table HMMP-6 Classification by Objects (thousands of dollars)

Item No.	Item	2017 Actual	2018 Actual	2019 Estimate	2020 Budget
	Personnel Compensation:				
	Washington D.C.....	\$370	\$440	\$450	\$460
	Personnel Compensation, Field.....	137	137	148	151
11	Total personnel compensation	507	577	598	601
12	Personal benefits	123	109	128	128
	Total, personnel comp. and benefits	630	686	726	739
	Other Objects:				
21.0	Travel and transportation of persons	25	10	10	10
23.3	Communications, utilities, and misc. charges	20	15	16	17
24.0	Printing and reproduction.....	10	3	3	3
25.2	Other services from non-Federal sources	4	37	4	4
25.3	Other goods and services from Federal sources	3,884	8,288	2,742	2,515
26.0	Supplies and materials	10	1	1	1
31.0	Equipment.....	1	-	1	1
	Total, Other Objects.....	3,954	8,454	2,777	2,551
99.9	Total, new obligations	4,584	9,040	3,503	3,290
	Position Data:				
	Average Salary (dollars), GS Position	\$126,750	\$128,750	\$132,250	\$135,480
	Average Grade, GS Position	14.4	14.5	14.6	14.7

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 continues to devote available funding to cleanup projects that pose the greatest risk to human health and the environment, to reduce USDA's environmental liabilities by reviewing environmental assessments for land transactions involving significant environmental concerns, and to leverage HMMP dollars via environmental enforcement against and cost recovery from responsible parties.

A portion of the account is used to fund staff within the Office of Property and Fleet Management, Environmental Management Division and within the Office of the General Counsel (OGC). OGC provides legal advice to the HMMP and USDA agencies, and ensures USDA is in compliance with environmental laws and regulations. Each year OGC is successful in bringing additional money into this program through enforcement actions, and other agreements with those deemed responsible for contaminating USDA managed lands. In most cases, this cost recovery comes from past owners or operators of abandoned mine lands. Through the use of cost recovery, USDA can further efforts to clean up USDA managed lands.

Program staff provides Departmental leadership, through the development and implementation of policy and guidance, and provides oversight of the CERCLA and RCRA activities of the Department, Department of Defense (DOD), and other entities. This program includes environmental cleanup, preparedness, and response to discharges or release of oil, hazardous materials, pollutants or contaminants, and assessment of conditions of property to determine if there are environmental concerns before disposal or acquisition of property.

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, and weapons of mass destruction in natural and technological disasters and other environmental incidents of national significance.

Currently, the following three USDA agencies are reporting 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 at least \$20 million.

The Farm Service Agency (FSA) Commodity Credit Corporation total estimated cost ranges from \$20 million to a maximum of \$145 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

In FY 2018, OGC attorneys, funded through HMMP, recovered nearly \$1.8 million from responsible parties for contamination on USDA managed lands.

HMMP obligated a total of \$1.7 million in FY 2018 toward the cleanup of USDA lands and facilities. Projects funded from HMMP include:

The ARS Beltsville Agricultural Research Center (BARC) in Maryland is listed on the Environmental Protection Agency's (EPA) National Priorities List, EPA's list of the Nation's most contaminated sites on private and Federal land. In FY 2018, BARC commenced a final Pollution Report after cleanup of one major area of concern (AOC), began design to upgrade operation of an implemented remedy on another AOC, and received No Further Action status from EPA on one AOC. EPA will conduct further review of three AOCs previously proposed for No Further Action status from EPA on one AOC. EPA has assigned a new project manager to BARC who plans to conduct further review of three AOCs previously proposed for No Further Action status. As of September 30, 2018, USDA has spent \$51 million for investigations and cleanups at BARC. EPA has determined that ARS has adequately addressed threats to human health and the environment at 45 of 63 AOCs. ARS continues required response actions at the remaining 18 AOCs. ARS estimates that it requires an additional \$20 million to complete the ongoing investigations, remaining cleanups, and annual groundwater monitoring at BARC based on current data. Results of investigations in progress and subsequent remediation methods chosen could increase this estimate. (\$1,112,000).

The HMMP provided funding to the Intermountain Region of the Forest Service to rehabilitate a failed infiltration gallery that is collecting acid mine waters from the Colorado Hill Mine in California. Without this work there is

the potential for a catastrophic release of acid mine water from a plugged mine adit. The work is being done at the request of the State of California Regional Water Control Board, Lahontan Region. (\$200,000).

HMMP provided funds to the FSA in 2018 for continued cleanup work in York, Nebraska. FSA will install nearly a mile of pipeline making connections to the city's main waterline. This work is to address concerns with the now 6,000-foot plume of carbon tetrachloride in the groundwater around the City of York. Of significant concern are multiple municipal wells located downgradient of the plume. These wells serve as the primary drinking water source for the city. Concentrations of the carbon tetrachloride in groundwater there are very high, far exceeding drinking water standards at multiple locations. The carbon tetrachloride drinking water standard is 5 parts per billion whereas the highest levels at York exceed 1,800 parts per billion. (\$415,000).

The HMMP staff conducted three formal reviews of USDA agencies to address the Government Accountability Office's (GAO) concerns about reconciling USDA's inventory of contaminated sites. Formal program reviews were conducted of Forest Service Regions 3, 8, and 9.

In response to a GAO audit, HMMP worked with the EPA headquarters and regional offices on the status of the 253 USDA sites on EPA's Federal Agency Hazardous Waste Compliance Docket. As a result of these efforts, EPA has reviewed the status of 183 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.

As a member of the NRT for emergency planning, preparedness, and response to oil and hazardous substances spills during a significant emergency incident, HMMP coordinated USDA agencies review and update of 40 CFR 300 National Contingency Plan, Field Guides for Weapons of Mass Destruction, Area Contingency Plan for state and local partners, and NRT training outreach. HMMP participated in the 2018 Spills of National Significance exercise development and the drill. When Hurricanes Harvey, Irma, and Maria affected Texas, Florida, Georgia, Puerto Rico and the Virgin Islands, and Hurricane Florence affected Florida, HMMP was activated and coordinated with regional response teams for status update and worked with the U.S. Coast Guard and the EPA to address the needs for ensuring that sites with known hazardous materials were secured and hazardous materials spilled were properly cleaned up in support of the Federal Emergency Management Agency for Emergency Support Function #10 – Oil and Hazardous Materials Response.

The HMMP staff worked with the DOD and its components to develop a memorandum of agreement and Site Access Agreement, to more efficiently clean up more than 200 formerly used defense sites (FUDS) on USDA managed lands and coordinated with USDA agencies to oversee DOD's cleanup activities at 204 FUDS.