

2021 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, 2019, 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	2018		2019		2020		2021	
	Actual	SY	Actual	SY	Enacted	SY	Budget	SY
Salaries and Expenses:								
Hazardous Material Mgt	\$3,503	4	\$3,503	4	\$4,503	4	\$3,523	4
Balance Available, SOY	157	-	367	-	5,514	-	-	-
Recoveries, Other (Net)	5,747	-	12,011	-	-	-	-	-
Total Available	9,407	4	15,881	4	10,017	4	3,523	4
Balance Available, EOY	-367	-	-5,514	-	-	-	-	-
Obligations	9,040	4	10,367	4	10,017	4	3,523	4

PERMANENT POSITIONS BY GRADE AND STAFF YEARS

Table HMMP-2. Permanent Positions by Grade and Staff Years

Item	2018			2019			2020			2021		
	Actual			Actual			Enacted			Budget		
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	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	3	1	4	3	1	4	3	1	4	3	1	4
EOY												
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
2020 Appropriation	\$4,503,000
Change in Appropriation	-980,000
Budget Estimate, 2021	<u>3,523,000</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 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), [~~\$4,503,000~~] \$3,523,000, 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	2018		2019		2020		Inc. or Dec.	Chg Key	2021 Budget	SY	
	Actual	SY	Actual	SY	Enacted	SY					
Discretionary Appropriations:											
Hazardous Materials Mgt.....	\$3,503	4	\$3,503	4	\$4,503	4	\$-980	(1)	-	\$3,523	4
Recoveries, Other (Net).....	5,747	-	12,011	-	-	-	-	-	-	-	
Bal. Available, SOY.....	157	-	367	-	5,514	-	-5,514	-	-	-	
Total Available.....	9,407	4	15,881	4	10,017	4	-6,494	-	3,523	4	
Bal. Available, EOY.....	-367	-	-5,514	-	-	-	-	-	-	-	
Total Obligations.....	<u>9,040</u>	<u>4</u>	<u>10,367</u>	<u>4</u>	<u>10,017</u>	<u>4</u>	<u>-6,494</u>	<u>-</u>	<u>3,523</u>	<u>4</u>	

JUSTIFICATION FOR INCREASES AND DECREASES

The numbered justifications items are keyed to the Change Key (Chg Key) column on the Project Statement.

Hazardous Materials Management Program

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) **Hazardous Materials Management Program (HMMP): A decrease of \$980,000 and no staff years (\$4,503,000 and 4 staff years available in 2020).**

The funding change is requested for the following items:

A) An increase of \$7,765, for pay costs (\$3,556 for annualization of the 2020 pay increase and \$4,209 for the 2021 pay increase).

This increase will support the pay increase for civilian employees. This increase will allow the HMMP to continue to provide leadership in environmental areas. This critical increase is needed to support and maintain current staffing levels to meet the demands and statutory requirements imposed on HMMP. Elimination of the pay cost increase means the HMMP would need to significantly cut travel, training, and mission support. Approximately 20 percent of our budget supports personnel compensation and benefits. Failure to receive this increase would prevent us from fully performing our mission, which is necessary to ensure environmental concerns are addressed as well as meeting the needs of the Executive Office of the President and members of Congress.

B) An increase of \$5,612 for performance awards.

This increase will support a 1 percentage point increase in awards spending, consistent with objectives outlined in the President's Management Agenda, to enhance workforce development. Without this additional funding, OSEC will be unable to absorb these costs in FY 2021, resulting in reductions to planned hiring levels, eroding USDA's ability to meet key Administration priorities contained in this Budget.

C) An increase of \$6,623 for the Department's increased contribution to the Federal Employees Retirement System (FERS).

This increase will cover the expenses for the mandated increase of USDA's contribution to FERS. These increases were effective January 1, 2020, and impact approximately 4 employees' retirement packages.

D) A decrease of \$1,000,000 in hazardous waste cleanup activities.

This decrease in funding brings the funding level to the amount of funding available in the recent past and will result in fewer hazardous waste cleanup activities.

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	2018		2019		2020		2021	
	Actual	SY	Actual	SY	Enacted	SY	Budget	SY
Colorado	\$177	1	\$183	1	\$187	1	\$191	1
District of Columbia	8,863	3	10,184	3	9,830	3	3,332	3
Obligations	9,040	4	10,367	4	10,017	4	3,523	4
Bal. Available, EOY	367	-	5,514	-	-	-	-	-
Total, Available	9,407	4	15,881	4	10,017	4	3,523	4

CLASSIFICATION BY OBJECTS

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

Item No.	Item	2018 Actual	2019 Actual	2020 Enacted	2021 Budget
	Personnel Compensation:				
	Washington D.C.	\$440	\$401	\$418	\$425
	Personnel Compensation, Field	137	147	151	155
11	Total personnel compensation	577	548	569	580
12	Personal benefits	109	134	138	140
	Total, personnel comp. and benefits	686	682	707	720
	Other Objects:				
21.0	Travel and transportation of persons	10	25	25	25
23.3	Communications, utilities, and misc. charges	15	24	24	24
24.0	Printing and reproduction	3	3	3	3
25.2	Other services from non-Federal sources	37	25	25	25
25.3	Other goods and services from Federal sources	8,288	9,603	9,229	2,722
26.0	Supplies and materials	1	3	3	3
31.0	Equipment	-	2	1	1
	Total, Other Objects	8,454	9,685	9,310	2,803
99.9	Total, new obligations	9,040	10,367	10,017	3,523
	Position Data:				
	Average Salary (dollars), GS Position	\$128,750	\$130,000	\$132,000	\$134,250
	Average Grade, GS Position	14.4	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 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 \$28 million.

- The Farm Service Agency (FSA) Commodity Credit Corporation total estimated cost ranges from \$31 million to a maximum of \$272 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

HMMP in coordination with OGC, recovered nearly \$856 thousand from responsible parties for contamination on USDA managed lands.

HMMP efforts has assisted in the cleanup of USDA lands and facilities. Cleanup efforts included:

- The ARS Beltsville Agricultural Research Center (BARC) in Maryland is listed on the Environmental Protection Agency's (EPA) National Priorities List (NPL), EPA's list of the Nation's most contaminated sites on private and Federal land. HMMP efforts in this cleanup resulted in:
 - The movement of four Areas of Concern (AOC) from Site Investigations to the Remedial Investigation/ Feasibility Study stage. EPA approval of closure of one AOC; Remedial Investigation Reports at two AOCs; the Five-Year Review of one implemented remedy along with a plan to enhance the efficacy of the remedy at one AOC; and an interim removal action and plan for groundwater contamination source investigation at one AOC. EPA also completed its review of the closure report for one AOC but has not yet finalized its status.
 - As of September 30, 2019, USDA has spent \$52 million for investigations and cleanups at BARC. EPA has determined that ARS has adequately addressed threats to human health and the environment at 46 of 63 AOCs. ARS continues required response actions at the remaining 17 AOCs. ARS has increased its estimate to complete the remaining investigations, cleanups, and periodic monitoring to \$28 million. Results of investigations in progress and subsequent choices of remediation methods could increase this estimate.
- ARS is also completing cleanup at its former U.S. Citrus and Subtropical Products Research Laboratory in Winter Haven, Florida. USDA committed \$260,000 in FY 2019 for the removal of oil contaminated soil resulting from weed control activities along fence lines, chromium contaminated soil around the cooling tower, and dioxin contaminated concrete resulting from a pesticide spill in a garage. ARS anticipates cleanup completion and disposal of the property in FY 2020.
- Supported cleanup efforts of the Rocky Mountain Region of the Forest Service, of the Brooklyn Mine which is part of EPA's Bonita Peak Mining District NPL site. EPA placed the Bonita Peak Mining District on the NPL in response to the Gold King mine disaster where, in August 2015, workers inside the mine triggered a sudden release of acidic water into the Animas River.
- 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 Forest Service Regions 2, 6, and 10.
- Continued to work with the EPA headquarters and regional offices, to address GAO audit concerns on the status of the 270 USDA sites on EPA’s Federal Agency Hazardous Waste Compliance Docket. As a result of these efforts, EPA has reviewed the status of 240 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 as a member of the National Response Team (NRT) for emergency planning, preparedness, and response to oil and hazardous substances spills during a significant emergency incident, into the NRT’s Area Contingency Plan Guidance and provided training opportunities for the USDA Regional Response Team representatives on reimbursement from the Oil Spill Liability Trust Fund and providing support to the Federal On-Scene Coordinator during emergency response.
- Collaborated with the USDA agencies and Office of General Counsel to issue a policy memorandum related to cleanup actions by other federal agencies on USDA-managed land. The policy memorandum emphasized the importance of reviewing, providing input, and concurring with response actions proposed by other federal agencies to ensure these actions are consistent with USDA mission requirements and protective of USDA-managed lands.
- Reviewed and updated the status of all military legacy sites known to exist on USDA-managed land, or adding new sites in NEAT to establish a more comprehensive inventory.