

2015 Explanatory Notes
Departmental Management
Hazardous Materials Management Program

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DEPARTMENTAL MANAGEMENT
HAZARDOUS MATERIALS MANAGEMENT PROGRAM

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, 2013, there were six permanent full-time employees, with five located in the national office and one located in a field office.

GAO – In Progress

#361481

Programs to Clean Contaminated Federal Properties

DEPARTMENTAL MANAGEMENT
HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Available Funds and Staff Years (SYs)
(Dollars in thousands)

Item	2012 Actual		2013 Actual		2014 Estimate		2015 Estimate	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Salaries and Expenses:								
Discretionary Appropriations.....	\$3,592	6	\$3,992	6	\$3,592	7	\$3,600	7
Rescission.....	-	-	-108	-	-	-	-	-
Sequestration.....	-	-	-181	-	-	-	-	-
Adjusted Appropriation.....	3,592	6	3,703	6	3,592	7	3,600	7
Balance Available, SOY.....	547	-	1,213	-	1,345	-	-	-
Other Adjustments (Net).....	843	-	1,312	-	-	-	-	-
Total Available.....	4,982	6	6,228	6	4,937	7	3,600	7
Balance Available, EOY.....	-1,213	-	-1,345	-	-	-	-	-
Obligations.....	3,769	6	4,883	6	4,937	7	3,600	7

Permanent Positions by Grade and Staff Year Summary

Item	2012 Actual			2013 Actual			2014 Estimate			2015 Estimate		
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total
GS-15.....	2	-	2	2	-	2	2	-	2	2	-	2
GS-14.....	3	1	4	2	1	3	3	1	4	3	1	4
GS-7.....	1	-	1	1	-	1	1	-	1	1	-	1
Total Perm.												
Positions.....	6	1	7	5	1	6	6	1	7	6	1	7
Unfilled, EOY.....	1	-	1	-	-	-	-	-	-	-	-	-
Total, Perm.												
Full-Time												
Employment,												
EOY.....	5	1	6	5	1	6	6	1	7	6	1	7
Staff Year Est.....	5	1	6	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 Program
(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~~] \$3,600,000, 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

Budget Estimate, 2015.....	\$3,600,000
2014 Enacted.....	<u>3,592,000</u>
Change in Appropriation.....	<u>+ 8,000</u>

Summary of Increases and Decreases

(Dollars in thousands)

	2012	2013	2014	2015	2015
	<u>Actual</u>	<u>Change</u>	<u>Change</u>	<u>Change</u>	<u>Estimate</u>
Discretionary Appropriations:					
Hazardous Materials Management Program.....	\$3,592	+\$111	-\$111	+\$8	\$3,600

DEPARTMENTAL MANAGEMENT

HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Project Statement

Appropriations Detail and Staff Years (SYs)

(Dollars in thousands)

Program	<u>2012 Actual</u>		<u>2013 Actual</u>		<u>2014 Estimate</u>		<u>Inc. or Dec.</u>		<u>2015 Estimate</u>	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Appropriations:										
Hazardous Materials Mgt.....	\$3,592	6	\$3,703	6	\$3,592	7	+\$8	-	\$3,600	7
Total Adjusted Approp.....	3,592	6	3,703	6	3,592	7	+8	-	3,600	7
Rescissions, Transfers, and Seq. (Net).....										
	-	-	289	-	-	-	-	-	-	-
Total Appropriation.....	3,592	6	3,992	6	3,592	7	+8	-	3,600	7
Rescission.....	-	-	-108	-	-	-	-	-	-	-
Sequestration.....	-	-	-181	-	-	-	-	-	-	-
Bal. Available, SOY.....	547	-	1,213	-	1,345	-	-1,345	-	-	-
Recoveries, Other (Net).....	843	-	1,312	-	-	-	-	-	-	-
Total Available.....	4,982	6	6,228	6	4,937	7	-1,337	-	3,600	7
Bal. Available, EOY.....	-1,213	-	-1,345	-	-	-	-	-	-	-
Total Obligations.....	3,769	6	4,883	6	4,937	7	-1,337	-	3,600	7

Project Statement

Obligations Detail and Staff Years (SYs)

(Dollars in thousands)

Program	<u>2012 Actual</u>		<u>2013 Actual</u>		<u>2014 Estimate</u>		<u>Inc. or Dec.</u>		<u>2015 Estimate</u>	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Obligations:										
Hazardous Materials Mgt.....	\$3,769	6	\$4,883	6	\$4,937	7	-\$1,337	-	\$3,600	7
Total Obligations.....	3,769	6	4,883	6	4,937	7	-1,337	-	3,600	7
Bal. Available, EOY.....	1,213	-	1,345	-	-	-	-	-	-	-
Total Available.....	4,982	6	6,228	6	4,937	7	-1,337	-	3,600	7
Rescission.....	-	-	108	-	-	-	-	-	-	-
Sequestration.....			181							
Bal. Available, SOY.....	-547	-	-1,213	-	-1,345	-	+1,345	-	-	-
Other Adjustments (Net).....	-843	-	-1,312	-	-	-	-	-	-	-
Total Appropriation.....	3,592	6	3,992	6	3,592	7	+8	-	3,600	7

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HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Justification of Increases and Decreases

- (1) An increase of \$8,000 (\$3,592,000 and 7 staff years available in 2014) for the Hazardous Materials Management Program.

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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (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.

The funding increase is requested for the following item:

- a. An increase of \$8,000 for pay cost (\$2,000 for annualization of the 2014 pay increase and \$6,000 for the 2015 pay increase).

This increase is needed to maintain the current level of staffing to ensure that the program can continue to provide leadership and coordination of Department-wide hazardous material cleanup efforts.

Geographic Breakdown of Obligations and Staff Years
(Dollars in thousands and Staff Years (SYs))

State/Territory	2012 Actual		2013 Actual		2014 Estimate		2015 Estimate	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Colorado.....	\$170	1	\$177	1	\$178	1	\$179	1
District of Columbia.....	3,599	5	4,706	5	4,759	6	3,421	6
Obligations.....	3,769	6	4,883	6	4,937	7	3,600	7
Bal. Available, EOY.....	1,213	-	1,345	-	-	-	-	-
Total, Available.....	4,982	6	6,228	6	4,937	7	3,600	7

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Classification by Objects

(Dollars in thousands)

	2012	2013	2014	2015
	<u>Actual</u>	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
Personnel Compensation:				
Washington D.C.....	\$635	\$643	\$651	\$659
Field.....	133	135	135	136
11 Total personnel compensation.....	768	778	786	795
12 Personal benefits.....	157	177	179	182
Total, personnel comp. and benefits.....	925	955	965	977
Other Objects:				
21.0 Travel and transportation of persons.....	18	11	11	11
23.3 Communications, utilities, and misc. charges...	8	14	14	14
24.0 Printing and reproduction.....	2	5	5	5
25 Other contractual services.....	40	6	40	40
25.3 Other purchases of goods and services				
from Federal sources.....	2,769	3,891	3,901	2,552
26.0 Supplies and materials.....	6	-	-	-
31.0 Equipment.....	1	1	1	1
Total, Other Objects.....	2,844	3,928	3,972	2,623
99.9 Total, new obligations.....	3,769	4,883	4,937	3,600
Position Data:				
Average Salary (dollars), GS Position.....	\$128,000	\$130,000	\$112,000	\$114,000
Average Grade, GS Position.....	14.7	14.7	14.2	14.3

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HAZARDOUS MATERIALS MANAGEMENT PROGRAM

STATUS OF PROGRAM

The Hazardous Materials Management account centrally funds the necessary expenses of the Department to implement 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 provide 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 2013, OPPM funded cleanup and oversight activities at a USDA facility in Maryland on the U.S. Environmental Protection Agency's (EPA's) National Priorities List (NPL), EPA's list of the Nation's most contaminated sites on private and Federal land. OPPM also funded the French Camp site and Libby Site, located in California and Montana, respectively, as these two sites also posed a significant threat to human health and the environment.

In 2013, four 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, was over \$10.9 million.

Selected Examples of Recent Progress:

Beltsville Agricultural Research Center (BARC)

EPA listed 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. With EPA oversight, USDA's Agricultural Research Service (ARS) 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 Service units. As of January 2014, USDA has spent \$45 million for investigations and cleanups at BARC since cleanup began in 1988. EPA has determined that ARS has adequately addressed threats to human health and the environment at 47 areas of concern and agreed that the 48th area is ready to be reviewed for a no-further-action determination. EPA is requiring additional response actions at 14 areas of concern. ARS estimates that an additional \$23 million is needed to complete the ongoing investigations, remaining cleanups, and annual monitoring at BARC.

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. In 2012, the Nuclear Regulatory Commission (NRC) approved the decommissioning plan for the low-level radioactive waste disposal facility, allowing USDA to begin the cleanup. Excavation activities commenced August 6, 2013. As of September 30, 2013, eleven disposal pits had been excavated with more than 560 tons of radiologically contaminated soils managed for disposal. When completed, both NRC and EPA will need to confirm that USDA has addressed all their respective contaminants of concern at the low-level radioactive disposal facility before a clean closure determination may be made.

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In September 2011, EPA and ARS signed a Record of Decision to install a Permeable Reactive Barrier at the Beaver Dam Road landfill (BARC 27). The PRB is referred to as a “bio-wall” because it is comprised primarily of high organic carbon material. The bio-wall was installed in July 2013 to capture contaminated groundwater from the landfill and is 1,000 feet in length and approximately 20 feet in depth. The bio-wall is treating groundwater contaminated with trichloroethene and its associated compounds via microbial reductive dechlorination. The total cost to install was \$1.5 million. A Performance Monitoring Plan is being developed to collect data that will be used for the 5-year review of the bio-wall remedy as defined in the Record of Decision and required under CERCLA. The 5-year review will evaluate the efficacy of the bio-wall remedy in protecting human and ecological populations from chlorinated solvents in groundwater in the vicinity of the landfill.

French Camp

This site is located on the Sequoia National Forest and is used for informal overnight camping, off road vehicles, and other recreationists. A Forest Order closing the area to the public was proven difficult to enforce as people routinely ignored the warning signs. The French Camp location was used to process gold ore in the early 1900s which created fine-grained tailings with arsenic concentrations as high as 4,900 mg/kg and extend to several feet in depth. These concentrations are up to 490x background concentrations and up to 245x greater than human health benchmarks for recreational use and exceed EPA ecological risk screening benchmarks by up to 272x for plants, 113x for avian receptors, and 106x for mammalian receptors. Elevated arsenic and lead levels have been detected in nearby French Gulch. French Gulch runs into a downstream meadow and continues through the Boy Scouts of America campground below the meadow. HMMA funded work at this site due to the extremely high concentrations of arsenic. HMMA funded work will continue into 2014 to excavate contaminated soil, develop an on-site repository, and place clean soil over any residual contamination.

Libby Asbestos Site

The Libby Asbestos site, located in Libby, Montana, is a now defunct vermiculite mine that while operational contaminated the surrounding area with asbestos. A Public Health Emergency was declared on June 17, 2009 by the EPA for the Libby Asbestos Site. This was the first time in EPA’s history that a site was declared a Public Health Emergency. Over 40,000 acres of National Forest System (NFS) lands are within the boundaries of the National Priorities List site. Contamination in the bark and duff (tree needles/grasses/other plant debris that falls on the ground to be recycled into the soil), particularly around the mine site, makes it difficult to impossible to manage the NFS lands.

There is a very high risk that in a large wildfire event a column of smoke could mobilize enough asbestos to potentially recontaminate the town of Libby. Airborne asbestos fibers during trail clearing, brush clearing, road grading, fire fighting and other tasks commonly performed by Forest workers expose those workers to airborne fibers. Inhalation is the pathway most toxic for asbestos fibers. OPPM has and will continue to fund the Engineering Evaluation and Cost Analysis work to analyze and evaluate potential removal activities. This work will continue into 2014. The intent is to reduce the risk of a catastrophic fire, as a large fire would expose firefighters and the occupants of the city of Libby to airborne asbestos fibers.

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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 strategic goal and one objective that contribute to one of the Department’s strategic goals.

USDA 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.

Objective 2.1: Improve the Health of the Nation’s Forests, Grasslands, and Working Lands by Managing our Natural Resources.

Objective 2.3 – Contribute to Clean and Abundant Water by Protecting and Enhancing Water Resources on National Forests and Working Lands.

Agency Strategic Goal	Agency Objective	Programs that Contribute	Key Outcome
Improve the Health of the Nation’s Forests, Grasslands, and Working Lands by Managing our Natural Resources.	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 Performance Measures and Targets:

Measure	2009 Actual	2010 Actual	2011 Actual	2012 Actual	2013 Actual	2014 Target	2015 Target
Percent of available HMM resources distributed to priority cleanup activities	100%	100%	100%	100%	100%	100%	100%
Cost (thousands)	\$7,726	\$3,946	\$5,356	\$2,545	\$3,844	\$3,855	\$2,506

Selected Past Accomplishments towards Achievements of the Key Outcome:

- As of January 2014, USDA has spent \$45 million for investigations and cleanups at Beltsville Agricultural Research Center (BARC) since cleanup began in 1988.
- EPA has determined that USDA has adequately addressed threats to human health and the environment at 47 areas of concern at BARC and agreed that the 48th area is ready to be reviewed for a no-further-action determination. EPA is requiring additional response actions at 14 areas of concern.
- Eleven disposal pits at BARC have been excavated with more than 560 tons of radiologically contaminated soils managed for disposal.
- HMMP has and will continue to fund the Engineering Evaluation and Cost Analysis work at the Libby Asbestos Site to analyze and evaluate potential removal activities.

Selected Accomplishments Expected at the 2015 Proposed Resource Level:

- HMMP will be used to continue site investigations and cleanup actions at USDA priority sites such as the BARC, the Libby Asbestos Site and the French Camp Cleanup Site.
- HMMP 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.
- 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.

DEPARTMENTAL MANAGEMENT
HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Strategic Goal and Objectives Funding Matrix
(Dollars in thousands)

<u>Program/ Program Items</u>	2012 <u>Actual</u>	2013 <u>Actual</u>	2014 <u>Estimate</u>	Inc. or <u>Dec.</u>	2015 <u>Estimate</u>
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.					
Objective 2.1: Improve the Health of the Nation's Forests, Grasslands, and Working Lands by Managing our Natural Resources.					
Objective 2.3: Contribute to Clean and Abundant Water by Protecting and Enhancing Water Resources on National Forests and Working Lands.					
Hazardous Materials Management.....	\$3,592	\$3,703	\$3,592	\$8	\$3,600
Staff Years	6	6	7	-	7

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.

<u>Program/ Program Items</u>	2012 <u>Actual</u>	2013 <u>Actual</u>	2014 <u>Estimate</u>	2015 <u>Estimate</u>
<u>Program 1</u>				
CLERLA and RCRA activities.....	\$2,545	\$3,842	\$3,852	\$2,503
Administrative costs (direct).....	1,224	1,041	1,085	1,097
Total Costs.....	3,769	4,883	4,937	3,600
FTEs.....	6	6	7	7
Performance Measure:				
Percent of available HMM resources distributed to priority cleanup activities	100%	100%	100%	100%
Cost per measure (unit cost).....	2,545	3,844	3,855	2,506
Total Costs, All Strategic Goals.....	2,545	3,844	3,855	2,506
Total FTEs, All Strategic Goals.....	6	6	7	7