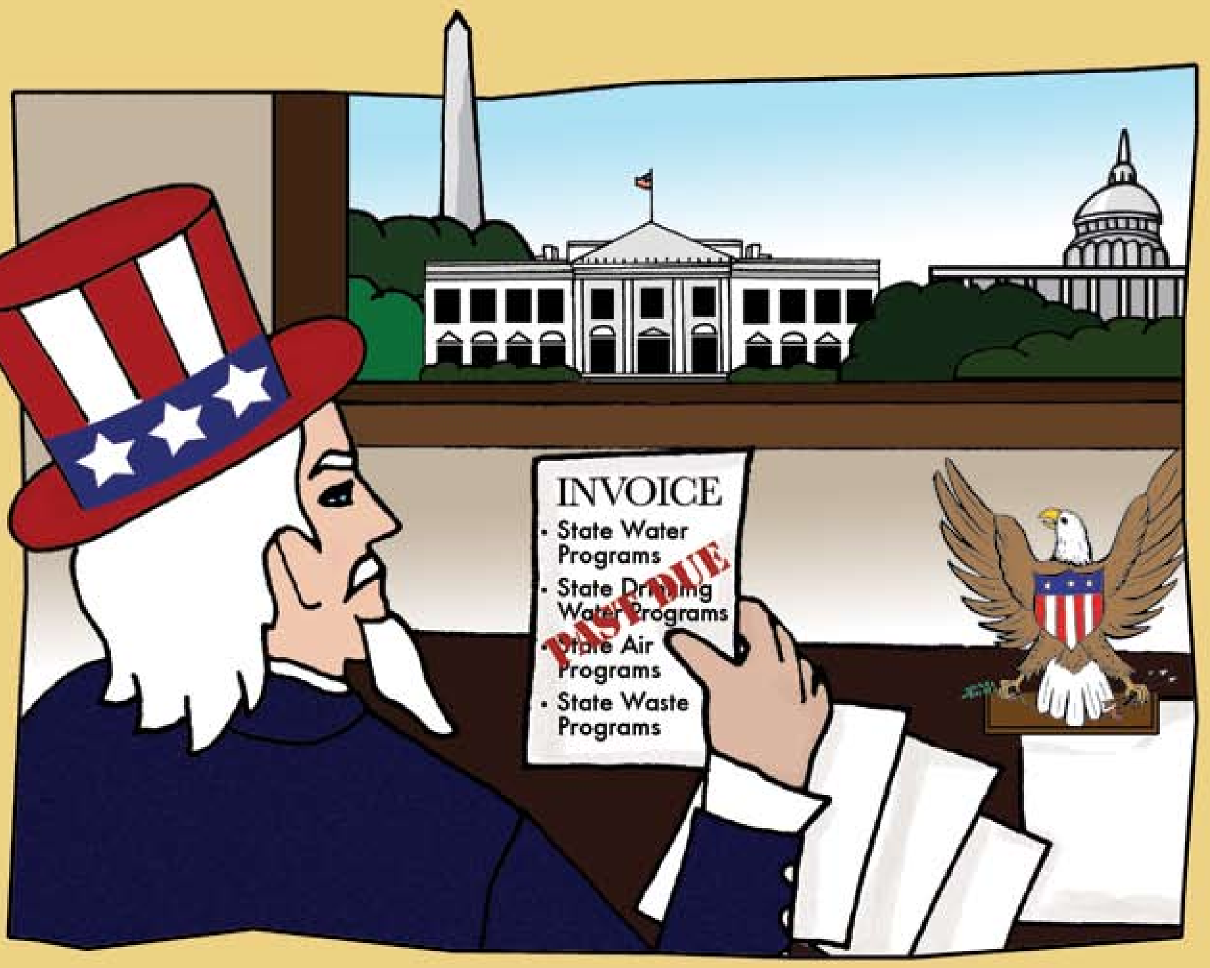
ECOSTATES

The Journal of the Environmental Council of the States

Supporting Core Environmental Programs



Also in This Issue:

State Environmental Agencies among First Responders to Hurricanes

ECOStates

The Environmental Council of the States is the national non-profit, non-partisan association representing the state and territorial environmental commissioners.

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ECOStates

The Journal of the Environmental Council of the States

Fall 2005

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President's Corner

Dear Friends:

I am privileged to be president of ECOS at this exciting and challenging time, and I thank each of you for giving me this opportunity. Also, the departure of Jane Stahl, our dedicated and superb chair of the Air Committee, and the willingness of Bob Golledge to step into the position, remind me to thank the many past and present members of ECOS who have taken time to serve as officers, Executive Committee members, committee chairs and vice chairs, task force and work group leaders and participants, special forum leaders, ERIS board members, or active ITRC participants. As you can see, ECOS offers many ways to involve your state and to influence national policy, and I encourage each of you to participate fully. As one who has served for the past three years as an officer and on the Planning Committee, I can tell you that there is much important work to be done, plus the chance to get to know your peers and even have some fun. So please be an active member—we have work to do!

Stephanie Hallock

As you have been hearing at our meetings and in our publications, ensuring adequate funding for state environmental programs in EPA's budget is our #1 priority. We face a situation which we have not faced before, in that funding for our base programs through EPA's State and Tribal Assistance Grants (STAG) has declined for the past two budget cycles, and we expect to see further decline when the President's budget is released in February 2006. In recent years, EPA has been protecting its own budget at the expense of the states, and we are actively working with our sister associations to take that story to the Hill and to OMB in hopes of restoring funding and preventing further decline in the 2007 budget.

While we advocate for states, we continue to work with EPA in support of overall funding for environmental protection. Part of our message to EPA has been that if there must be cuts, we expect cuts to be proportional between EPA and states, and that base program work must be protected. Recently, EPA has responded positively to our insistence on having a seat at the table during budget discussions, and the officers have been working with EPA to flesh out how that dialogue will occur this spring for the 2008 cycle.

It is no surprise that Congress is cutting many programs to pay for unbudgeted emergencies such as Hurricane Katrina, and that EPA is being affected by those cuts. In the view of ECOS, this means that it is time to consider reducing or eliminating programs that are not required by law in order to adequately fund programs that are. This does not mean that ECOS opposes those programs—we may actually support many of them. It means that when dollars are tight, just as with our state budgets, the federal government needs to make it a priority to fund "must do" regulatory requirements in lieu of "nice to do" discretionary programs.

We are developing a list of programs that EPA funds that are not required by law for review and discussion with ECOS members. As I write this, we still don't know the total amount spent on these programs, but I expect it will be

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Supporting Core Environmental Programs

Back to Basics

ECOS Urges Full EPA Support of Core Programs and a Reprioritization of Funding

by R. Steven Brown

Unlike the states' delegated programs, these initiatives are not congressionally mandated, not reviewed by OMB for effectiveness, and not as important as the basic public health and environmental protection that states perform.

For nearly 30 years the EPA annual budget has supported states, local governments, and tribes. Since the late 1980s this has been done via the "State and Tribal Assistance Grants" (STAG) account, which makes up about 42% of the agency's budget. Since the establishment of the STAG account, the amount allocated to it has risen and fallen from year to year, with a trend of following EPA's overall budget. EPA staff used to say they tried to "hold the states harmless" when Congress cut EPA's budget for one reason or another. They meant that they tried to prevent cuts to the STAG portion of the budget. They didn't always succeed—indeed, STAG has taken cuts before—but the agency's fiscal policy was to protect the states that implemented nearly all the federal environmental programs.

This all changed in 2005 and 2006, as states took unprecedented cuts in the budget. The STAG account lost $302 million in 2005, or 88% of the net cut sustained by the agency. The 2006 budget was even worse. In that year, EPA imposed 148% of the cuts on the states—that is, EPA kept more than $102 million previously assigned to states for its own programs. That's $102 million taken away from permitting, inspections, enforcement, monitoring, cleanups, and infrastructure such as wastewater treatment plants to fund a growing number of EPA initiatives. Unlike the states' delegated programs, these initiatives are not congressionally mandated, not reviewed by OMB for effectiveness, and not as important as the basic public health and environmental protection that states perform.

States Should Be at the Table

EPA has been especially vigilant in asking the states to participate in its strategic plan and goals development. This is because states implement much of the plan through the delegated programs. This year, EPA is embarking on another five-year plan, and the states have again

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A Budget to Support Core Environmental Programs

This is a budget proposal prepared by the Environmental Council of the States for the STAG Portion of EPA's 2007 Budget.

State and Tribal Assistance Grants (all figures in thousands of dollars)

	Programs	FY 2004 Enacted	FY 2005 Enacted	FY2006 Enacted	ECOS' Proposal 2007	Change	% Change
Categorical Grants	Key Core Delegated Programs						
	State and Local Air Quality Management	$237,297	$223,200	$223,550	$244,416	$20,866	**9.3%**
	Public Water System Supervision	$101,904	$99,746	$99,746	$104,961	$5,215	**5.2%**
	Brownfields CG	$50,000	$49,600	$50,000	$50,000	$0	**0.0%**
	Hazardous Waste Financial Assistance	$103,689	$103,466	$103,466	$106,799	$3,333	**3.2%**
	Underground Storage Tanks	$11,725	$11,904	$11,950	$12,309	$359	**3.0%**
	Nonpoint Source (Sec. 319)	$241,542	$207,328	$207,328	$248,789	$41,461	**20.0%**
	Pollution Control (Sec. 106)	$202,937	$208,320	$219,400	$225,982	$6,582	**3.0%**
	Specialized Programs						
	Environmental Information	$19,474	$19,344	$20,000	$20,000	$0	**0.0%**
	Beaches Protection	$8,826	$9,920	$10,000	$10,000	$0	**0.0%**
	Homeland Security	$4,051	$4,960	$5,000	$5,000	$0	**0.0%**
	Lead	$14,100	$13,392	$13,700	$13,700	$0	**0.0%**
	Pesticides Enforcement	$19,776	$19,344	$18,900	$18,900	$0	**0.0%**
	Toxics Substances Compliance	$5,036	$5,007	$5,150	$5,150	$0	**0.0%**
	Pesticides Program Implementation	$13,225	$12,896	$13,100	$13,100	$0	**0.0%**
	Pollution Prevention	$6,150	$4,960	$5,000	$5,000	$0	**0.0%**
	Radon	$8,062	$6,944	$7,550	$7,550	$0	**0.0%**
	Tribal Air Quality Management	$12,385	$10,743	$11,050	$11,050	$0	**0.0%**
	Tribal General Assistance Program	$62,196	$61,504	$57,500	$57,500	$0	**0.0%**
	Underground Injection Control	$10,800	$10,694	$11,000	$11,000	$0	**0.0%**
	Wastewater Operator Training	$0	$1,488	$1,200	$1,200	$0	**0.0%**
	Water Quality Cooperative Agreements	$16,608	$16,864	$0	$16,864	$16,864	**n/a**
	Wetlands Program Development	$17,110	$14,880	$16,000	$16,000	$0	**0.0%**
	Non-Mandated Initiatives						
	Sector Program	$1,838	$2,232	$2,250	$1,838	-$412	**-18.3%**
	Targeted Watersheds	$7,472	$17,856	$16,856	$7,472	-$9,384	**-55.7%**
	Subtotal, Categorical Grants	**$1,176,203**	**$1,136,591**	**$1,129,696**	**$1,214,580**	**$84,884**	7.5%
Infrastructure	*Infrastructure Assistance: Clean Water SRF	$1,397,785	$1,091,200	$900,000	$1,439,718	$539,718	**60.0%**
	*Infrastructure Assistance: Drinking Water SRF	$881,524	$843,200	$850,000	$907,969	$57,969	**6.8%**
	Brownfields Projects	$87,380	$89,280	$90,000	$90,000	$0	**0.0%**
	Clean School Bus Initiative	$0	$7,440	$7,000	$7,000	$0	**0.0%**
	Congressionally Mandated Projects[1]	$263,524	$309,548	$200,000	$0	-$200,000	**-100.0%**
	Infrastructure Assistance: Alaska Native Villages	$37,434	$44,640	$35,000	$35,000	$0	**0.0%**
	Infrastructure Assistance: Mexico Border	$64,846	$49,600	$50,000	$50,000	$0	**0.0%**
	Infrastructure Assistance: Puerto Rico	$0	$3,849	$0	$0	$0	**0.0%**
	Subtotal, Infrastructure	**$2,732,493**	**$2,438,758**	**$2,132,000**	**$2,529,687**	**$397,687**	18.7%
	TOTAL, ALL ITEMS	**$3,908,696**	**$3,575,349**	**$3,261,696**	**$3,744,267**	**$482,571**	14.8%

[1] These are included here as part of the Clean Water SRF funds.

* These are Core Infrastructure Programs.

All figures are post-rescission except for 2006. These are actual-year dollars, not adjusted.

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been invited to participate in this process.

However, EPA has not included states in any way in the development of its budget. It is impossible to separate planning from budgeting—neither one makes sense without the other. A plan with no budget to implement it is pointless. A budget with no plan is, well, a bad idea. When states participate in the development of a plan without participating in the resulting budget decisions, prioritization is hampered. Help in identifying priorities is often what EPA asks from states in the planning process.

Lack of state input into the budget process means that EPA staff is left to assert that one program deserves funding over another. This has led to the creation of new initiatives and voluntary programs. While ECOS understands the utility of alternative approaches, we suggest that in times of fiscal stress, budget priorities should focus on the congressional mandates that are the core mission of both EPA and the state agencies. Furthermore, states are more interested in being provided flexibility and innovation in achieving performance through delegated programs than in seeing new federal initiatives that may have little impact on state efforts, or even duplicate them.

ECOS Seeks Support of Core Programs in 2007

As ECOS leaders and members thought through the recent STAG budget reductions, we began to consider the most important function of state environmental agencies. As one might guess, the answer was the protection of public health and the environment. Specifically, we look to meeting the public health standards for drinking water and air, and the environmental quality and use standards for water bodies and wastes. Achieving these improvements, or maintaining our successes, defines our agencies' core mission. It only makes sense to emphasize spending on these priorities, especially if times are tight.

This led to our decision to emphasize and prioritize funding for core programs in ECOS' Proposal for EPA's 2007 STAG Budget. Our

proposals are currently (as of this writing) under review within the Office of Management and Budget (OMB) as it finalizes EPA's 2007 budget. The core programs as they appear in the STAG categorical grant budget categories are:

- State and Local Air Quality Management (air programs)
- Public Water System Supervision (drinking water programs)
- Brownfields
- Hazardous Waste Financial Assistance
- Underground Storage Tanks
- Clean Water Act— Nonpoint Source (Sec. 319)
- Clean Water Act—Pollution Control (Sec. 106)

OMB obviously also agrees that these programs are important, because all of them have undergone a Program Assessment Rating Tool (PART) review to assess their effectiveness—some of them more than once.

There are 15 other programs that are specialized. These are important, but because they affect only some states, are only partially

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delegable, or are of limited scope, they don't rise to the level of importance as the seven listed above. Additionally, we note that there may be other issues of importance to states that are not listed within the STAG grants at all. Again, OMB must agree with us, because only a few of these have had the PART review. For these programs, we recommended flat funding.

Finally, we noted that some recent initiatives of EPA had adversely affected the STAG categorical grants. These may address issues of concern in some states, but essentially involve taking program funds away from the core programs in order to stipulate how states must spend them. These are not congressional mandates, and none of them have undergone a PART review. So, it appears OMB agrees with us once again on their relative importance. For these programs, we recommended reduced funding. No doubt there will be some states that find the utility of these programs. For them, we suggest they reroute the increase in core program funding to address this need, and we've asked EPA for the flexibility to do so. However, states do not need EPA budget interference in the way we implement our programs—this is not the proper use of EPA's oversight responsibility. Each state is best suited to know what approaches will be most effective. EPA should concentrate on the national standards and results, not implementation methods.

The consequence of EPA creating new national initiatives is a reduction of support for core programs and a proliferation of new voluntary programs which are not reviewed for effectiveness, which are not mandated by Congress, which linger on well past a pilot stage, which support efforts that might be best funded from non-federal sources, and which divert funds away from states' implementation of the major environmental statutes, not to mention EPA's own attention to these.

ECOS recognizes the important role of voluntary efforts. We use them in our own states. They have their place in the panoply of solutions to environmental problems. Not everything can best be solved by regulation. However, federal fiscal support for voluntary programs instead of support for the core programs mandated by Congress is inappropriate and unwise.

The spending priority problems within EPA don't end there. In fact, there are so many examples of questionable spending that ECOS is preparing a report to follow our recent budget proposal, identifying many additional areas in which EPA spending is imprudent during times of fiscal stress. We expect to release that report within the next few months.

On a Positive Note

I do have some good news.

EPA is exhibiting a new willingness to involve states in the budget process, as far as current OMB policy will allow it. Each year in March or April, EPA begins its budget development. In recent years, ECOS has been invited to the opening meeting. At this meeting, the discussion is limited to general comments about priorities, funding prospects, new ideas, and the like. Subsequent meetings, to which ECOS is not invited, deal with specific budget proposals.

In response to state insistence on having more of a voice, EPA has announced the creation of a "state ombudsperson" who will represent states within EPA's budget meetings. This must be a federal employee to fulfill existing requirements, and the individual will be unable to reveal specific information about the meetings. However, states will at least have someone in the budget process that can represent our positions and provide materials and budget information supplied by states.

This ombudsperson will be Pam Luttner, a long-time EPA employee who currently works regularly with ECOS. Her work will begin in earnest with the 2008 budget cycle in Spring 2006.

R. Steven Brown is executive director of the Environmental Council of the States.

Erosion of Federal Support Harming Oregon's Water, Air, and Land Programs

by Greg Aldrich

Clean water, air, and land are essential for public health and Oregon's environment and economy. A healthy environment supports the economy, and a healthy economy in turn provides more resources and ability to invest in environmental protection.

Unfortunately, states face unprecedented erosion in their ability to carry out basic environmental programs created by Congress and expected by the American public. At the same time that state funding has been reduced over a period of years, federal funding has been reduced overall. Following a slight increase in State and Tribal Assistance Grant (STAG) revenues for Department of Environmental Quality (DEQ) operating costs in 2002, federal funding remained flat in 2003 and 2004 and decreased in 2005. Unlike social services funding to states, STAG awards are not generally indexed or adjusted for cost inflation, so states already face the challenge of maintaining level services with a flat funding rate. The effects of continued declines in federal support to Oregon are illustrated below.

Unfortunately, states face unprecedented erosion in their ability to carry out basic environmental programs created by Congress and expected by the American public.

Water Quality STAG Funding

Due to reductions in state funding, within the past three years Oregon completely eliminated water quality monitoring at three sites, reduced the frequency of sampling by 50% at 17 sites, and reduced the frequency of sampling by 25% at 13 sites. Without this monitoring information, it is difficult to determine water quality status and the success of various pollution control efforts by landowners, municipalities, and industries. Funding reductions have hampered DEQ's ability to update clean water standards and conduct special water quality studies including toxicity studies. This curtails DEQ's ability to address emerging water quality issues such as pharmaceuticals, pesticides, and mercury.

Total Maximum Daily Loads (TMDLs) provide a direct measure of excessive pollutant loading from a variety of sources, and are the basis of water quality restoration planning on a watershed scale. Previous state cuts have slowed TMDL development. Additional cuts may jeopardize Oregon's ability to meet the 2010 Consent Decree for TMDL development. Ultimate responsibility for completing TMDLs for the Consent Decree rests with EPA Region 10.

Loss of state funding has reduced the number of inspections conducted and wastewater permits issued, resulting in more out-of-date permits and an inability to ensure compliance

with permit conditions. This puts businesses and communities at risk of third party lawsuits and can also delay timely permit issuance. In 2003, DEQ's permit backlog for large, permitted facilities was the worst in the country. Progress has been made but cannot be sustained if federal funding continues to erode.

The Section 319 grant is used to fund local watershed protection and restoration projects. In 2005, funding was cut by 13%. Additional

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Erosion of Federal Support Harming Oregon's Water, Air, and Land Programs

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cuts to this grant program will reduce resources to address nonpoint sources of pollution, which are typically the major sources of pollution.

The Underground Injection Control program helps protect drinking water. Due to a lack of federal funding, Oregon cannot adequately implement this work and is seriously considering terminating the program altogether. Federal funds also support DEQ's groundwater assessment and protection efforts. Groundwater is a source of drinking water for many Oregonians. Reduced funding for groundwater would limit DEQ's ability to identify and protect groundwater at risk of contamination.

Due to reductions in state funding, within the past three years Oregon completely eliminated water quality monitoring at three sites, reduced the frequency of sampling by 50% at 17 sites, and reduced the frequency of sampling by 25% at 13 sites.

Water Quality SRF Funding

Adequate wastewater treatment capacity is needed for the economic development of communities. In 2005, State Revolving Loan Fund (SRF) funding was decreased by 19%. Decreases occur when the ratio of infrastructure needs increases rapidly compared to resources available to maintain critical long-term infrastructure. Cuts will cause a $489,000 reduction in Oregon's maximum loan amount for any individual loan. The result will mean some communities will not get full funding for their projects and may need to seek more costly funding sources, reduce the project scope, or seek multiyear funding if possible. It also means one or two communities requesting loans will not be funded this year and that six full-time, one-year construction jobs will not be funded. Lack of funding puts some communities at an economic disadvantage. Without necessary infrastructure improvements, some cities such as Yachats on the central Oregon coast face growth moratoriums.

Air Quality STAG Funding

Federal funds account for 14% of the Oregon Air Program budget for the 2005–2007 biennium. The funding supports a portion of core air work such as monitoring, emission inventory and modeling work, State Implementation Plan preparation, information management, air toxics, and a small portion of the state's air permitting program for non-Title V sources. It also supports the fine particulate (PM 2.5) monitoring network and several short-term air toxics monitoring sites.

In the most recent budget cycle, Oregon's air program lost five percent of its federal funding due to cuts for fine PM 2.5 monitoring. Inflationary costs will require the air program to hold vacant another 4-5% of federally funded positions to cover the increased costs. The vacancies will mean less emission inventory and community outreach work aimed at reducing toxic air pollution.

Just recently, we've been notified of additional planned cuts to the PM 2.5 monitoring network. Reductions are coming at the same time that EPA may raise the PM 2.5 standard because of harmful effects of fine particulate on human health. Higher PM 2.5 standards may mean nonattainment for many communities throughout Oregon, but the monitoring network to measure fine particulate won't exist. Residents of these communities won't have sound scientific information and will be left to wonder about the air they breathe.

Land Quality STAG Funding

The Land Quality Division receives STAG funding for two programs, both under the Resource Conservation and Recovery Act (RCRA) program umbrella—hazardous waste and underground storage tank (UST) compliance. Federal

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Erosion of Federal Support Harming Oregon's Water, Air, and Land Programs

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hazardous waste funding supports inspection and compliance efforts to ensure that Oregon generators and treatment, storage, and disposal facilities comply with federal regulations. Similarly, UST program funding supports efforts to ensure that petroleum underground storage tanks are installed, maintained, and operated in compliance with federal UST regulations.

The federal grant represents less than 20 percent of the resources needed to fund the delegated hazardous waste program. Other funding comes from waste generation, disposal and permitting fees, and a state general fund appropriation. For the UST program, federal funds pay for just about 20%. Tank permit fees fund the remaining costs of the program.

This inflation-adjusted decline in federal funding, combined with flat or declining fee revenues and general fund appropriation cuts in hazardous waste, has made it difficult to maintain existing RCRA programs. In order to sustain the federally delegated hazardous waste program, funds are being shifted from technical assistance efforts that result in significantly better compliance. In the tanks program, shrinking resources have prevented the program from meeting EPA's requirements for the number of inspections performed annually.

Greg Aldrich is government relations manager with the Oregon Department of Environmental Quality.

President's Corner

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hundreds of millions—more than enough to assure that states get the assistance they need for core programs without cutting any of EPA's staff, although some of the staff may have to be reassigned to core support functions.

As you know, ECOS has already developed a STAG budget for the President and Congress to consider. We provided the budget in time for EPA and OMB to incorporate it into the 2007 budget, and we hope they will do that.

Finally, we continue touching base with policy makers on Capitol Hill. Many of them tell us they intend to contact you about the issues we've raised. In other cases, we will be asking you to contact them. I hope you will make these contacts a priority.

Federal support to the states for the environment has declined faster in the last two years than at any other time in EPA's history. We must make our needs heard on the Hill, or we will likely have to live with these reductions permanently.

In this challenging time for states, we will be asking for help from many of you with your delegations in Congress, and to help us work through our budget and policy issues with EPA. I look forward to an exciting year as your president, and call upon each of you to roll up your sleeves and work actively on the issues important to you and your state. See you at the Spring Meeting on March 20-22 in Charleston, South Carolina.

Stephanie Hallock

Sincerely,
Stephanie Hallock
President, Environmental Council of the States
Director, Oregon Department of Environmental Quality

Maine's RCRA and Lead/Asbestos Programs Shortchanged by STAG Reductions

by Jim Dusch and Malcolm Burson

Context

Delegation is fundamentally an agreement between the Environmental Protection Agency (EPA) and a state to partner on some aspect of environmental protection. Maine strongly believes that at the time delegation occurs, expectations are set for how that partnership will be implemented over time—both in terms of monetary support and deliverables. One of the powers EPA delegated to Maine was the authority to act as primary administrator of the federal hazardous waste laws [Resource Conservation and Recovery Act C (RCRA-C)], and lead and asbestos regulations [Asbestos Hazard Emergency Response Act (AHERA), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and Toxic Substances Control Act 402 (TSCA 402)] in the state.

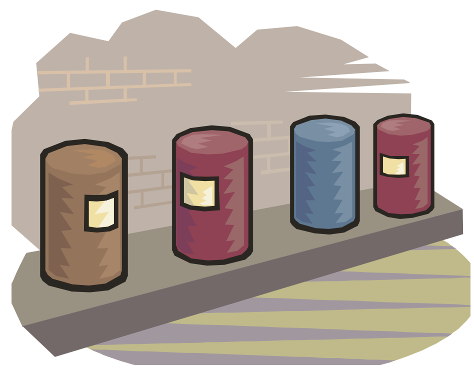
It is therefore apparent that EPA's commitment to supporting its RCRA-C program delegation has significantly diminished, with little change to its expectations for deliverables.

The Problem—RCRA

At the time of expanded authorization, including corrective action, in 1997, Maine's funding mix in RCRA-C was $415,000 federal and $128,000 state. Full-time employees (FTEs) dedicated to the program were 6.75 and 2.3, respectively. The core program components were licensing, inspection, technical assistance, and enforcement of Maine's 450 registered generators and 5,000-plus small-quantity generators.

For federal fiscal year (FFY) 06, these aspects of the RCRA-C program are now funded at $456,000 and $155,000, supporting 5.5 federally funded and four state-funded FTEs. Had the size of the federal grant tracked the Consumer Price Index, the current total would have been $647,500. The cumulative difference over the entire period would be $1,182,076. It is therefore apparent that EPA's commitment to supporting its RCRA-C program delegation has significantly diminished, with little change to its expectations for deliverables. Furthermore, in the intervening years when new federal monies have been available, they have not gone to core RCRA support, but rather to special initiatives requiring competitive application and, if successful, shifting of core staff resources away from core functions.

The relative decrease in federal funding support has left the Department of Environmental Protection (DEP) with the unpalatable choice of either finding money to make up EPA's de-



creasing proportional share, or of scaling back the program, potentially to a point where it is turned back to EPA. In the case of RCRA-C, Maine has utilized its state hazardous waste fund to compensate for EPA's decreasing commitment to program support. The resulting shift to our state fund has led to the imminent insolvency of that fund. Without a fundamental change in this funding structure, DEP will have no choice but to begin scaling back its program, either through FTE movement to other financially solvent programs or layoffs. It goes without saying that any scaling back will require DEP to lower its com-

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Maine's RCRA and Lead/Asbestos Programs Shortchanged by STAG Reductions

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mitments to specific program elements, such as number of annual inspections, thus increasing the risk of environmental degradation.

Currently, Maine DEP is moving toward an innovative integration of its RCRA and Pollution Prevention/Toxics Use Reduction programs, expecting to use the expertise of the RCRA compliance staff to identify upstream reductions in the use of hazardous chemicals. Cross-training of staff would additionally increase the number of trained inspectors. The goal is to increase opportunities for both education and technical assistance, and compliance inspection. Any further erosion of EPA funding will jeopardize this opportunity, and may make it impossible to implement.

Any further cuts will effectively compromise the field presence necessary to maintain a credible threat of enforcement with the regulated community, leading to much greater non-compliance.

From Another Perspective

DEP has looked at EPA's support for its own staff as guidance on what a state's proper expectations might be for ongoing support of a delegated program. This support comes in the form of annual Cost Of Living Adjustment (COLA) wage increases provided to all federal employees, at a rate appropriate for the Region in which they work.

Since the time of expanded delegation, DEP's RCRA-C grant award has gone from $415,000 in FFY97 to $456,000 in FFY05. If this award tracked the COLA provided to EPA employees, the FFY06 award would have been $617,700. Over this same period, the cumulative support available to Maine's RCRA-C program would have amounted to $720,609. Had federal funds been increased by the COLA, that amount alone would have provided solvency in DEP's accounts. Instead of considering program cuts and possible loss of delegation, we likely would not need to talk about anything but success and innovation in the program.

The Problem—Lead and Asbestos Programs

Maine accepted delegation for the federal NESHAPs program in 1984, and received specific delegation for Asbestos NESHAPs in 1997. Also, Maine received full waiver state status for the federal Asbestos-Containing Materials in Schools rule in 1995 (AHERA). These approvals require Maine to implement federal asbestos rules on training, licensing, notification, work practices, and disposal and to perform compliance and enforcement as needed. Originally, the federal grant funded 2.5 FTEs, and these staff, together with others funded by the state, allowed Maine to develop a well-trained, well-educated, and generally compliant regulated community of local education agencies, contractors, consultants, and inspectors. This success has been validated both by follow-up field inspections by Maine DEP staff, and a consistently low level of enforcement actions needed for the past few years.

However, federal grant assistance for implementing both asbestos programs has essentially been level-funded at $100,000 for both the AHERA and NESHAPs combined for more than 10 years. As a result, these STAG funds now support only a single FTE, while the workload has remained the same. Any possibility of making this up from state funds has been eliminated by the department's ever-decreasing General Fund allocation to meet state budget shortfalls.

Similarly, federal STAG funds designated for delegated lead abatement activities under TSCA 402 have been eroded so that program function is in jeopardy. Since FFY03, when a grant of $200,000

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Massachusetts Using Flexibility in Core Program Funding to Promote Innovation

by Arleen O'Donnell

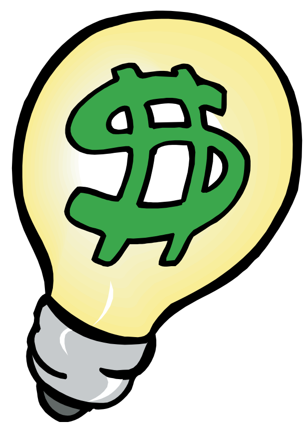
Over the last two years, federal funding to state core programs has been cut by more than 17% ($66.7 million). During the same time period, many states have faced significant state budget challenges. States always need the flexibility to spend core program dollars in innovative ways, and this is even more essential during times of fiscal strain. The Massachusetts Department of Environmental Protection (MassDEP) has been capitalizing on core grant flexibility by investing in programs and approaches that have the most benefit for public health and the environment at the least cost. The following are a few examples of these innovations:

> States always need the flexibility to spend core program dollars in innovative ways, and this is even more essential during times of fiscal strain.

- **Water Loss Prevention Grant Program:** In Massachusetts, we are increasingly concerned about the stress placed on watersheds due to excessive water withdrawals and the discharge of wastewater outside of the watershed of origin, thus "de-watering" our basins. Massachusetts has begun using the Drinking Water State Revolving Loan Fund (SRF) to implement grants for public water systems to conduct drinking water conservation activities, such as leak detection, water audits, and conservation outreach. Priority is given to applicants located in stressed basins or in areas otherwise showing significant environmental concerns that would benefit from a reduction in demand.
- **Massachusetts Septic System Test Center:** Many Massachusetts waters are impaired due to nutrient loading from on-site septic systems, and there is increasing concern about potential impacts from pharmaceuticals in wastewater. Using Section 319 funds, the Massachusetts Septic System Test Center gathers third-party performance information regarding advanced on-site septic systems technologies and promotes the trial of new technologies to reduce nitrogen and phosphorous in wastewater. The center also has begun evaluating the effectiveness of on-site systems for treating pharmaceuticals and personal care products, many of which are potentially dangerous endocrine disruptors.

Arleen O'Donnell

- **Redirection of Resources to Small Sources of Air Pollution and Hazardous Waste via the Environmental Results Program (ERP):** MassDEP has demonstrated that the Commonwealth's "major" sources of air pollution and its hazardous waste Large Quantity Generators are in significant compliance with environmental regulations. Therefore, MassDEP is maintaining a lower level of inspection frequency at these "major" facilities in order to redirect efforts to smaller sources that exist in high numbers, such as dry cleaners. The ERP uses annual self-certification of compliance along with proactive outreach materials and compliance assurance activities.



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Massachusetts Using Flexibility in Core Program Funding

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MassDEP is currently seeking EPA final approval for "offset credit" for ERP.

These are a few examples of how MassDEP is using flexibility in core program funding to support innovative approaches to environmental protection. MassDEP hopes to partner with EPA to promote additional innovations in the coming year, including obtaining EPA acceptance of "generic" TMDLs for bacteria and mercury, applying Clean Water SRF funding to encourage the construction of alternative and renewable energy sources as part of Publicly Owned Treatment Works upgrades, and getting formal approval for "offset credit" for ERP.

It is always important to invest in innovation in order to improve the effectiveness of our programs. Tight financial times demand more innovation, not less. As shown in Massachusetts and other states, innovation can reduce transaction costs and increase return on investment. EPA should learn from the way many states have responded to declining budgets, and should work with ECOS and the states on restoring cuts made to core programs while fostering additional innovation through flexibility.

Arleen O'Donnell is deputy commissioner of policy and planning for the Massachusetts Department of Environmental Protection. She serves as vice chair of the ECOS Cross-Media Committee.

Maine's RCRA and Lead/Asbestos Programs Shortchanged by STAG Reductions

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supported 2.5 FTEs engaged in licensing, notification, compliance, and enforcement, lead grant funding has declined dramatically to its current level of $146,000. At the same time, the program has been asked to adopt TSCA 406 responsibilities for the federal Pre-Renovation Education rule without any additional funding, and will also be asked to adopt the TSCA 402c lead renovation rule in the coming year. Finally, there are indications that EPA will once again revise its lead grant funding formula in FFY07, and states may receive baseline funding of only $60,000, which would represent a 70% *decrease* over five years.

Maine's lead and asbestos programs are part of a single organizational unit. The decreases in federal funds noted above have already resulted in the elimination of one position and the transfer of funding for current staff to other sources. Elimination of staff has resulted in a 30% decline in asbestos field inspections and a 50% decline in field technical assistance for lead and asbestos. Any further cuts will effectively compromise the field presence necessary to maintain a credible threat of enforcement with the regulated community, leading to much greater non-compliance. If federal funding continues to decrease, the department will need to thoroughly consider our options when confronted with the choice of applying for inadequate federal funding or surrendering Asbestos in Schools Rule waiver state status and/or Asbestos NESHAPs delegation.

From Another Perspective

Since 1997, level funding of the delegated asbestos program has meant the value of the grant has decreased by 29% in real dollars. Had that same $100,000 been increased using the CPI rate, the FFY06 grant would have been $132,600.

In the lead program, the loss of $40,000 since FFY97 represents a 22% decrease in actual funding. Had the base of $186,800 been increased to match the CPI over the same period, the 2006 grant would have been $247,743.

Jim Dusch is director of policy services, and Malcolm Burson is associate director of policy services, with the Maine Department of Environmental Protection.

EPA Funding Cuts Could Stall Air Quality Progress in Pennsylvania

by Katie McGinty

Images that pigeonhole Pennsylvania as a smog-choked state are outdated. The fact is: our Commonwealth is thriving—economically and environmentally. Among our most significant achievements are the improvements to air quality over the last three decades.

This progress has come as a result of hard work by air pollution control officials on local, state, and federal levels; dedication by the public to improve the environment around them; and efforts by the regulated community to be good neighbors to residents. For all we've done, however, there is more to do—a sobering reminder that restoring air quality requires a tremendous amount of administrative skill and, more importantly, financial support.

> Over the years, this grant money has enabled our Commonwealth to address complex air quality problems and expand efforts to tackle the next set of challenges. Unfortunately, EPA now is proposing significant cuts in this cooperative arrangement.

Pennsylvania's Department of Environmental Protection (DEP) receives grants from the U. S. Environmental Protection Agency (EPA) under Sections 103 and 105 of the Clean Air Act. Over the years, this grant money has enabled our Commonwealth to address complex air quality problems and expand efforts to tackle the next set of challenges. Unfortunately, EPA now is proposing significant cuts in this cooperative arrangement.

Sections 103 and 105 grants support our efforts to submit a State Implementation Plan (SIP) for ozone and particulate matter, participate actively in the development of the ozone and particulate matter implementation rules, work with regional planning organizations, conduct ambient modeling, revise regulations, develop and submit emission inventories, develop an air toxics program, promote voluntary emission reduction initiatives, monitor air quality, issue plan approvals and operating permits, and enforce regulations.

Katie McGinty

Health-Based Standards

With the assistance and support of EPA and these grants, our Commonwealth has made great strides in reducing air pollution. We have addressed the early problems of particulate matter and sulfur dioxide, achieving the health-based National Ambient Air Quality Standards (NAAQS) for these pollutants. We have made significant strides in ground-level ozone reduction, achieving the former one-hour ozone health-based standard throughout the state.

Cutting this funding would deliver a major blow to Pennsylvania's environment. In 2004, EPA designated 37 of Pennsylvania's 67 counties as nonattainment for the eight-hour ozone standard. The agency also designated all or portions of 17 counties as nonattainment for fine

particulate matter. These pollutants affect millions of state residents, with health effects ranging from shortness of breath to heart attacks. It is imperative that we have the resources we need to continue our work addressing the problem.

Air Monitoring

With the assistance of the Section 103 and 105 grants, we have established extensive moni-

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toring programs for both industrial sources and ambient air. Pennsylvania has been a leader in the monitoring of industrial sources and has a statewide continuous emissions monitoring network. Our industrial partners have installed continuous emission monitoring systems at 118 facilities. And, our Section 105 grant has been critical in providing the resources to establish, oversee, and maintain this system.

We have used our Section 105 grant to help establish an elaborate ambient monitoring system. Specific activities funded within the monitoring program include the operation and maintenance of a statewide network of more than 55 air monitoring sites that are comprised of sampling, calibration, and support equipment.

Our ability to expand our program is limited by the very resources that the EPA has projected to cut. How do we explain to the public that we have no money or resources to investigate pressing health problems?

Pollutants monitored at these sites include all those covered by NAAQS.

Pennsylvania receives funding through the Section 103 grant specifically for fine particulate ambient air monitoring, a national program initiated in 1998. Funding reductions in federal fiscal year 2005–06 already have negatively impacted this manual-method fine particulate sampling network at a time when we struggle to understand the fine particulate problem. We have been forced to terminate three of these sampling sites, impairing our ability to understand the problem at hand.

EPA has asked every state to reassess their ambient air monitoring networks. As a way to reduce budget demands, the agency is pursuing reductions in the ambient monitoring network even as we begin to address the new health-based problems. How are we to understand health problems and explain them to the public if we make these types of changes?

Permitting

Title V of the Clean Air Act authorizes states to collect other funds to cover the costs of permitting and regulating major point sources. However, there are many more small sources that need to be permitted than are covered by the Title V program. In Pennsylvania, we regulate more than 3,000 facilities, of which approximately 650 are covered by the Title V program. The Section 105 grant helps us address these sources. We approve construction applications and operating permits and ensure that new sources are controlled to the greatest extent possible.

Air Toxics

Pennsylvania has only begun to address new problems that are arising in the air pollution field. Air toxics are a growing problem that needs to be addressed on a case-by-case basis. Each new monitoring request results in an extensive investigation, since the establishment of a new ambient toxics monitoring site requires a significant commitment of both personnel and equipment resources.

Our ability to expand our program is limited by the very resources that the EPA has projected to cut. How do we explain to the public that we have no money or resources to investigate pressing health problems? How do we address the new Section 105 grant commitments to expand our toxics monitoring network when funding is being reduced for that very effort?

In Conclusion

We have come a long way in addressing air pollution problems in Pennsylvania. But challenges remain. Will we address these problems in a cooperative spirit with EPA, industry, and the public, as has been so successful? Or will we be telling the public that some problems just won't be addressed because EPA wants to save a buck? That's a high price to pay.

Katie McGinty is secretary of the Pennsylvania Department of Environmental Protection.

Stemming the Tide of Cuts to Clean Water Programs

by Roberta (Robbi) Savage

THE FUNDING OUTLOOK FOR clean water programs is bleak and isn't likely to improve without a concerted and targeted effort by the states. The State Revolving Loan Fund (SRF) has taken big hits, Section 106 state management funding has been raided for a federal monitoring program, and program innovation funding under Section 104(b)

As the SRF is reduced by congressional earmarks, disaster relief rescissions, and the very real possibility of a 1-3% across-the-board cut in national discretionary funds, water programs are feeling the heat.

has been eliminated. As if this weren't enough, the "Green Eye Shades" have their gaze fixed on Section 319 nonpoint funding, which is declining and endangered.

As the SRF is reduced by congressional earmarks, disaster relief rescissions, and the very real possibility of a 1–3% across-the-board cut in national discretionary funds, water programs are feeling the heat. The potential for an across-the-board congressional cut in addition to the reductions already imposed, coupled with the administration's proposed $166 million decrease of the SRF, is forcing state officials to make increasingly difficult decisions that could impact the integrity of Clean Water Act programs well into the future.

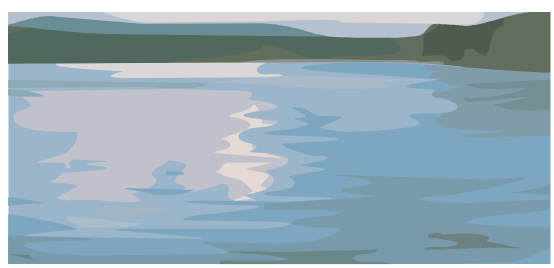
State Revolving Loan Funding

Nowhere is this more evident than in the Clean Water State Revolving Loan Fund.

- In FY04, the appropriation was $1.35 billion. In FY06, it was $900 million (a 33% cut), and the administration proposes a rescission taking it down to $730 million (a 46% cut).
- As states are keenly aware, the funding gap for infrastructure financing is well over $300 billion.
- The SRF is achieving favorable environmental results. In recent years, for example, states report that funds were used to achieve compliance; improve water quality; and protect and restore fisheries, recreational uses, and drinking water sources.
- $3.3 billion in loans result in $1 billion cost savings to communities, due in part to below-market interest rates. Without the SRF, many small and mid-size communities would face great difficulties obtaining financing.

State Management Funding

Section 106, the statutory mechanism for funding state and interstate agency pollution control programs—including permitting, compliance and enforcement, stormwater, monitoring, data management, reporting, and Total Maximum Daily Load development—has fallen victim to a federal set-aside of $8 million for national probabilistic trends monitoring. Section 106 funding is essentially static and not much better than it was in 1972 considering inflation.



- Section 106 funding in the FY06 appropriation was $219 million. Not considering the $8 million the U.S. Environmental Protection Agency intends to use for its probabilistic monitoring, this is at the FY05 level.
- The funding gap between what states have

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State Drinking Water Program Personnel on the Front Lines

by Darrell Osterhoudt

Good, healthy drinking water is an essential ingredient of life. We're happiest when it's abundant, tastes good, and doesn't smell. For the vast majority of Americans, that life-giving water comes from a public drinking water system, and state drinking water programs are there to make sure the water is safe. State and territorial drinking water program administrators believe that the core of an effective drinking water program is putting state people on the "front lines," working directly with drinking water utilities. Dedicated individuals working for state drinking water programs are the right people in the right place to ensure the continued supply of safe drinking water.

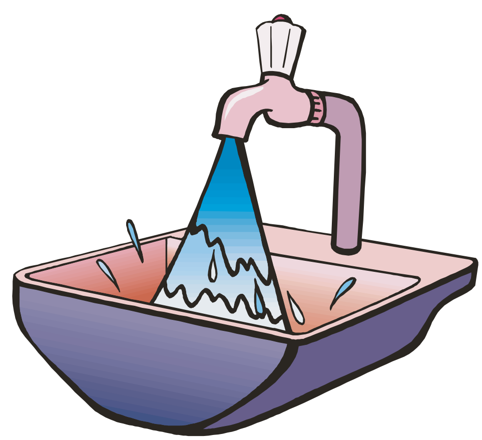
Who are Public Water Systems?

According to EPA's Office of Ground Water and Drinking Water, there are nearly 160,000 public drinking water systems (PWSs) in the United States. Each of these systems regularly supplies drinking water to at least 25 people or 15 service connections. There are almost 53,000 community water systems (CWSs) that serve almost 273 million people. A CWS is a public water system that supplies water to the same population year-round. An interesting fact is that over 90 percent of the people receiving water from CWSs receive their water from just 17 percent of the PWSs (approximately 8,600 systems)—these are the larger water systems. The remaining 9 percent of the population receives its water from the 44,000 small CWSs that each serve 3,300 people or less. These can be water systems located in rural areas, suburban subdivisions, or urban mobile home parks. Regardless of size or location, all of these water systems must deliver safe water and stay in compliance with the Safe Drinking Water Act (SDWA). States must provide continued oversight to the larger systems that serve the majority of the population, but it is state assistance to the smaller systems that is especially critical if there is to be safe drinking water for everyone.

Why is State Help So Critical?

The whole drinking water area is becoming much more complex as we try to improve the quality of drinking water even more. One of the newer groups of rules is the Microbial and Disinfection Byproduct Rules. These are complex partly because they attempt to strike a balance between the addition of disinfectants needed to control microbial contaminants and the harmful effects of too many disinfection byproducts. The next round of these rules is expected to be even more complex. Gone are the days when all it took to operate a water system was to make sure the pump was running and fill a sample bottle every few weeks!

Small water systems (especially those serving less than 3,300 people) often struggle to comply with the various regulatory requirements, but in recent years, even larger systems



are finding it a challenge to keep on top of the changing regulatory environment and stay in compliance. States must provide the information, training, and assistance that the water systems need to understand the new requirements and make necessary changes in their operation. Even before each new rule is issued,

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states prepare notification letters, fact sheets, specialized training courses, presentations for professional conferences, and sometimes, one-on-one sessions with individual operators. All this to make sure everyone involved with the water system knows what the requirements are and what needs to be done. Larger systems will probably learn this information on their own or hire consultants to explain it to them. For the small systems, state drinking water program personnel are the ones who will usually bring the message.

These are core functions and activities that comprise an effective state program. They are not the kinds of things that can be done remotely by email or through a glitzy website but instead require people on the ground, working with water system officials, to be effective.

When a water system operator hears that a new rule is coming out, it is usually the state that he or she will call to find out the real story. The operator will expect to get the true picture, and state staff are there to provide an open and honest description of what is required and what the system will need to do—not a generic recap of the rules, but a specific recommendation based on knowledge of the rules and the individual water system. That's one of the main reasons that the state staff person is there—to take that call and offer help.

How Are States Involved in Ensuring That Drinking Water is Safe?

In all aspects of the drinking water program, state staff are on the front lines, making sure that drinking water is safe. These are core functions and activities that comprise an effective state program. They are not the kinds of things that can be done remotely by email or through a glitzy website but instead require people on the ground, working with water system officials, to be effective. The following are just a few examples of where state involvement is key.

- **Source Water Protection**—The best way to keep contaminants out of drinking water is to keep them out of the source of drinking water to begin with. The states have performed source water assessments for all community and many non-community water systems in the country to identify threats to each water source. To make use of this valuable analysis and turn that into real source water protection, most water systems need encouragement and assistance. Across the country, state personnel are working in collaboration with other groups who have a common interest in source water protection. Together, they encourage and enable local groups to develop source water protection programs.
- **Engineering Plan Review**—Reviewing the plans and specifications for new sources, treatment plants, distribution systems, and other infrastructure is a core state activity that assures that what is constructed can provide high quality drinking water to the public. Actually reviewing the engineering documents and issuing construction approval is often just the final step in a long process involving state staff and local officials.
- **Operator Training, Certification, and Technical Assistance**—The quality of the drinking water may have more to do with how a treatment plant is operated than any other single factor. Competent and dedicated operators can compensate for significant deficiencies in design or capacity. Conversely, poor quality water can come from state-of-the-art treatment plants if the operators aren't doing their job. Training and certifying

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operators have been core components of most drinking water programs for many years because states recognize how important good operation is to good drinking water. Since the 1996 SDWA amendments, many states have expanded and strengthened their operator certification programs to assure high quality operation. Many states have adopted the Area-Wide Optimization Program (AWOP) as a means of helping water systems improve their operation and therefore the quality of their water. An AWOP is a multi-state effort in which states work together to develop and implement individual state programs to assist water systems in optimizing their existing treatment processes in an effort to increase public health protection.

Unfortunately, as state resources get tight, individual contact with drinking water systems is often one of the casualties. The frequency of inspections drops, so state staff are on site less often to raise concerns and get them corrected before more serious problems develop.

- **Security and Emergency Response—** Although concerns about terrorism and threats to drinking water systems by individuals with a political agenda are relatively new phenomena, state drinking water programs have been promoting emergency preparedness at water systems for years. State efforts prior to 9-11 were aimed at preparing water systems for natural disasters, which are still much more likely to impact a water system. As resources allowed, states helped systems develop emergency response plans that included measures like back-up equipment, resource lists, and mutual aid agreements with neighboring water systems. In the last few years, states have assumed an expanded role of assisting water systems with vulnerability assessments and preparing systems for the possible threat of terrorist attack.

Can States Continue to Meet These Basic Needs and New Challenges Too?

That is the big question facing state drinking water programs today. States need to continue to do the things mentioned here, and many more that are not, just to assure that water systems provide basic services. A 2003 report on resource needs by the Association of State Drinking Water Administrators projected a gap between available funds and needs of $370 million by 2006. Tight state budgets in recent years and the growing federal budget deficit just serve to reinforce our projection of a significant resource gap. Unfortunately, as state resources get tight, individual contact with drinking water systems is often one of the casualties. The frequency of inspections drops, so state staff are on site less often to raise concerns and get them corrected before more serious problems develop. In general, the state program becomes more reactive, with less emphasis on preventative measures.

State drinking water programs will continue to work to assure safe drinking water in this country. They will set priorities and strive to work more efficiently and effectively to accomplish them with reduced resources in the face increasing demands. They will do all of this because they know they are on the front lines in assuring safe drinking water. From the administrator in the office to the inspector in the field, they recognize their important role in protecting public health, and they take it very seriously. That's who they are, and that's why they're so valuable.

Darrell Osterhoudt is a project manager with the Association of State Drinking Water Administrators.

State Environmental Agencies among First Responders to Hurricanes

Louisiana DEQ Takes Action in the Wake of Katrina

by Jean Lockwood Kelly

On Aug. 29, Hurricane Katrina roared into the Gulf Coast and destroyed everything in its path, including large areas of Louisiana's Orleans, St Bernard, and Plaquemines Parishes. Less than a month later, on Sept. 23, Hurricane Rita slammed into the southwest coast of Louisiana and southeast coast of Texas. The damage these hurricanes left in their wake is almost unimaginable.

In the days that followed Katrina, the Louisiana Department of Environmental Quality (LDEQ) was dealt many challenges, but it did not have to face them alone.

Unified Command Emerges

In the days that followed Katrina, the Louisiana Department of Environmental Quality (LDEQ) was dealt many challenges, but it did not have to face them alone. Almost immediately, an Incident Management Team began assembling at LDEQ headquarters in Baton Rouge. Texas sent 23 members of the Texas Commission on Environmental Quality (TCEQ) strike team to assist with field activities. A Unified Command Center was established, and soon offices were set up for the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (Corps), U.S. Coast Guard (USCG), U.S. National Oceanic and Atmospheric Administration (NOAA), U.S. Geological Survey (USGS), TCEQ, Louisiana Oil Spill Coordinators Office, and Louisiana Department of Health and Hospitals.

Many of the members of the Unified Command were housed in the LDEQ Conference Center, fondly known as the LDEQ Hilton. There were cots for approximately 65 people, and during the 38 days the command center was at LDEQ, those cots served as home for more than 150 members of the response teams who served in two-week rotations.

LDEQ's Katrina response team consulted with other states, such as North Carolina and

Emergency responders from LDEQ, EPA, and TCEQ survey a map of the areas affected by Hurricane Katrina.

Florida, to gather information on how they had dealt with various storm issues. Volunteers from many others states assisted in the field. The TCEQ strike team stayed in Louisiana and

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worked until it was recalled as Hurricane Rita threatened the Texas coast. The Arkansas DEQ provided field support personnel in the Metairie command center, the location from which Southeast Louisiana field operations are now being directed.

Search and rescue was a priority during the first week and beyond. Eighty percent of New Orleans was flooded, and many people were trapped inside and on the roofs of homes, on overpasses, and at other locations that provided safety from the floodwaters. LDEQ employees teamed with the Louisiana Sheriffs' Association and aided in the rescue of more than 480 people from the affected area. LDEQ damage assessment teams took water, meals ready-to-eat, and other supplies to areas that had not yet received help.

Environmental Assessment Begins

Following the search and rescue phase of emergency response, the assessment phase took precedence. LDEQ and members of the unified command undertook early reconnaissance and damage and environmental threats assessment. Access to damaged areas was limited because of flooding and debris, so air flyovers and photo documentation aided in assessing the damage. The EPA ASPECT aircraft, capable of taking air samples and high-resolution photography, flew over the affected areas almost daily. A helicopter with a mounted HAWK camera, which can detect leaks with infrared technology, also monitored the situation. A Department of Energy plane with an Airborne Radiation Detector assisted, and satellite imagery was used. Air and ground reconnaissance teams assessed industrial sites, oil spills, wastewater treatment plants, rail cars, barges, radioactive materials locations, Superfund sites, ruptured pipelines, and access routes.

It quickly became apparent that Louisiana was dealing with a natural disaster of a magnitude never seen before, and that sentiment was shared by many of the responders.

As a result of damage to the southeast Louisiana flood protection system of levees and floodwalls, more than 80 percent of New Orleans was flooded. Getting the water out was imperative. After reviewing available options, the Corps made the decision to pump the floodwaters into Lake Pontchartrain, which generated a great deal of concern about the potential impacts to the lake. Concerns were heightened by continued media references to the floodwaters as "toxic." Extensive floodwater and water sampling by LDEQ, EPA, and the Lake Pontchartrain Basin Foundation, including biotoxicity testing and some 36,000 water quality analyses, proved these labels to be inaccurate and alarmist. The floodwater discharge was compared to historical permitted discharge monitoring reports, and those comparisons revealed very little difference between historical data and post-Katrina levels. The total estimated volume pumped from New Orleans into the lake was 8.86 billion cubic feet, or 4.5 percent of the volume of the lake. When the pumping

After Katrina, New Orleans was plagued by fires like this one at a warehouse full of Mardi Gras floats.

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of the area was completed, the Corps declared the area "unwatered" on Oct. 11.

The LDEQ believes that the lessons learned from Hurricanes Katrina and Rita will enhance future response in this state, and perhaps enable us to better help those who have generously provided assistance to the State of Louisiana.

Lake Pontchartrain remains normal for this time of year and to date has been largely unaffected by the pumping of floodwaters from New Orleans. Live shrimp and crabs have been found in traps, and large schools of fish are striking at bait. Sampling of fish tissue from Lake Pontchartrain to the Mobile Bay has been a multi-agency effort among Louisiana, Mississippi, and Alabama environmental and public health agencies and the U.S. Food and Drug Administration, NOAA, and EPA. After eight weeks of testing, there were largely unremarkable results. For drinking water, agencies conducted testing of bacteria and organic pollutants at New Orleans East Bank, New Orleans West Bank, and Belle Chase. In the 25 samples collected, all organic and bacteria parameters met water quality standards. The same kind of sampling has been done for the area affected by Hurricane Rita. LDEQ and USGS are also sampling private drinking water wells, and initial results indicate little effect on the aquifers.

In addition to water samples, LDEQ and other agencies have taken air and sediment samples to ensure protection of public health and the environment. All sites that contained radiation sources have been visited and revisited to ensure that the sources were either secure or moved to a secure place.

The Job Ahead

Still ahead is the monumental task of cleaning up and rebuilding Louisiana. The Hurricane generated twenty-two million tons of debris in the southeast part of the state, more than half of which is in the New Orleans area. Hurricane Rita left one-half million tons of debris in southwest Louisiana. In the New Orleans area, agencies face the task of salvaging or disposing of an estimated 350,000 vehicles and 60,000 vessels. Approximately 150,000 homes in Louisiana sustained flood damage, and 1.5 million tons of white goods such as refrigerators need to be recycled.

LDEQ has formulated a Debris Management Plan as a guide for local governments and

Flooded roadways in New Orleans East.

others engaged in the disposal of storm debris. This plan serves as the Louisiana portion of the Federal Emergency Management Agency Debris Management Plan that lays out the process for managing and disposing of debris in the storm impact areas. That plan is available on the DEQ website, www.deq.louisiana.gov. The blueprint lists debris management sites identi-

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fied by local parishes and approved by LDEQ. They are designated for specific purposes like wood waste burning, chipping, and grinding; construction and demolition debris staging or disposal; boat, vehicle, and white good staging; and household hazardous waste staging. Environmental precautions are of primary concern in the disposal of this debris.

Shortly after Hurricane Katrina made landfall, LDEQ issued an emergency declaration that provided some legal flexibility to those trying to deal with impacts from the storm. Examples of uses of the provisions in the declaration include facility start-ups, permission to burn vegetative waste in certain circumstances, and other variances from regulatory requirements. Requests made relative to the emergency declaration were reviewed to ensure adequate protection of public safety and the environment.

Although the challenges ahead loom large, with the help of our federal, state, and local partners, they are not insurmountable. The LDEQ believes that the lessons learned from Hurricanes Katrina and Rita will enhance future response in this state, and perhaps enable us to better help those who have generously provided assistance to the State of Louisiana.

Jean Lockwood Kelly is a public information officer with the Louisiana Department of Environmental Quality.

Louisiana Taps ITRC Expertise in Vetting New Technologies

When Narendra Dave from Louisiana called for help, the Interstate Technology and Regulatory Council (ITRC) turned to its expert network to respond. Dave is an engineer/geologist with the Louisiana Department of Environmental Quality (LDEQ) and serves as the state point of contact (POC) with ITRC, an affiliate of ECOS. The LDEQ anticipated an influx of applications proposing new and different technologies to help clean up after Hurricane Katrina. LDEQ management knew this would mean a bigger workload, and the real concern was that staff did not have the time to review the wide range of novel technologies.

ITRC contacted several Team Leaders and POCs to see if they would be interested in volunteering to help Louisiana meet the challenge. Many were eager to assist, and ITRC formed a review group that included ITRC representatives from California, Florida, Kansas, Nebraska, New Jersey, New York, and Pennsylvania. In addition, several ITRC consultants and representatives from the U.S. Environmental Protection Agency and Department of Energy volunteered to assist with the effort. Since they share many of the same problems, POCs from the Katrina-affected states of Alabama, Mississippi, and Texas were invited to participate to ensure that they would benefit from the group's exchange of information. All volunteers agreed to review proposals on a two-week turnaround, and early results indicate that the process is working and that ITRC can supplement expertise at the LDEQ.

Mississippi DEQ Teams with Local, State, and Federal Agencies to Tackle Storm Damage

by Charles Chisolm

The magnitude of Hurricane Katrina on Aug. 29 presented the Mississippi Department of Environmental Quality (MDEQ) with unprecedented challenges. The storm and its aftermath swept away the familiar and ushered in a host of problems demanding immediate MDEQ action. Traditional methods had to be altered, and the storm and its effects required the efforts of the entire MDEQ staff. In addition, relationships with other state and federal agencies as well as local officials had to be forged or strengthened to ensure a cooperative effort.

MDEQ faced immediate environmental tests, including the restoration of wastewater and drinking water systems, disposal of an unprecedented amount of debris, and identification and disposal of hazardous materials.

A longer than anticipated lack of communication with local officials, other agencies, and MDEQ employees affected how the first wave of MDEQ emergency responders did their job. Nonetheless, MDEQ personnel made every effort to visit potentially high hazard facilities as soon as possible and worked with state and federal agencies to limit the exposure of people and the environment to hazardous materials. Fortunately, the state experienced no major chemical spills or large-scale damage to the environment. Throughout the response effort, the U.S. Coast Guard and U.S. Environmental Protection Agency were of great assistance in Mississippi. MDEQ also received significant contributions from Florida's law enforcement and environmental response teams in assessing damage in the area of hazardous materials (see related story).

The Challenges after the Storm

Charles Chisolm

Following the storm and the efforts to assess and contain any environmental spills, MDEQ faced immediate environmental tests, including the restoration of wastewater and drinking water systems, disposal of an unprecedented amount of debris, and identification and disposal of hazardous materials. In partnership with the Mississippi Department of Health and local officials, MDEQ worked to restore operation of wastewater systems. Amazingly, within a week, 58% of municipal wastewater systems in the affected counties were operable, and by Sept. 16, that number had risen to 97%—a vastly underpublicized success story that can be attributed to the hard work of state and local personnel.

Aerial view of Mississippi coastal flood damage.

The most overwhelming aftereffect of the storm is the accumulation of debris. It appears that the amount of disaster debris that will be removed and managed is greater than that in any previous

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Mississippi DEQ Teams with Local, State, and Federal Agencies to Tackle Storm Damage

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storm event in our nation's history. According to estimates, Hurricane Katrina resulted in 42 million cubic yards of debris in Mississippi, with approximately three-quarters of this amount in the three coastal counties. This enormity caused MDEQ to swiftly change its policies in managing and disposing of debris. MDEQ quickly issued guidance on the burning and disposal of vegetative debris and worked with local officials on its implementation. Also, MDEQ issued an Emergency Order to allow flexibility with some regulations. This move was in keeping with the agency's goals of protecting human health first and then preventing long-term detrimental effects on the environment.

MDEQ and local officials have been cooperating on landfill siting, guidance, permitting, and debris segregation. Local governments have enlisted the help of the U.S. Army Corps of Engineers and private contractors to remove the debris. The total removal and disposal process is expected to last one or two years. In addition, hazardous materials such as fuel drums and tanker trucks continue to be discovered.

Mountains of Debris

The following are some of the tasks ahead in the collection and disposal of debris:

- White goods and damaged automobiles must be collected. Prior to recycling with a metal salvage company, white goods must be removed of foods, refrigerants, and other oils and chemicals. In addition, damaged automobiles need fluids and refrigerant removed prior to crushing and hauling to a metals salvage company.
- Vegetative debris in many areas is being chipped for use as fuel at wood-fired boilers or for use in landscaping and other agricultural applications. Vegetative debris in the coastal counties represents more than one-third of the wastes generated. In some instances, local governments have decided to burn the vegetative debris as a volume reduction measure.
- Structural metals, including framing and other metal building components, are being pulled out of many debris piles and stockpiled for removal to a metals salvage company.
- Concrete and asphalt that have been removed from damaged structures and parking lots are being staged at sites for crushing and processing to reuse and reclaim these materials.
- Waste tires are being segregated and removed from the mixed debris and are currently in storage until tire-recycling companies can remove and process them.
- Household computers are being staged for removal and reclamation by national computer companies and recyclers. MDEQ also is continuing to pursue recycling options for television sets and other household electronics.
- MDEQ has developed an expedited permitting process for companies to establish temporary wet storage yards to stage recovered timber. These wet yards will allow the removal and interim storage of downed timber for ultimate timber recovery.

Unfortunately, not all debris will be recycled. In many instances, it is so contaminated or mixed that it cannot be recycled in a practical, cost-effective, safe, or expeditious manner. In addition, the cost of transporting some materials to recyclers or end users makes recovery of those items infeasible.

Conclusion

The State of Mississippi faces many hurdles toward the reconstruction of an infrastructure, an economy, and an environment that absorbed a major blow. Cooperation and flexibility, along with sensitivity to the human element, are the foundation for working through the crisis.

Charles Chisolm is executive director of the Mississippi Department of Environmental Quality.

Lessons Learned from Florida Hurricanes Leave DEP Better Prepared

by Kathalyn Gaither and Phil Wieczynski

In the short space of 15 months, Florida was struck by eight hurricanes. The 2004 and 2005 hurricane seasons have been unlike any other, with hurricanes pounding Florida from north to south, east to west. This year, the Florida Department of Environmental Protection (DEP) and other state, federal, and local agencies applied lessons learned firsthand in 2004 to improve our state's response capability.

With each approaching storm during the 2005 hurricane season, planning and experience enabled the department to quickly respond to the needs of our communities.

Extensive knowledge was gained from the devastation wrought last year by Hurricanes Charley, Frances, Ivan and Jeanne. We now know how, when, and why to evacuate safely; where to send necessary food, water, and supplies; how to conduct effective search and rescue efforts; how best to initiate response activities, assess damage, and handle reports of price gouging, and the list goes on.

DEP Hurricane Activities Are Wide-Ranging

With each approaching storm during the 2005 hurricane season, planning and experience enabled the department to quickly respond to the needs of our communities. From the issuance of mandatory evacuation orders prior to the hurricanes' landfall, to the DEP Emergency Final Orders to help transition into recovery phase, state efforts were geared to the needs of victims and responders and to support the state's recovery from the extensive damages to property, homes, businesses, and natural resources.

The department established an informational hurricane website to keep the public abreast of the ongoing storm situations. As the State Emergency Operations Center reported regularly on the storms' progress and response activities, the department published frequent updates on storm locations, evacuation notifications, school and airport closures, emergency contacts, precautionary measures, shelter locations, road closures, insurance claim information, beach erosion, debris cleanup, boil water notices, and fuel supply information.

To maximize fuel availability and supply, the department quickly worked with the U.S. Environmental Protection Agency and neighboring states to waive certain fuel and trucking requirements, easing restrictions to ensure emergency and response vehicles had access to ample fuel for recovery efforts during the numerous hurricanes.

The department closely monitored restoration activities for the millions of customers without power and assisted wherever possible as the electric utilities worked tirelessly to restore power to the countless residents in hundreds of communities. Power restoration was a critical need to enable impacted areas to begin the recovery process.

Teams of department engineers and environmental managers performed flyovers and ground inspections to assess beach erosion and coastal, dune, and structural damage caused by the 2004 and 2005 hurricanes. More than 1,000 hours were logged on inspections to help assess damage in 25 coastal counties.

Through the demonstrated leadership of Gov. Jeb Bush, Florida's commitment to beach restoration doubled to $141 million to rebuild dunes and repair hundreds of miles of hurricane ravaged shorelines in a state whose beaches each year support a $53 billion tourism industry.

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Florida Lends Hand in Katrina Aftermath

The State of Florida breathed a sigh of relief when Hurricane Katrina passed south Florida and the Keys with only a glancing blow, then watched in anguish as the monster storm struck Louisiana, Mississippi, and Alabama. When the Governor of Mississippi requested assistance under the Emergency Management Assistance Compact (EMAC) between the states, Gov. Bush directed the largest state assistance effort in the nation's history, and more than 3,000 personnel from law enforcement, fire, health and mass care, and environmental protection answered the call. Deploying to the six southernmost counties of Mississippi, Florida's recruits began arriving before the winds had subsided to immediately provide emergency services.

Personnel responding to Mississippi carried all the items needed for the response including food, water, fuel, tents, and sleeping bags. The DEP's employees were actively involved in the response effort, contracting for the fuel trucks needed to keep the vast army of Florida response personnel operating in the hostile environment left by the storm. DEP emergency response and law enforcement teams were on the ground in Mississippi conducting assessments for hazardous materials and initiating cleanups. The DEP's Division of Law Enforcement had the highest percentage of any state law enforcement agency deployed to Mississippi following Hurricane Katrina, with more than 50% of the division's personnel deployed to the state at some point.

Another lesson learned from last year was managing the massive needs of drinking and wastewater systems in the impacted areas. Following the 2004 hurricane season, DEP secured $180,000 in funding through a federal grant to develop the Florida Water/Wastewater Agency Response Network (FlaWARN) to help Florida's drinking water and wastewater facilities prepare for and recover from disasters. This mutual aid system, comprised of water utility companies from throughout the state, worked together in 2005 sharing backup generators, emergency response equipment, and information to repair damage and restore water services wherever needed. After Hurricane Katrina, Florida's water utilities provided 20 teams of 122 personnel to Mississippi as they worked to restore this critical utility.

Officers with the Florida DEP's Division of Law Enforcement assist Hurricane Katrina victims in Mississippi.

Conclusion

Florida's citizens and DEP's employees have learned more than anyone would have cared to know about the destruction of four hurricanes in 2004 and four more in 2005. The experience and knowledge gained through these storms is irreplaceable, however unsolicited. We know firsthand the importance of taking precautionary measures, boarding up homes and businesses, heeding evacuation warnings, and having enough food and water on hand to survive for several days.

We empathized with our sister states following hurricanes Katrina and Rita even as we continued to support the needs of Florida's communities throughout our most recent storm, Wilma. And though we would like to think there will be no repeat of such events, we know that is probably unlikely. In the words of Gov. Bush, "We met this challenge before, and we will do it again."

Kathalyn Gaither is an assistant writer, and Phil Wieczynski is chief of the Division of Law Enforcement, with the Florida Department of Environmental Protection.

Perspectives

Achieving Compliance through Improved Customer Service

by Doyle Childers

During my more than 20 years as a state legislator, I became persuaded that most folks across Missouri had no idea of the positive contributions the Department of Natural Resources makes in our lives. Much of the indifferent or negative viewpoint we encounter involves an enforcement or regulatory experience. This experience may have been personal, shared by an acquaintance, or viewed in the media. Whatever the source, when people are negatively affected in their private or public pocketbooks, their jobs, or their businesses, they tend to react negatively. That is human nature.

As we began to look for better customer service opportunities, Missouri Gov. Matt Blunt challenged the department to find a better method of providing permits to the public.

We cannot change one minute of the past, but we can influence the future. Part of achieving success with such change is communicating our vision of where we are and where we hope to be in the near future. It is not easy for a large organization such as our department to design and implement massive change.

Compliance Assistance Is an Attitude

My staff hear me talk a lot about helping people understand and comply with our environmental laws. Compliance assistance should not be on an organization chart. It's an attitude. I want this attitude to permeate every aspect of the way we do business.

As we began to look for better customer service opportunities, Missouri Gov. Matt Blunt challenged the department to find a better method of providing permits to the public. More efficient permits do not equal environmental degradation. At the same time, making it difficult to receive a permit does not necessarily protect the environment.

Doyle Childers

In conjunction with the consolidated information technology functions established by the Office of Administration, the department is targeting a Web-based system of issuing permits, except for very complex and difficult operations.

In addition to permitting, an internal workgroup is looking at consistency in the department's regulatory functions. Once the work of the internal teams is complete, the department will invite external stakeholders, including representatives of business and environmental groups, to provide their thoughts and comments.

Organizational Changes Support Compliance Assistance

Our constituents, legislators, and businesses have told me how important environmental issues are for economic success. They've shared with me how they rely on our efforts and decisions to help them prosper while protecting our natural resources.

To better support our compliance assistance attitude, we made a few organizational changes. First, we merged our Air and Land Protection Division with our Water Protection and Soil Conservation Division. This is now called the

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Division of Environmental Quality.

At the same time, we have established a Division of Field Services. This new division houses the department's regional and satellite offices, our state environmental laboratory, and several functions from our former Outreach and Assistance Center, including the Environmental Assistance Office and environmental education.

To complement the work in the field, we have an ombudsman in place at each regional office. The ombudsman is independent of the regional office and informs the regional director and the department director of issues, concerns, and problems. He or she also assists in issue development. Removing some time-consuming responsibilities from the regional directors should free up more of their time to address their added professional, technical, and leadership responsibilities.

> My goal is nothing short of changing the culture of an entire agency.

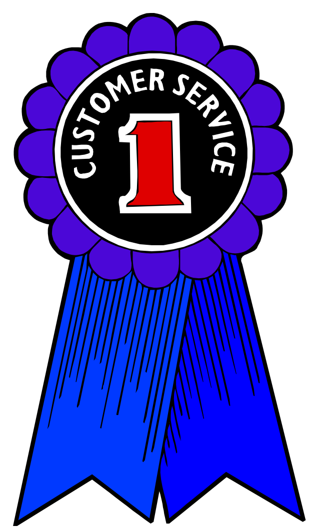
Cutting Down on 'Windshield Time' Improves Customer Service

It's important for us to move more of our services, especially those related to compliance assistance, as close to our constituents as possible. By placing staff where the needs are, we are cutting down on "windshield time," or time spent traveling by staff to statewide locations. We have mapped out the geographical locations with the greatest number of contacts required in terms of permits, complaints, and so forth. We then designed a network that more fully provides the necessary staff members in locations where their services are in the most demand.

The department has already opened a temporary office in Carthage to provide staff better access to citizens and their concerns about odor problems in that part of the state. In late November, we opened a satellite office on the Northwest Missouri State University campus in Maryville. There are also plans to open a satellite office in Rolla; additional locations in West Plains, Hannibal, and Portageville at the Delta Center are under consideration as well.

Other Changes to Improve Compliance Assistance

Another area where we hope to reach our goal of achieving environmental compliance more effectively and productively, while saving taxpayer money, is reducing the number of cases that are referred to the Missouri Attorney General. It's more beneficial to use some of our current funds spent on litigation to help Missouri citizens comply with our environmental laws and regulations. Obviously, we need to concentrate our legal team on the "bad actors" who are not even attempting to comply with environmental law. This will help us achieve better results for Missouri citizens and our environment while helping reduce the caseload for state legal staff.



To ensure compliance, the department will focus its litigation on cases where enforcement is warranted. If a company or individual is polluting, we will take action. And, where necessary, we will enforce cases to the fullest extent of the law. An internal Enforcement Review Board

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Achieving Compliance through Improved Customer Service

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will assist in this effort by looking at cases for statewide consistency and considering any need for stronger enforcement measures. Our deputy director for legal issues oversees this effort.

Let Me Know Your Suggestions

Of course, improving our agency's services is a much greater task than a simple change in structure can achieve. My goal is nothing short of changing the culture of an entire agency. Toward that end, I look forward to hearing your ideas on what has worked for your agency or in your state. Please contact me by phone at (573) 751-4732 or by email at Doyle.Childers@dnr.mo.gov.

Doyle Childers is director of the Missouri Department of Natural Resources.

Stemming the Tide of Cuts to Clean Water Programs

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to manage the water quality program and what they need is over $730 million (for a Chevy, not a Cadillac program).

- States have half the funding they need for monitoring to get basic information necessary to make decisions on water problems and develop appropriate solutions.

Nonpoint Source Funding

Section 319 is at a critical juncture. It was created by Congress to build state nonpoint source programs. In FY06 it was funded at $219.3 million, 14% below FY04 levels. With

With the Farm Bill, the Office of Management and Budget and others are questioning the need for 319. But states caution that it complements the Farm Bill in important ways.

the Farm Bill, the Office of Management and Budget and others are questioning the need for 319. But states caution that it complements the Farm Bill in important ways, by targeting where those funds can best be spent to restore impaired waters, providing on-the-ground technical assistance and monitoring that the Farm Bill cannot, and supporting innovative practices. The track record of Farm Bill funding responsiveness to state water quality priorities is mixed. Environmental Quality Incentives Program funding has increased, but the program can satisfy only 20% of the demand.

Conclusion

With our water resources threatened by population growth, economic development, changes in land use, and other factors, it's time to:

- Focus scarce fiscal and technical expertise where it will do the most good.
- Get creative. Look to other states for innovations; share what works and what doesn't. The Association of State and Interstate Water Pollution Control Administrators' *States Helping States* is an excellent example of this type of technical exchange.
- Ask for help, and where you can, use corporate self-monitoring and citizen monitoring, and incorporate citizen science into appropriate databases and program decision-making.
- Teach the young ones. Seasoned state water quality managers and staff are retiring in droves, and targeted programs for training the next generation of environmental leaders should be a high priority.

The tide is against us, the dollars are flowing in the wrong direction, and it is essential that all state environmental groups work cooperatively to articulate the importance of and the need for adequate funding for environmental programs.

Roberta (Robbi) Savage is executive director of the Association of State and Interstate Water Pollution Control Administrators.

Cutting Costs through Technological Innovation

BY JOE FRANCIS AND BOB MUELLER

IN THIS TIME OF funding shortfalls for state environmental agencies, many officials are finding that new techniques can save time and money. The Interstate Technology & Regulatory Council (ITRC), an ECOS affiliate, is in the business of providing products and services that yield cost savings on remediation projects. During its first decade, ITRC has developed and offered numerous guidance documents and Internet-based training sessions, all at no cost, to assist states in evaluating innovative technologies.

The Interstate Technology & Regulatory Council (ITRC), an ECOS affiliate, is in the business of providing products and services that yield cost savings on remediation projects.

PDB Sampling a Proven Time and Money Saver

One emerging technology that has been a focus of ITRC efforts for the past five years is passive diffusion bag sampling (PDB). PDB samplers are a simple and inexpensive way to sample ground water monitoring wells for a variety of volatile organic compounds (VOCs). A typical PDB sampler consists of low-density polyethylene lay-flat tubing that is filled with distilled, deionized water and heat sealed at both ends. The bags are suspended by a weighted line and allowed to equilibrate with the surrounding water.

Results from PDB sampling being used to determine removal or remediation steps at Nebraska's Ogallala groundwater contamination site is anticipated to save \$20,000–\$50,000 in remediation expenses. The experience gained at Ogallala has encouraged the U.S. EPA to allow use of PDBs at other Nebraska Superfund sites contaminated with VOCs, which will result in even further savings. ITRC's Diffusion Sampler Team provided guidance that was vital in realizing these cost savings.

Due to the work of the Diffusion Sampler Team, PDB is becoming a commonly used technology across the nation. This has been accomplished through two ITRC guidance documents regarding the use of PDB technology, and a comprehensive resource CD. All of these resources have been widely used by industry and regulatory communities. These resources are available electronically at www.itrcweb.org, or by requesting a hard copy via email. A synopsis of each resource is provided below.

- *User's Guide for Polyethylene-Based Passive Diffusion Bag Samplers to Obtain Volatile Organic Compound Concentrations in Wells* (DSP-1, 2001). A reissue of a two-volume U.S. Geological Survey document, this document provides a jointly developed protocol for determining when, where, and how to use diffusion samplers for groundwater sampling.

- *Technical and Regulatory Guidance for Using Polyethylene Diffusion Bag Samplers to Monitor Volatile Organic Compounds in Groundwater* (DSP-3, 2004). This document provides guidance for regulators, technology users, and stakeholders to facilitate the use of polyethylene diffusion bag sampling, particularly for long-term monitoring, including applicability and regulatory issues, a cost mode, and case history.

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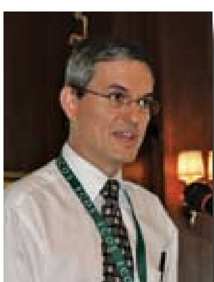
2005 Annual Meeting
Kennebunkport, Maine
September 7-9, 2005

EPA Region I Administrator Bob Varney, a former ECOS president from New Hampshire, delivers a keynote address.

Bob Zimmerman of Delaware (l) and Annual Meeting Host Dawn Gallagher of Maine (second from r) join guests at a session on environmental health issues.

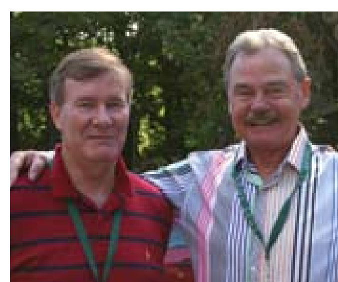
ECOS alumni.
(Front row, l to r) Tina Parker, Jodi Perras, Madeline Snow, Lewis Shaw
(Back row, l to r) Don Welsh, Bob Huston, Pete Maggiore, Lang Marsh, Christophe Tulou



New EPA Deputy Administrator Marcus Peacock addresses the group.

Steve Thompson of Oklahoma, then ECOS president.

Bob Golledge of Massachusetts.

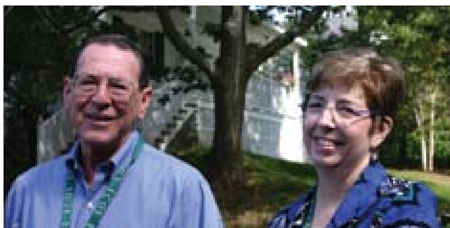


Mike Walls (l) and Michael Nolin of New Hampshire.

Except where otherwise noted, all photos are by Carol Leftwich of ECOS.

View from the Colony Hotel, site of the Annual Meeting.

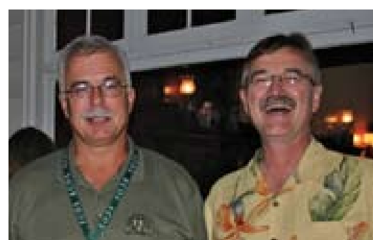
Jane Stahl of Connecticut (l), then chair of the ECOS Air Committee, after honoring outgoing Energy Efficiency Subcommittee Chair Mary Jo Kopecky of Wisconsin.



Ralph Marquez and Linda Haynie of Texas.

Dave Paylor of Virginia (l) with Doug Lawson of the National Renewable Energy Laboratory and Jill Cooper of Colorado.

ECOS Founders' Award recipients Tom Looby, Kim Nelson, and Dana Bisbee (l to r). The awards are presented annually to alumni in recognition of outstanding contributions to the association.



Michael Sullivan of Rhode Island (l) with Wayne Gieselman of Iowa.

Assembled ECOS members and their deputies.

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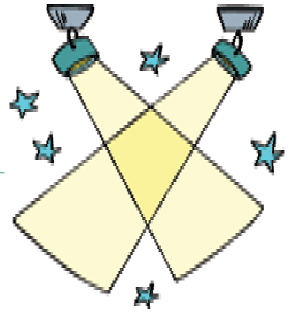
State Spotlight



Kurt Fredriksson

Commissioner, Alaska Department of Environmental Conservation (DEC)

Date Began in Post: March 2005

Reports to: Gov. Frank H. Murkowski

Annual Budget: Operating—approximately $58.6 million; Capital—approximately $108 million

Education/Roots of Interest in the Environment: While attending the California State University at Fullerton in 1972, Kurt had the "good fortune" to take an introductory physical geography class that inspired him to learn more about the earth's physical properties and how humans are influenced by their physical surroundings. When he later received his Bachelor's degree in geography, the environmental movement was beginning. EPA had just been formed and the nation's environmental laws were being debated and passed by Congress. An interdisciplinary graduate program in environmental studies had also just been established at California State Fullerton, and he wanted to be part of it. It was also at this time that Kurt read Ian McHarg's book *Design with Nature*, which showed him how the lessons of geography could be applied to environmental protection. He joined the program and graduated with a Masters of Science in 1976.

Kurt Fredriksson

Bio: Kurt has spent the last 30 years of his career working for the State of Alaska on environmental protection and natural resource management issues. During his DEC tenure, he has served as deputy commissioner and director of the Division of Spill Prevention and Response. Kurt was the department's representative on the Exxon Valdez Oil Spill Trustee Council, British Columbia and Western States Oil Spill Task Force, Board of Storage Tank Assistance, State Emergency Response Commission, and Alaska Coastal Policy Council.

He also spent approximately 12 years working in the Office of the Alaska Governor preparing the state's position on Federal Outer Continental Shelf oil and gas leasing and coordinating the issuance of state permits for exploration and production drilling on Alaska's North Slope. During the Exxon Valdez oil spill, Kurt established a governor's office in Cordova and worked with local government officials to reimburse local spill response costs and assist with community recovery efforts.

Priorities in State: "Establishing greater state control over water resource management is a high priority for Alaska," Kurt notes. Alaska is one of five remaining states that do not have National Pollutant Discharge Elimination System (NPDES) primacy, but state legislation passed in last spring required DEC to develop an NPDES primacy application for submittal to EPA in June 2006. With regard to environmental monitoring, Kurt says DEC is committed to completing EPA's sponsored Environmental Monitoring and Assessment Program surveys to assess the status and trends of Alaska's coastline and freshwater. The information collected enables EPA to report on the condition of the nation's waters. "Alaska has more coastline than the Lower 48 states combined and about half of the nation's surface water resources. EPA cannot report on the health of the nation's waters without including information from Alaska," he says. Finally, the department makes fish monitoring a top priority, and Kurt notes that results to date indicated no scientific reason to limit consumption of Alaskan fish.

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On the air quality front, health concerns in rural Alaska are a leading concern—particularly fugitive dust. During the past two years, DEC has conducted ambient air monitoring which revealed that conditions of high PM10 pollution exist in perhaps one hundred or more rural communities during spring through fall when dry conditions prevail. DEC is working with EPA and others to focus attention on dust mitigation options. Kurt cites diesel exhaust as another pressing problem. "Unlike exposure to roadway diesel emissions in other regions, exposure to stationary source diesel emissions in Alaska villages and rural communities is a unique air quality issue," he notes. "There is no statewide power grid in Alaska, and most communities rely on diesel engines for electrical power."

Positions Held within ECOS: Kurt serves on the ECOS Water and Ecosystems Committee, Planning Committee, and Compliance Committee.

Goals through ECOS: Among Kurt's goals are interstate networking, advocacy, information sharing, and problem solving.

Cutting Costs through Technological Innovation

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- *Diffusion Sampler Resource CD, Version 3.0* (DSP-2, 2002). While ITRC products have traditionally been documents and training courses, in 2002 the organization debuted its first CD as a means of disseminating information on an innovative technology. The Diffusion Samplers Team took this momentous step with the production and release of the ITRC Diffusion Sampler Resource CD, which contains nearly 70 articles and presentations on various diffusion samplers, as well as an ITRC training video and an Air Force Center for Environmental Excellence field sampling video.

In addition to these resources, the team has developed and continues to expand the Diffusion Sampler Information Center, a website located at diffusionsampler.itrcweb.org. This has become a global resource on diffusion samplers and other passive sampling technologies. This resource provides:

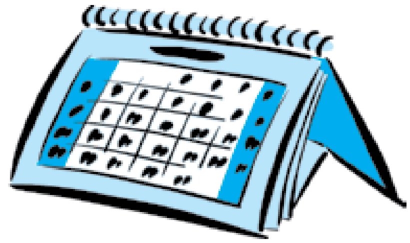
- A library of more than 340 publications and presentations on passive sampling technologies;
- An interactive cost model to help estimate the potential cost savings of converting to PDB sampling for long-term monitoring;
- A discussion group for passive sampling, with nearly 130 subscribers from 11 countries; and
- A searchable database of case studies involving PDBs and other passive sampling technologies. The database now includes 111 case studies, and contributors can enter new data via the Internet.

Since the development of the documents, ITRC has distributed almost 250 copies of DSP-1, more than 200 hard copies of DSP-3, and more than 800 copies of the DSP-2 resource CD. Perhaps most impressively, ITRC instructors have provided interactive Internet-based PDB training at no cost to approximately 800 participants. The team has also participated in field demonstrations of passive sampler technologies and arranged presentations and discussions on current developments and practices with professionals on the leading edge of passive sampler developments. This is all in an effort to continue to spread the word about PDB technology.

For more information about the Diffusion Sampler Team products and training opportunities, visit www.itrcweb.org.

Joe Francis is associate administrator for the Nebraska Department of Environmental Quality. Bob Mueller is with the New Jersey Department of Environmental Protection. They serve as elected co-chairs of the ITRC.

Upcoming Events



National Governors Association Winter Meeting

February 18–25, 2006, Washington, DC

Contact: Jan Dunlavey, (202) 624-5347 or jdunlavey@nga.org

Association of State and Interstate Water Pollution Control Administrators Mid-Year Meeting

March 12–14, 2006, Washington, DC

Contact: Jamie Kamin, (202) 898-0905 or j.kamin@asiwpca.org

Forum on State and Tribal Toxics Action Spring Meeting

March 13–14, 2006, Arlington, VA

Contact: Margaret Sealey, (202) 624-3662 or msealey@sso.org

Association of State Drinking Water Administrators Spring Member Meeting

March 15–18, 2006, Alexandria, VA

Contact: Tom Maves, (202) 293-7653 or tmaves@asdwa.org

Environmental Council of the States Spring Meeting

March 20–22, 2006, Charleston, SC

Contact: Lia Parisien, (202) 624-3674 or lparisie@sso.org

Association of State and Territorial Solid Waste Management Officials Mid-Year Meeting

April 19–21, 2006, Saratoga Springs, NY

Contact: Katrina Taylor Hankins, (202) 624-5828 or swmtrina@sso.org

State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials Spring Meeting

April 29–May 3, 2006, Newport, RI

Contact: Stephanie Cooper, (202) 624-7864 or scooper@4cleanair.org

National Association of Regulatory Utility Commissioners Summer Meeting

July 30–August 2, 2006, San Francisco, CA

Contact: Michelle Malloy, (202) 898-2214

Environmental Council of the States Annual Meeting

August 27–29, 2006, Portland, OR

Contact: Lia Parisien, (202) 624-3674 or lparisie@sso.org

Association of State Drinking Water Administrators Annual Conference

October 15–19, 2006, Tempe, AZ

Contact: Tom Maves, (202) 293-7653 or tmaves@asdwa.org

ECOS State and Territorial Members

Alabama	Onis "Trey" Glenn III	Department of Environmental Management
Alaska	Kurt Fredriksson	Department of Environmental Conservation
Arizona	Stephen Owens	Department of Environmental Quality
Arkansas	Marcus Devine	Department of Environmental Quality
California	Alan C. Lloyd	Environmental Protection Agency
Colorado	Doug Benevento	Department of Public Health and Environment
Connecticut	Gina McCarthy	Department of Environmental Protection
Delaware	John A. Hughes	Department of Natural Resources and Environmental Control
District of Columbia	Marie Sansone	Environmental Health Administration
Florida	Colleen Castille	Department of Environmental Protection
Georgia	Carol Couch	Environmental Protection Division
Hawaii	Laurence K. Lau	Department of Health
Idaho	Toni Hardesty	Department of Environmental Quality
Illinois	Doug Scott	Environmental Protection Agency
Indiana	Thomas Easterly	Department of Environmental Management
Iowa	Wayne Gieselman	Department of Natural Resources
Kansas	Ron Hammerschmidt	Department of Health and Environment
Kentucky	Lloyd Cress	Department for Environmental Protection
Louisiana	Mike McDaniel	Department of Environmental Quality
Maine	Dawn Gallagher	Department of Environmental Protection
Maryland	Kendl P. Philbrick	Department of the Environment
Massachusetts	Robert W. Golledge, Jr.	Department of Environmental Protection
Michigan	Steven Chester	Department of Environmental Quality
Minnesota	Sheryl Corrigan	Pollution Control Agency
Mississippi	Charles Chisolm	Department of Environmental Quality
Missouri	Doyle Childers	Department of Natural Resources
Montana	Richard Opper	Department of Environmental Quality
Nebraska	Mike Linder	Department of Environmental Quality
Nevada	Leo Drozdoff	Division of Environmental Protection
New Hampshire	Michael Nolin	Department of Environmental Services
New Jersey	Brad Campbell	Department of Environmental Protection
New York	Denise M. Sheehan	Department of Environmental Conservation
North Carolina	Bill Ross	Department of Environment, Health, and Natural Resources
North Dakota	Dave Glatt	Environmental Health Section
Ohio	Joseph P. Koncelik	Environmental Protection Agency
Oklahoma	Steve Thompson	Department of Environmental Quality
Oregon	Stephanie Hallock	Department of Environmental Quality
Pennsylvania	Kathleen McGinty	Department of Environmental Protection
Puerto Rico	Esteban Mujica Cotto	Environmental Quality Board
Rhode Island	W. Michael Sullivan	Department of Environmental Management
South Carolina	Bob King	Department of Health and Environmental Control
South Dakota	Steve Pirner	Department of Environment and Natural Resources
Tennessee	Jim Fyke	Department of Environment and Conservation
Texas	Ralph Marquez	Commission on Environmental Quality
Utah	Dianne R. Nielson	Department of Environmental Quality
Vermont	Jeffrey Wennberg	Agency of Natural Resources
Virginia	Robert Burnley	Department of Environmental Quality
Washington	Jay Manning	Department of Ecology
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