

**Federal Facilities Forum Notes**  
**2005 Annual Meeting**  
**Wednesday September 7, 2005, 1:30 – 3:00 p.m.**  
**Ballroom of the Colony Hotel in Kennebunkport, Maine**

**Chairs**

- Tom Adams, Senior Advisor for Regulatory Compliance, Office of Environmental Management, U.S. Department of Energy
- Alex Beehler, Assistant Deputy Under Secretary, U.S. Department of Defense
- Jon Sandoval, Chief of Staff, Idaho Department of Environmental Quality, Environmental Council of the States
- James Woolford, Director of Federal Facilities Restoration and Re-Use Office, U.S. Environmental Protection Agency

Welcome - Jon Sandoval, Idaho DEQ

Overview of the Energy Policy Act of 2005 - Jeff Genzer, NASEO General Counsel

- Jeff provided a brief overview of the Energy Policy Act and pointed out numerous sections that the state environmental commissioners may want to read and keep track of. Two major items that environmental commissioners had been watching that did not end up in the bill were the opening of ANWR and the MTBE liability waiver. A summary of the Bill created by NASEO will be shared with ECOS members. ECOS and NASEO will try to engage on some issues around the Energy Bill.

UST Provisions in the Energy Bill – Cliff Rothenstein and Mark Barolo, US EPA OUST

- Subtitle B of Title XV established the Underground Storage Tank Compliance Act of 2005 which effects 250,000 sites with tanks around the country. This Act imposes requirements with fairly short timelines on EPA, other federal agencies, and any state receiving funds under this Subtitle I of RCRA. Important deadlines for states include:
  - Secondary containment or financial responsibility requirements within 18 months of the signing of the Bill (by February 8, 2007).
  - Implementation of delivery prohibition for noncompliant sites within 24 months of the signing of the Bill (by August 8, 2007).
  - Initial inspections (as applicable) of all tanks for the first time and a three year inspection cycle following the initial inspection within 24 months of the signing of the Bill (by August 8, 2007).
  - Report on compliance situation of government-owned USTs within 24 months of the signing of the Bill (by August 8, 2007).
  - Implementation of operator training requirements within 2 years of EPA providing guidance on operator training requirements (anticipated deadline is August 8, 2009).
- EPA's OUST is meeting with ASTSWMO representatives in late September to begin planning the implementation of this Act.

Update from DOE – Tom Adams, U.S. DOE

- The Department of Energy got a new Secretary this year, Samuel Bodman. The Deputy Secretary, also new this year, is Clay Sell. The Office of Environmental Management is also under new leadership as James Rispoli was sworn in as the

Assistant Secretary in August. His Principal Deputy Assistant Secretary is Charlie Anderson.

- An End States Work Group has been formed and is meeting monthly to keep the End States Initiative moving forward.

#### Transfer of DOE sites from Office of Environmental Management to Office of Legacy Management

- Legacy Management is already responsible for long-term surveillance and maintenance activities at more than 70 sites and will be responsible for over 100 sites by 2010. The Rocky Flats site in Colorado, and the Mound and Fernald sites in Ohio are all scheduled to transfer to Legacy Management (LM) by 2007. To assist in the transitions, LM has established site transition teams that work in tandem with DOE site offices and contractor staff to identify resources required for effective transition. Site stakeholders and regulators are included in this process. When sites transition to LM, all major regulatory decisions will have been made and LM will be responsible for long-term remedy implementation and beneficial reuse at the site. Their focus will be on monitoring performance associated with installed remedies including engineered and institutional controls. Because this level of work is much less than the level of work under EM, the funding received by states will be reduced as sites transition from EM to LM.

#### Update from EPA – Jim Woolford, U.S. EPA

- EPA is getting ready to send an issue paper on LTS out for comments. The final paper should be available soon.
- The appointment of Susan Bodine as the head of the Office of Solid Waste and Emergency Response at EPA is on hold because of some Superfund issues.
- Several EPA offices and regions plan to participate in the Emerging Contaminants in Groundwater Forum. EPA is expecting to issue guidance on perchlorate in the next couple of months. EPA is also putting together a website on perchlorate similar to the one they have on mercury that they hope to have up and running soon. And the Office of Water is working with the FDA on looking at perchlorate in food.

#### Upcoming Meetings

- The following upcoming meetings were brought to the attention of those in attendance:
  - Forging Partnerships on Emerging Contaminants Forum – Nov 1-3, 2005
  - Brownfields 2005 – BRAC Sessions – Nov 2-4, 2005
  - DOE Intergovernmental Meeting – Nov 9-10, 2005
  - Institution Controls Best Practices Forum – April 2006