

September 8, 2006

Mr. Douglas E. Hadley, Grants Officer  
Department of the Army  
U.S. Army Corps of Engineers  
HTRW Center of Expertise  
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Mr. Hadley:

It has come to the attention of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) that questions have been raised about the nature of our association and the work our members do, particularly in relation to the federal government. The purpose of this letter is to clearly state what ASTSWMO is and does and to highlight the successful partnership ASTSWMO and the Department of Defense (DOD) have had over the last ten years.

ASTSWMO is a non-profit trade association supporting the environmental agencies of the States and trust territories. All of our members are state employees. ASTSWMO focuses on the needs of State hazardous waste programs; non-hazardous municipal solid waste and industrial waste programs; recycling, waste minimization, and reduction programs; Superfund and State cleanup programs; waste management and cleanup activities at federal facilities; and underground storage tank and leaking underground storage tank programs. Our association has no direct relationship to regulated industry or other operators, and therefore represents the balanced interests of our members on any given issue.

ASTSWMO actively conducts research with respect to the detection, assessment and evaluation of the effects on and risks to human health and detection of hazardous substances in the environment. We provide the results of this research to our members, EPA, DOD and other federal and local agencies.

ASTSWMO assists our State members in working on environmental issues and we actively engage with DOD and EPA on national policy issues. The work conducted by ASTSWMO's Federal Facilities Research Center focuses on cleanup issues pertaining to DOD environmental restoration projects, BRAC, FUDS, Munitions Response, emerging contaminants, institutional controls, community involvement and many more remedial and removal issues.

Within DOD/ACOE there appear to be several misconceptions about ASTSWMO that require clarification:



- There is an assertion that ASTSWMO is a political lobbying organization. This is not accurate. While this is not our primary purpose, ASTSWMO does reserve the right to represent the views of our members on appropriate national issues. All lobbying efforts are funded through State fees and any participation by States is funded through State funds and not through any DSMOA or other federal funding.
- Another misconception is that ASTSWMO lobbies federal agencies on federal contracts and cooperative agreements. This is not true. ASTSWMO does have a small number of grants and cooperative agreements with EPA and one with DOD that primarily support member travel to meetings and training opportunities. ASTSWMO does not have any contracts with federal agencies, nor do we get involved with contracts or cooperative agreements on behalf of other parties.
- There is a misconception that ASTSWMO develops State regulations. This is not accurate. Regulatory development and drafting is strictly a State responsibility.

ASTSWMO provides many benefits to DOD environmental cleanup actions and has a long history of working cooperatively with DOD and the military service components, starting with the development of the original DSMOA model. As a national leader in environmental issues, ASTSWMO routinely holds research symposia and always extends an invitation to DOD personnel to participate as speakers and/or attendees. Since the inception of the ASTSWMO Federal Facilities Subcommittee in 1994, DOD has attended many ASTSMWO meetings and through this collaboration, the following is a sampling of the workgroups and products that have been implemented:

- Munitions Response Committee
  - ASTSWMO members participate on the MRC. As of August 1, 2006, DOD and ASTSWMO entered into a funding agreement to fund the State travel.
- FUDS Improvement Workgroup
  - MAPS – to date there are over 37 States/Territories with MAPS, which has substantially improved coordination between States and the ACOE FUDS program.
- ASTSWMO participation is key to the success of the ECOS-DOD Sustainability Workgroup:
  - ASTSWMO staff and members have been engaged on the LUC and Emerging Contaminants Workgroups and their current research.
  - OSD staff meets with ASTSWMO's Federal Facilities Research Center to discuss issues pertaining to land-use controls.
- DSMOA Steering Committee
  - ASTSWMO involvement was instrumental in coordinating State/Territorial review of the DSMOA CA Guide, approval of the 2006-2008 CA and encouraging State/Territorial representatives to attend the last three DSMOA Workshops. Funding for State members of the

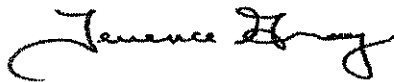
DSMOA SC is allocated through a cooperative agreement between DOD and ASTSWMO.

- DOD routinely requests ASTSWMO to work on policy projects, to review DOD policy/guidance, to coordinate outreach to States on DOD policy and training. Examples include:
  - DOD staff regularly participates in numerous ASTSWMO Mid-Year, Annual and topic-specific research symposia.
  - The ASTSWMO Base Closure Focus Group worked with OSD staff to provide State comments on DOD's Early Transfer Guide.
  - ASTSWMO's Current Issues Focus Group worked with the ACOE FUDS staff for over two years on the FUDS Engineering Regulation.
  - OSD staff met with the ASTSWMO Base Closure and Current Issues Focus Groups to discuss Performance-Based Contracting.
  - The ASTSWMO Community Involvement Focus Group discussed State comments with OSD staff on the DOD RAB Rule.
  - The ASTSWMO Community Involvement Focus Group also met with OSD staff to discuss improvements to local/State partnerships/outreach at DOD environmental restoration projects.
  - ASTSWMO provided comments to DOD on the 2005 Range Directive.
  - Announcements for Prioritization Protocol Trainings are distributed by ASTSWMO.

Attached are copies of some of the research projects completed by the ASTSWMO Federal Facilities Focus Groups in the past three years. This is just a sample of the research conducted with respect to the detection, assessment, and evaluation of policies, guidances, and contaminants in the environment as related to States and Territories at federal facilities.

If you should have any questions, need any additional information, or wish to discuss this matter further, please contact me at (401-222-4700 extension 7100) or Dania E. Rodriguez of the ASTSWMO staff at 202-624-5973.

Sincerely,



Terrence Gray, P.E.  
ASTSWMO President

cc: Alex Beehler, OSD  
Jim Woolford, EPA  
Steve Brown, ECOS  
Clarence Smith, IL  
ASTSWMO Federal Facilities Research Center