

DEPARTMENTAL MANAGEMENT
HAZARDOUS MATERIALS MANAGEMENT

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. Requirements, criteria, and procedures of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), 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, 2011, there were six permanent full-time employees, with five located in the national office and one located in a field office.

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

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Available Funds and Staff Years
(Dollars in thousands)

Item	2010 Actual		2011 Actual		2012 Estimate		2013 Estimate	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Salaries and Expenses:								
Discretionary Appropriations.....	\$5,125	7	\$4,000	6	\$3,592	7	\$3,992	7
Rescission.....	-	-	-8	-	-	-	-	-
Adjusted Appropriation.....	5,125	7	3,992	6	3,592	7	3,992	7
Balance Available, SOY.....	394	-	453	-	547	-	-	-
Other Adjustments (Net).....	6	-	2,482	-	-	-	-	-
Total Available.....	5,525	7	6,927	6	4,139	7	3,992	7
Balance Available, EOY.....	-453	-	-547	-	-	-	-	-
Obligations.....	5,072	7	6,380	6	4,139	7	3,992	7

Permanent Positions by Grade and Staff Year Summary

Item	2010 Actual			2011 Actual			2012 Estimate			2013 Estimate		
	Wash.		Total	Wash.		Total	Wash.		Total	Wash.		Total
	D.C.	Field		D.C.	Field		D.C.	Field		D.C.	Field	
GS-15.....	2	-	2	2	-	2	2	-	2	2	-	2
GS-14.....	3	1	4	3	1	4	3	1	4	3	1	4
GS-7.....	1	-	1	1	-	1	1	-	1	1	-	1
Total Perm. Positions.....	6	1	7	6	1	7	6	1	7	6	1	7
Unfilled, EOY.....	-	-	-	-1	-	-1	-	-	-	-	-	-
Total, Perm. Full-Time Employment, EOY.....	6	1	7	5	1	6	6	1	7	6	1	7
Staff Year Estimate....	6	1	7	5	1	6	6	1	7	6	1	7

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The estimates include appropriations language for this item as follows (new language underscored; deleted matter enclosed in brackets):

Hazardous Materials Management
(Including Transfer of Funds)

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.), [\$3,592,000] \$3,992,000, 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

Appropriations Act, 2012	\$3,592,000
Budget Estimate, 2013	<u>3,992,000</u>
Change from 2012 Appropriation.....	<u>+400,000</u>

Summary of Increases and Decreases
(Dollars in thousands)

	<u>2010</u> <u>Actual</u>	<u>2011</u> <u>Change</u>	<u>2012</u> <u>Change</u>	<u>2013</u> <u>Change</u>	<u>2013</u> <u>Estimate</u>
Discretionary Appropriations:					
Hazardous Waste Management.....	\$5,125	-\$1,133	-\$400	+\$400	\$3,992

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Project Statement
(On basis of appropriations)
(Dollars in thousands)

Program	2010 Actual		2011 Actual		2012 Estimate		Change		2013 Estimate	
	Staff		Staff		Staff		Staff		Staff	
	Amount	Years	Amount	Years	Amount	Years	Amount	Years	Amount	Years
Discretionary Appropriations:										
Hazardous Materials Mgt.....	\$5,125	7	\$3,992	6	\$3,592	7	+\$400 (1)	-	\$3,992	7
Total Adjusted Approp.....	5,125	7	3,992	6	3,592	7	+400	-	3,992	7
Rescissions and Transfers (Net)..	-	-	8	-	-	-	-	-	-	-
Total Appropriation.....	5,125	7	4,000	6	3,592	7	+400	-	3,992	7
Rescission.....	-	-	-8	-	-	-	-	-	-	-
Bal. Available, SOY.....	394	-	453	-	547	-	-547	-	-	-
Recoveries, Other (Net).....	6	-	2,482	-	-	-	-	-	-	-
Total Available.....	5,525	7	6,927	6	4,139	7	-147	-	3,992	7
Bal. Available, EOY.....	-453	-	-547	-	-	-	-	-	-	-
Total Obligations.....	5,072	7	6,380	6	4,139	7	-147	-	3,992	7

Project Statement
(On basis of obligations)
(Dollars in thousands)

Program	2010 Actual		2011 Actual		2012 Estimate		Change		2013 Estimate	
	Staff		Staff		Staff		Staff		Staff	
	Amount	Years	Amount	Years	Amount	Years	Amount	Years	Amount	Years
Discretionary Obligations:										
Hazardous Materials Mgt...	\$5,072	7	\$6,380	6	\$4,139	7	-\$147	-	\$3,992	7
Total Obligations.....	5,072	7	6,380	6	4,139	7	-147	-	3,992	7
Bal. Available, EOY.....	453	-	547	-	-	-	-	-	-	-
Total Available.....	5,525	7	6,927	6	4,139	7	-147	-	3,992	7
Rescission.....	-	-	8	-	-	-	-	-	-	-
Bal. Available, SOY.....	-394	-	-453	-	-547	-	+547	-	-	-
Other Adjustments (Net).....	-6	-	-2,482	-	-	-	-	-	-	-
Total Appropriation.....	5,125	7	4,000	6	3,592	7	+400 (1)	-	3,992	7

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Justifications for Increases and Decreases

Base funding is critical to the continued oversight, guidance, planning, and coordination of Department-wide efforts to advance the cleanup and site remediation activities of USDA agencies under the CERCLA and RCRA 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 credited to the Hazardous Materials Management account based on the value of legal services performed.

- (1) An increase of \$400,000 for Hazardous Materials Management (\$3,592,000 and 7 staff years available in 2012) consisting of:
- (a) An increase of \$4,000 for pay costs. This increase will enable Hazardous Materials Management (HMM) to maintain staffing levels that are critical to achieving the agency strategic goal of providing USDA's leadership with the administrative tools, services, infrastructure, and policy framework to support their public service mission. Approximately 26 percent of the HMM budget is in support of personnel compensation.
- (b) An increase of \$396,000 for cost recovery efforts from responsible parties to pay for site remediation and for cleanup activities. Each year, the Office of Procurement and Policy Management's (OPPM) Environmental Management Division (EMD) evaluates and prioritizes proposed projects for protection of human health and the environment and for public benefit. Funding in 2013 will continue OPPM funded cleanup and oversight activities at USDA facilities in Maryland and Missouri that are on the U.S. Environmental Protection Agency (EPA's) National Priorities List, EPA's list of the Nation's worst contaminated sites on private and Federal land. HMM funds will also be used for program implementation, cost recovery and enforcement activities.

Geographic Breakdown of Obligations and Staff Years

(Dollars in thousands)

State/Territory	2010 Actual		2011 Actual		2012 Estimate		2013 Estimate	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Colorado.....	\$162	1	\$170	1	\$173	1	\$175	1
District of Columbia.....	4,910	6	6,210	6	3,966	6	3,817	6
Obligations.....	5,072	7	6,380	6	4,139	7	3,992	7
Bal. Available, EOY.....	453	-	547	-	-	-	-	-
Total, Available.....	5,525	7	6,927	6	4,139	7	3,992	7

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Classification by Objects
(Dollars in thousands)

	2010 <u>Actual</u>	2011 <u>Actual</u>	2012 <u>Estimate</u>	2013 <u>Estimate</u>
Personnel Compensation:				
Washington D.C.....	\$721	\$694	\$743	\$749
Field.....	127	131	131	136
11 Total personnel compensation.....	848	825	874	885
12 Personal benefits.....	169	144	153	155
13.0 Benefits for former personnel.....	-	-	-	-
Total, personnel comp. and benefits.....	1,017	969	1,027	1,040
Other Objects:				
21.0 Travel and transportation of persons.....	35	25	24	24
22.0 Transportation of things.....	-	-	1	1
23.3 Communications, utilities, and misc. charges...	28	26	26	26
24.0 Printing and reproduction.....	7	2	2	2
25.3 Other purchases of goods and services				
from Federal sources.....	3,981	5,356	3,058	2,898
26.0 Supplies and materials.....	4	1	1	1
31.0 Equipment.....	-	1	-	-
Total, Other Objects.....	4,055	5,411	3,112	2,952
99.9 Total, new obligations.....	5,072	6,380	4,139	3,992
Position Data:				
Average Salary (dollars), GS Position.....	\$121,078	\$137,500	\$124,857	\$126,429
Average Grade, GS Position.....	14.5	14.6	14.6	14.7

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STATUS OF PROGRAM

The Hazardous Materials Management account centrally funds the necessary expenses of the Department to cleanup releases of hazardous substances under 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 transferred to agencies of the Department for use in meeting requirements of CERCLA and RCRA on Federal and non-Federal lands. A portion of the account is used to fund staff within the Office of Procurement and Property Management (OPPM) and within the Office of the General Counsel (OGC). Program staff provides Departmental leadership through the development and implementation of policy and guidance, and provide oversight of the CERCLA and RCRA activities of the Department. OGC develops agreements for reimbursement and cleanup work by parties responsible for contamination on Federal lands managed by the Department and provides legal assistance for the program.

Current Activities:

Each year, OPPM's Environmental Management Division (EMD) evaluates and prioritizes proposed projects for protection of human health and the environment and for public benefit. In 2011, OPPM funded cleanup and oversight activities at USDA facilities in Maryland and Montana that are on the U.S. Environmental Protection Agency's (EPA's) National Priorities List (NPL), EPA's list of the Nation's worst contaminated sites on private and Federal land. USDA also provided funds to support the Farm Service Agency efforts to address contaminated groundwater in three rural communities – two in Missouri and one in Kansas. Finally, USDA provided funds for the cleanup of an abandoned uranium mine in California.

In 2011, thirteen agreements were completed to recover costs or require responsible parties to conduct work to address contamination on USDA managed lands or at USDA facilities. The value of the cost recovery, combined with work the responsible parties conducted, is over \$82.5 million.

Selected Examples of Recent Progress:

EPA listed USDA's Beltsville Agricultural Research Center (BARC) on the NPL in 1994. EPA is overseeing USDA's cleanup activities at the facility pursuant to an enforceable Federal Facilities Agreement between USDA and EPA. From the late 1940s until 1987, USDA used one area of BARC for the disposal of low-level radioactive waste and these radioactive wastes have contaminated nearby groundwater. The Nuclear Regulatory Commission is reviewing the final decommissioning plan and will oversee the USDA cleanup activities of the radioactive waste disposal area to assure all radiological mixed waste has been removed to acceptable levels.

With EPA oversight, the Agricultural Research Service is evaluating and remediating over a dozen areas of concern on BARC that are contaminated or threaten to contaminate ground and surface water with pesticides, solvents, metals, and other hazardous substances. Surface water from BARC flows to the Anacostia River and eventually to the Potomac River and the Chesapeake Bay. Fisheries in the creek known as the Northeast Branch and the Anacostia River provide habitat for numerous species and supply aquatic habitat for the USDA National Arboretum and several national park units. As of October 2011, USDA has spent \$43 million for investigation and cleanup at BARC. EPA has determined that ARS has adequately addressed threats to human health and the environment at forty-seven areas of concern. EPA is requiring additional response actions at fifteen areas of concern. On September 2011, EPA and ARS signed a Record of Decision to implement the remedy at one area of concern – the Beaver Dam Road landfill. This is the first Record of Decision for the BARC site. ARS estimates that it will need an additional \$22 million to complete the ongoing investigations, remaining cleanups, and annual monitoring at BARC.

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Summary of Budget and Performance
Statement of Department Goals and Objectives

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.

Hazardous Materials Management has one goal and objective that contributes to one of the Department's strategic goals.

USDA Strategic Goal	Agency Strategic Goal	Agency Objective	Programs that Contribute	Key Outcome
Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources.	Provide USDA leadership with the administrative tools, services, infrastructure, and policy framework to support their public service mission.	Promote the efficient and economical use of USDA's resources to support customers, promote organizational productivity and ensure accountability.	Hazardous Materials Management Program	Protect public health and natural resources by addressing hazardous materials contamination on lands under USDA jurisdiction, custody, or control.

Key Outcome: Protect public health and natural resources by addressing hazardous materials contamination on lands under USDA jurisdiction, custody, or control.

Long-term Performance Measure: Percent of available HMM resources distributed to priority cleanup activities.

Selected Past Accomplishments toward Achievement of Key Outcome: In 2011, OPPM funded cleanup and oversight activities at USDA facilities in Maryland and Montana. These projects are on the U.S. Environmental Protection Agency's (EPA's) National Priorities List (NPL), EPA's list of the Nation's worst contaminated sites on private and Federal land. USDA also provided funds to support the Farm Service Agency efforts to address contaminated groundwater in three rural communities – two in Missouri and one in Kansas. Finally, USDA provided funds for the cleanup of an abandoned uranium mine in California. Also, in 2011, thirteen agreements were completed to recover costs or require responsible parties to conduct work to address contamination on USDA managed lands or at USDA facilities. The value of the cost recovery, combined with work the responsible parties conducted, is over \$82.5 million.

Selected Accomplishments Expected at the 2013 Proposed Resource Level:

USDA will continue to apply available funds to CERCLA sites determined to be the Department's highest priorities for action. Specifically, funds requested in 2013 will be used to continue site investigations and cleanup actions at USDA priority sites such as the Beltsville Agricultural Research Center (BARC), which poses hazards to both public health and the environment. EPA placed BARC on the NPL in 1994 and USDA and EPA have signed a Federal Facilities Agreement and negotiated Site Management Plan. Failure to show progress on investigation and cleanup at BARC places USDA at risk of fines and penalties. In 2013, HMM will also develop and implement policy and guidance; pursue and monitor enforcement agreements with potentially responsible parties and provide funding for investigations, cleanup and restoration at other high priority USDA contaminated sites. Specifically, program staff and the Pollution Control Team within the Office of the General Counsel support the CERCLA and RCRA programs of the Department through oversight and the development of Departmental and Inter-Departmental policy and guidance. The Pollution Control Team supports the search for responsible parties to fund the investigation and cleanup of sites on USDA managed lands and at USDA facilities. If viable responsible parties are found, then the Pollution Control Team negotiates legal agreements requiring the parties to conduct cleanup activities thereby saving HMM funds for other priority work.

Strategic Goal Funding Matrix
(Dollars in thousands)

Program / Program Items	2010	2011	2012	2013	
	Actual	Actual	Estimate	Change	Estimate

Strategic Goal: Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources.

Hazardous Materials Management.....	\$5,072	\$6,380	\$4,139	-\$147	\$3,992
Staff Years.....	7	6	7	-	7

Summary of Budget and Performance
Key Performance Outcomes and Measures

Department Strategic Goal: Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources.

Key Outcome: Protect public health and natural resources by addressing hazardous materials contamination on lands under USDA jurisdiction, custody, or control.

Key Performance Measure: Percent of available HMM resources distributed to priority cleanup activities.

Key Performance Targets:

Performance Measure	2007 <u>Actual</u>	2008 <u>Actual</u>	2009 <u>Actual</u>	2010 <u>Actual</u>	2011 <u>Actual</u>	2012 <u>Target</u>	2013 <u>Target</u>
a. Percent of available HMM resources distributed to priority cleanup activities.	100	100	100	100	100	100	100
b. Dollars (in thousands)	\$10,645	\$3,787	\$7,726	\$3,946	\$5,356	\$3,058	\$2,764

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Full Cost by Department Strategic Goal
(Dollars in thousands)

Department Strategic Goal: Ensure our national forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources.

Program/ Program Items	2010	2011	2012	2013
	Actual	Actual	Estimate	Estimate
CLERLA and RCRA activities.....	\$3,946	\$5,356	\$3,058	\$2,764
Administrative costs (direct).....	1,126	1,024	1,081	1,228
Total Costs	5,072	6,380	4,139	3,992
FTEs.....	7	6	7	7
Performance Measure:				
Percent of available HMM resources distributed to priority cleanup activities.....	100%	100%	100%	100%
Cost per measure (unit cost).....	3,946	5,356	3,058	2,764