



April 25, 2007

Philip W. Grone  
Deputy Under Secretary of Defense for Installations & Environment  
Department of Defense  
3400 Defense Pentagon (Room 3C553 )  
Washington, DC 20301-3400

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COUNCIL OF  
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Robert W. King, Jr.  
Deputy Commissioner  
South Carolina Department of  
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PRESIDENT

David K. Paylor  
Director, Virginia Department of  
Environmental Quality  
VICE PRESIDENT

Stephen A. Owens  
Director, Arizona Department of  
Environmental Quality  
SECRETARY-TREASURER

Stephanie Hallock  
Director, Oregon Department  
of Environmental Quality  
PAST PRESIDENT

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R. Steven Brown  
Executive Director

Re: Changes in Defense-State Memorandum of Agreement (DSMOA) Policies

Dear Mr. Grone:

I am writing on behalf of our organization and the states regarding recent changes in the Department's policies regarding the Defense-State Memorandum of Agreements (DSMOA) that 51 states and territories have in place to expedite cleanup and promote a productive partnership.

States work with the Department on environmental matters under Title X of the Defense Authorization Act, Section 2701. In recent months, various staff in the Department have told states that the department has changed its policies in three ways:

- DOD's new policy withholds all DSMOA reimbursements when States use enforcement authority without first exhausting Dispute Resolution at a site in its DSMOA;
- DOD now has determined that DSMOA can only fund State employees for site-specific oversight work—national policy, training, and guidance development work specific to DOD is no longer DSMOA eligible;
- DOD's new interpretation has determined that DERA funds cannot be used for State organizations such as the Environmental Council of the States (ECOS) or the Association of State and Territorial State Management Officials (ASTSWMO) working on national policy activities specific to DOD such as the Munitions Response Committee (MRC) or DSMOA Steering Committee.

However, such assertions are always made orally and not in writing. In fact neither ECOS nor ASTSWMO have been able to find any written policy describing these changes, but we are aware of numerous examples of such oral statements and have been told of them by many of our state members.

Therefore, we are asking you to provide us such written change in policy, or to assure us that these changes are not in fact in place. Because states are currently negotiating with the Department on new the 2007-2008 Annual Funding Reviews that are due to start at the end of this quarter, we ask for a timely response.

Naturally, I am at your service to continue this discussion as needed.

Sincerely yours,

Robert W. King, Jr.  
President, Environmental Council of the States