

**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**

Mountain View Grand Resort

Whitefield, New Hampshire

Aug. 29, 2010

Compiled by Matthew Jones, ECOS

Co-Chairman Bob King (South Carolina) welcomed meeting attendees and introduced Roger Petrie (Tennessee). Mr. Petrie explained that Co-Chairman Paul Sloan (Tennessee) could not attend the meeting due to a conflict but sends his regards.

Next, Mr. King invited Tom Burack (New Hampshire) to give a presentation on the Interstate Technology Regulatory Council (ITRC) and its efforts to coordinate adoption of new technologies for implementing environmental regulatory programs. Mr. Burack proceeded to outline the usefulness of new technologies for cleaning up defense sites in New Hampshire as explained in ITRC research papers. A slideshow accompanied Mr. Burack's presentation (see ECOS website for a copy of the slideshow, or for more information on ITRC and its products/ services).

Mr. King thanked Mr. Burack for his presentation. Next, Mr. King invited John Reeder, Director of EPA's Federal Facilities Restoration and Reuse Office (FFRRO), to give an update on FFRRO plans and programming. Mr. Reeder joined the meeting remotely by speakerphone.

Mr. Reeder thanked ECOS members for inviting him to speak. He said that Mathy Stanislaus (Assistant Administrator for EPA's Office of Solid Waste and Emergency Response) could not attend the meeting due to a conflict, and noted that Mr. Stanislaus has been busy handling issues related to the Gulf of Mexico oil spill.

Mr. Reeder noted that EPA recently released its Munitions Response Guidelines. He also noted that munitions cleanups are a responsibility of the states except for those munitions cleanups located at National Priorities List (NPL) sites. Mr. Reeder said he believed that EPA's new Munitions Response Guidelines would help the state-federal coordination on munitions cleanups. Mr. Reeder thanked Maureen Sullivan, Director for Environmental Management with the Department of Defense, for her agency's assistance in coordinating the project. The new guidelines cover site characterization, and soils and safety, and lay out how site managers should coordinate cleanups.

Mr. Reeder noted that EPA is undertaking an effort to "harmonize" its environmental management programming and terminology with that of the Department of Defense in order to streamline efforts and avoid incompatibilities. He thanked Ms. Sullivan, again, for her agency's cooperation on that effort.

Mr. Reeder announced that EPA is establishing a Federal Environmental Restoration Dialogue Committee. Plans are being made for the committee to convene on Oct 20- 21. Though it was

considered, EPA declined to create a full-blown FACA committee under the Federal Advisory Committee Act. For the October meeting, EPA is looking to invite approximately 50 participants. The agency is currently trying to determine which state officials to invite.

Regarding formerly used defense sites (FUDS), Mr. Reeder said that he understood that some state officials have made inquiries to his office regarding the Army Corps of Engineers attempts to shift liability for those sites to EPA. EPA plans to respond to those inquiries. Mr. Reeder said that it was his understanding that the Army Corps might have limited funds for addressing the FUDS issue.

Mr. Reeder stopped his presentation and asked if there were any questions or comments.

Clarence Smith (Illinois) asked whether the Federal Environmental Restoration Dialogue Committee would have a strong state component or whether mostly federal and local officials would be invited. He also asked how often the committee might meet.

Mr. Reeder responded that, at this point, just one meeting is planned for the committee. He said that EPA definitely wants a strong state presence at the meeting. Further dialogue beyond the single meeting planned for October is possible.

Mr. King said that many states have put in a lot of effort interacting with local communities hosting contaminated federal and private facilities. I have some concern about how we're going to bridge state efforts with new EPA efforts... to find out what the issues are (the issues are not always what they're assumed to be). Many relationships have already been established, Mr. King said. I would recommend that the new committee tread lightly as a lot of work has already been done in that arena.

Mr. Reeder agreed and said he is being sensitive and careful regarding his expectations for this group. EPA will stay in touch with the states to be sure we're aware of your community engagement initiatives... thank you for any information you can share, Mr. Reeder said.

Mr. King thanked Mr. Reeder for speaking to ECOS, and next invited Ms. Sullivan to give her presentation.

Ms. Sullivan thanked ECOS for inviting her to speak. She noted that the FUDS Forum is moving along. She thanked ECOS and ASTSWMO as well as officials from Alaska and Colorado for having a strong hand in helping coordinate that group. Ms. Sullivan said that the original plan for the FUDS Forum was to hold separate local, state, and national-level meetings (in that order). However, it has been decided that the group will go straight from local to national-level meetings. A national-level meeting is likely to occur in the spring of 2011. Local meetings are already occurring.

Ms. Sullivan next thanked states for participating on the DSMOA Steering Committee. She noted that the committee is working on clarifying what state activities are DSMOA eligible and how to improve the dispute resolution process. In the past there has been confusion regarding the delegation of authorities for the various dispute resolution tiers; when to use dispute resolution for a fiscal process; and how to use dispute resolution for a technical project issue. The Office of the Secretary of Defense plans to issue an instructional memo to DSMOA grants officers clarifying how dispute resolution processes should be

applied to DSMOA issues. The DSMOA Steering committee may develop a paper with its recommendations for alternative dispute resolution processes at a future time.

Ms. Sullivan noted that Jennifer Roberts (Alaska) plans to give a presentation on the Munitions Response Forum during tomorrow's ECOS Waste Committee session.

Ms. Sullivan said that the Army came to her office a few months ago and said they had completed their review of munitions response sites. Previous assessments had underestimated the work involved. Instead of 500 acres, it turns out that 80,000 acres are involved. Sullivan verified 52% of these new acres are truly qualified (state documentation available). The Army has taken monies leftover from other programs and moved them to fund UXO determination/ waste characterization.

Ms. Sullivan noted that, last year, President Obama signed Executive Order 1354 requiring federal agencies to develop and implement sustainability plans. DOD submitted its sustainability plan to OMB recently, and it should be published soon. The plan sets goals and explains how DOD will achieve its sustainability goals. The plan contains energy-efficiency goals. DOD has 539,000 facilities worldwide. DOD plans to reduce BTU energy intensity by approximately 30%; and water consumption by 26% over the coming years. DOD also plans to develop new sources of renewable energy. DOD also plans to reduce various types of greenhouse gases by 13%- 20% over the coming years.

All new construction and renovations to DOD facilities must now be LEED silver certified.

15% of larger DOD buildings must be retrofitted to meet better energy-efficiency/ sustainability levels. Last week, Tyndall Air Force Base opened a gymnasium that is LEED platinum certified.

Ms. Sullivan asked if there were any questions or comments.

Ken Zarker (Washington) noted that some states have sustainability requirements (for example, Washington requires state facilities to implement resource conservation plans. Mr. Zarker suggested it would be beneficial for states and DOD to collaborate efforts and share information in this area.

Ms. Sullivan responded that this might be a good idea to pursue.

Mr. King thanked Ms. Sullivan for her presentation and next introduced Matthew Jones (ECOS) to give a presentation on the forthcoming ECOS Green Report "State Experiences with Natural Resource Damage Assessment at Nuclear Weapons Complex Sites."

Mr. Jones gave a slideshow presentation on the new report (see ECOS website for a copy of the slideshow, and for a copy of the report). Mr. Petrie offered more detail about the natural resource damage assessment (NRDA) process for the Oak Ridge Reservation in Tennessee.

Tom Schneider (Ohio) and Matthew Duchesne (Department of Energy) joined the meeting remotely by speakerphone. Mr. Schneider answered questions from the audience regarding the NRDA process for the Fernald site in Ohio. Mr. Duchesne noted that the ECOS report appeared an accurate portrayal of regulatory background of the issue, and of the experiences of the various sites profiled.

Mr. Jones explained that ECOS plans to hold a web-based seminar in October for state and federal officials to discuss the report in more detail. Mr. Duchesne noted that he would attempt to join the seminar so that he could be available to answer any questions state officials might have regarding NRDA.

Mr. Jones also noted that the Department of Energy plans to host a meeting with ECOS and other stakeholder groups on Nov. 8- 10 in San Diego, California. NRDA and other topics related to cleanup of the nuclear weapons complex will be discussed at that meeting. ECOS has funds to support travel of members to attend that meeting if they host a nuclear weapons complex site owned or operated by the Department of Energy.

This concluded the meeting of the Federal Facilities Forum and ECOS-DOD Sustainability Work Group. Mr. King thanked attendees for their participation and adjourned the meeting.