

2023 USDA EXPLANATORY NOTES – HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Table of Contents

Agency-Wide 2
 Purpose Statement 2
 Available Funds and FTEs 3
 Permanent Positions by Grade and FTEs 3
Account 1: Salaries and Expenses 4
 Appropriations Language 4
 Lead-Off Tabular Statement 4
 Project Statement 4
 Geographic Breakdown of Obligations and FTEs 5
 Classification of Objects 6
 Status of Programs 7

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, 2021, there were four permanent full-time employees, with three located in the national headquarters and one located in a field office in Colorado.

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

AVAILABLE FUNDS AND FTEs

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

Item	2020		2021		2022		2023	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Salaries and Expenses:								
Discretionary Appropriations.....	\$4,503	5	\$6,514	4	\$6,514	5	\$6,586	5
Balance Available, SOY.....	5,514	-	3,254	-	4,945	-	-	-
Recoveries, Other.....	302	-	836	-	-	-	-	-
Total Available.....	10,319	5	10,604	4	11,459	5	6,586	5
Balance Available, EOY.....	-3,254	-	-4,945	-	-	-	-	-
Total Obligations.....	7,065	5	5,659	4	11,459	5	6,586	5

PERMANENT POSITIONS BY GRADE AND FTEs

Table HMM-2. Permanent Positions by Grade and FTEs

Item	2020			2021			2022			2023		
	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.....	3	1	4	2	1	3	3	1	4	3	1	4
Total Perm. FT EOY.	4	1	5	3	1	4	4	1	5	4	1	5
FTE.....	4	1	5	3	1	4	4	1	5	4	1	5

ACCOUNT 1: SALARIES AND EXPENSES

APPROPRIATIONS LANGUAGE

The appropriations language follows (new language underscored; deleted language 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.), [~~\$6,545,000~~]\$6,586,000, 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, 2022	\$6,514,000
Change in Appropriation	<u>+72,000</u>
Budget Estimate, 2023	<u><u>6,586,000</u></u>

PROJECT STATEMENT

Table HMM-4. Project Statement Appropriations (thousands of dollars, FTE)

Item	2020		2021		2022		2023		Inc. or Dec.	FTE Inc. or Dec.	Chg Key
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Appropriations:											
Hazardous Materials											
Management Program	\$4,503	5	\$6,514	4	\$6,514	5	\$6,586	5	+\$72	-	(1)
Recoveries, Other	302	-	836	-	-	-	-	-	-	-	-
Bal. Available, SOY.....	5,514	-	3,254	-	4,945	-	-	-	-4,945	-	-
Total Available.....	10,319	5	10,604	4	11,459	5	6,586	5	-4,873	-	-
Bal. Available, EOY.....	-3,254	-	-4,945	-	-	-	-	-	-	-	-
Total Obligations.....	<u>7,065</u>	<u>5</u>	<u>5,659</u>	<u>4</u>	<u>11,459</u>	<u>5</u>	<u>6,586</u>	<u>5</u>	<u>-4,873</u>	<u>-</u>	<u>-</u>

Table HMM-5. Project Statement (thousands of dollars, FTE)

Item	2020		2021		2022		2023		Inc. or Dec.	FTE Inc. or Dec.
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE		
Discretionary Obligations:										
Hazardous Materials										
Management Program	\$7,065	5	\$5,659	4	\$11,459	5	\$6,586	5	-4,873	-
Total Bal. Available, EOY.....	3,254	-	4,945	-	-	-	-	-	-	-
Total Available.....	10,319	5	10,604	4	11,459	5	6,586	5	-4,873	-
Recoveries, Other	-302	-	-836	-	-	-	-	-	-	-
Bal. Available, SOY.....	-5,514	-	-3,254	-	-4,945	-	-	-	+4,945	-
Total Appropriation.....	<u>4,503</u>	<u>5</u>	<u>6,514</u>	<u>4</u>	<u>6,514</u>	<u>5</u>	<u>6,586</u>	<u>5</u>	<u>+72</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 \$72,000 (\$6,514,000 and 5 FTEs available in 2022).

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.
- B) An increase of \$41,000 for 2023 Pay.
This increase will support the annualization of the 2022 2.7 percent Cost of Living pay increase and the 2023 4.6 percent Cost of Living pay increase. This increase will support a 3 percent Cost of Living pay increases for five civilian employees. This critical increase is needed to support and maintain current staffing levels to meet the demands and statutory requirements imposed on HMMP.
- C) An increase of \$5,000 in hazardous waste cleanup activities.
This increase in funding will result in additional hazardous waste cleanup activities at sites such as the ARS BARC Superfund site.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs

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

State/Territory/Country	2020		2021		2022		2023	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Colorado.....	\$188	1	\$192	1	\$194	1	\$196	1
District of Columbia.....	6,877	4	5,467	3	11,265	4	6,390	4
Obligations.....	7,065	5	5,659	4	11,459	5	6,586	5
Bal. Available, EOY.....	3,254	-	4,945	-	-	-	-	-
Total, Available.....	10,319	5	10,604	4	11,459	5	6,586	5

CLASSIFICATION BY OBJECTS

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

Item No.	Item	2020 Actual	2021 Actual	2022 Estimated	2023 Estimated
Personnel Compensation:					
	Washington D.C.	\$595	\$468	\$614	\$646
	Personnel Compensation, Field	148	152	154	157
11	Total personnel compensation	743	620	768	803
12	Personal benefits	208	203	212	218
	Total, personnel comp. and benefits	951	823	980	1,021
Other Objects:					
21.0	Travel and transportation of persons	7	-	25	25
23.3	Communications, utilities, and misc. charges	22	38	24	24
24.0	Printing and reproduction	3	3	3	3
25.2	Other services from non-Federal sources	37	37	37	37
25.3	Other goods and services from Federal sources	6,040	4,757	10,386	5,472
26.0	Supplies and materials	-	1	3	3
31.0	Equipment	5	-	1	1
	Total, Other Objects	6,114	4,836	10,479	5,565
99.9	Total, new obligations	7,065	5,659	11,459	6,586
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 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 annually 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 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 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 \$39 million.
- The Farm Service Agency (FSA) Commodity Credit Corporation total estimated cost ranges from \$48 million to \$458 million.
- The Forest Service total estimated cost exceeds \$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 \$1.48 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 (\$0.28 million) and the Southeast Idaho phosphate mines (\$0.42 million). The amount also includes three one-time settlements totaling \$0.78 million. In addition, the HMMP and OGC finalized two administrative settlements and orders on consent, one for the Florida State University low-level radiation burial site in Florida and the other for the Stibnite mine site in Idaho.

In addition, HMMP activities included:

- Provided \$1.2 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, 2021, USDA has spent \$55 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 \$1.3 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 \$0.85 million to the Rocky Mountain Region of the Forest Service to clean up the Telluride Valley Floor mine tailings in Colorado in a partnership with EPA Region 8.
- Continued enhancement of the National Environmental Accomplishment Tracking (NEAT) 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 Agricultural Research Service and Forest Service Regions 2 and 9.
- Continued to work with the EPA headquarters and regional offices, to address GAO audit concerns on the status of the 273 USDA sites on EPA’s Federal Agency Hazardous Waste Compliance Docket. As a result of these efforts, EPA has reviewed the status of 259 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, HMMP met with the Deputy Assistant level of the Department of Defense (DoD), 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 (FUDS) Program. At the request of the DoD, USDA drafted a problem statement to frame the coordination issues for further discussion in FY 2022. DoD has not acknowledged that USDA’s perspective on the FUDS Program is valid.
- 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.
- Executed a new contract for environmental support services. Initial tasks will focus on environmental justice, emerging contaminants, and developing an environmental newsletter.
- Prepared second draft revision of Departmental Regulation on Environmental Management in response to OBPA comments.