

Notes from the Joint Meeting of the
Environmental Council of the States (ECOS)
**Federal Facilities Forum (FFF) and the
ECOS-U.S. Department of Defense (DOD) Sustainability Work Group (SWG)**
at the **2008 ECOS Annual Meeting**
Sunday, September 21, 2008
Chateau on the Lake Resort and Convention Center
Branson, Missouri
Compiled by Matthew Jones, ECOS Staff

This session was held as part of the 2008 ECOS Annual Meeting. The session was open to all Meeting attendees. The following persons attended this session:

- Bill Ross, ECOS-DOD SWG/ FFF Co-Chair (Secretary, NC DENR)
- Matthew Jones, ECOS FFF/ ECOS-DOD SWG Staff
- Jim Fiore (Director, DOE Office of Management Analysis)
- Shannon Cunniff (Director for Emerging Contaminants, DOD Office of Dep. Und. Sec'y of Defense for Env.)
- Maureen Sullivan (Acting Director for Env. Mgmt., DOD Office of Dep. Und. Sec'y of Defense for Env.)
- Chris Russo (Director, NC DENR Office of Organization Excellence and Quality Mngmt.)
- Roger Petrie (DOE Oversight Division Environmental Program Manager, TN DEC)
- Robin Stephens (SC DHEC)
- Laurence Lau (HI DOH)
- Joyce Epps (PA DEP)
- Jennifer Roberts (AK DEC)
- Jess Byrne (ID DEQ)
- Kathy Kinsey (MD DE)
- Jim Werner (DE DNREC)
- Bob Mueller (NJ DEP/ ITRC)
- Christine Costopoulos (ITRC)
- Steve Martin (AR DEQ)
- Aaron Dunkel (KS DHE)
- Ruben Zamarripa (MO DNR)
- Roy Walker (OK DEQ)
- Jimmy Palmer (US EPA Region 4)
- Bob Boonstoppel (DOD/ Army)
- Steve Scanlon (DOD/ Army)
- Clare Mendelsohn (DOD/ Airforce)
- David Blalock (DOD/ Army)
- Susan Gibson (DOD/ Army)
- Mark Anderson (Stateside Assoc.)
- Adriane Miller (Stateside Assoc.)
- Jacob Hegeman (Stateside Assoc.)
- Michaelle Wilson (US EPA)
- Arlene O'Donnell (ERG consultancy)
- Adam Saslow (Newfields consultancy)
- Becky Keogh (CH2M Hill consultancy)

Co-Chairman Bill Ross started the meeting late (at approximately 1:50pm) due to overrun of the preceding meetings. Mr. Ross welcomed meeting attendees and invited Shannon Cunniff to sit at the head table as Acting Co-Chair. Ms. Cunniff thanked Mr. Ross and joined him at the head table. Due

to the late start, Mr. Ross announced that he would be taking the liberty of adjusting the order of speakers and length of presentations on the agenda so as to accommodate everyone's availability. The new order would be:

Fiore > Sullivan > Reeder (remotely, accompanied by Kling) > Cunniff > Russo

Mr. Ross introduced Jim Fiore, who proceeded to give a presentation to attendees:

- Mr. Fiore mentioned that he is a key official helping to plan DOE's future work under the transition to the next presidential administration.
- Mr. Fiore detailed the work that DOE undertakes to clean up current and former nuclear weapons complex facilities.
- Mr. Fiore noted that DOE employs many of the same types of workers who build/ maintain nuclear power generating units.
- Mr. Fiore noted that DOE has faced recent funding challenges, and that in FY 2009, it missed some of its cleanup milestones due to limited funding.
- Mr. Fiore noted that the DOE transition team will be recommending to the next president that he adequately fund DOE cleanup programs.
- Mr. Fiore noted that the mission of the DOE Office of Environmental Management (EM) could conceivably expand if 300 other facilities that are currently outside of its purview are somehow added to its workload. He also noted that such an added workload might require \$ 3- 9 billion dollars in additional funding for DOE EM to achieve proper cleanup of these additional sites.
- Mr. Fiore noted that the DOE transition team will be recommending to the next president that he "show a commitment to communities that helped us win the Cold War" and support cleanup of the facilities they host.

Mr. Ross thanked Mr. Fiore for his presentation. Mr. Fiore gave attendees his e-mail address and encouraged them to contact him with any questions.

Next, Ms. Cunniff introduced Maureen Sullivan, who proceeded to give an update on DOD environmental management policy, plans and activities:

- Ms. Sullivan noted recent disputes between DOD and state environmental agencies on Defense-State Memorandum of Agreement (DSMOA) issues. One of the disputes surrounds DOD officials informing state officials that they may not use DSMOA funds to subsidize attendance at trainings or association meetings (states claim they are allowed to do this). Ms. Sullivan stated that DOD might release a policy memo soon that would resolve this disagreement. DOD claims that it cannot subsidize trainings or association meetings attendance by state officials via grant funds, but that the agency is exploring whether it might be able to do so via contracts.
- Ms. Sullivan stated that the DSMOA Steering Committee will be reinstated soon to provide a forum for enforcement dispute resolution.
- Ms. Sullivan claimed that, since 2003, DOD has reduced the amount of energy it uses by 10% (as measured by British thermal units)

Mr. Ross thanked Ms. Sullivan for her presentation. Next, staff established a remote connection with John Reeder, Director of the US EPA Federal Facilities Restoration and Reuse Office (FFRRO), and his colleague, David Kling. Mr. Ross welcomed Mr. Reeder and Mr. Kling to the meeting, and invited them to give their scheduled update on the FFRRO. Mr. Reeder noted that:

- US EPA has engaged ECOS and ITRC in a cooperative agreement to reestablish support for the Munitions Response Committee (some of this funding will be made available to support state officials' participation with this committee).

- On September 18, the U.S. Senate EPW Committee held a hearing on DOD/ state issues. Senator Barbara Boxer (D-CA) brandished the ECOS Green Report on DSMOA Issues during the Committee hearing and requested that Wayne Army explore resolutions to the DSMOA-related disputes outlined in the report.
- FFRRO is working to release a munitions explosion assessment tool soon.

Mr. Kling stated that:

- US EPA is committed to cleanup of the Fort Meade and McGuire Airforce Base sites.
- US EPA OSWER official Susan Bodine recently gave testimony to the Senate EPW Committee (the testimony is available on the Committee's website).

Mr. Ross thanked Mr. Reeder and Mr. Kling for their reports. Next, Mr. Ross invited Ms. Cunniff to give her presentation on DOD's chemicals management initiatives and plans for transitioning to the next presidential administration. Ms. Cunniff stated:

- There is a new executive order (#13423) which will enable DOD to better manage chemicals.
- Plans to implement EO #13423 might be developed by the end of the calendar year.

Next, Ms. Cunniff proceeded to give her update on the recent activities and work plans of the ECOS-DOD Sustainability Work Group Emerging Contaminant Task Group. She noted:

- After four (4) years of effort, the fourth work product of the Task Group (the Resource Triggers Paper) had finally been completed. Ms. Cunniff stated that she thought that the Paper would "dispel the myth that DOD can't make a decision or act without an IRIS value."
- A resolution "Supporting Work on Contaminated Site Response to Emerging Contaminants and Related Risk Communication Issues" was to be proposed to the ECOS membership for adoption consideration later in the afternoon.
- Leaders of the ECOS-DOD Sustainability Work Group are considering topic areas for future work, including ecotoxicology/ ecological damage assessment issues, and groundwater anti-degradation issues, and how the latter relates to applicable or relevant and appropriate requirements (ARARs). Ms. Cunniff expressed hope that both state and federal officials could pursue work together on these issues under the next presidential administration.

Lastly, Chris Russo proceeded to give his update on the recent activities and work plans of the ECOS-DOD Sustainability Work Group Compatible Use and Sustainability Task Group (CUSTG). Mr. Russo noted:

- CUSTG has drafted a strategic plan. The plan focuses on the relationship between states and the Council on Environmental Quality (CEQ), and outlines goals for volunteer collaboration.

This concluded the joint meeting of the ECOS Federal Facilities Forum and the ECOS-DOD Sustainability Work Group. Mr. Ross thanked the attendees for their participation, and adjourned the meeting at approximately 2:45pm Central time.