

# ASTSWMO

## QUARTERLY NEWSLETTER

Spring 2012

*To enhance and promote effective State and Territorial programs for waste and materials management, to encourage environmentally sustainable practices and to affect relevant national waste and materials management policies.*

### CHANGES TO ASTSWMO.ORG

Today, ASTSWMO.org's homepage changed. The homepage now features specially selected video and documents.

Featured video will play on the new ASTSWMO TV channel and will include newly available video, presentations relevant to current discussions, or other ASTSWMO videos likely to interest ASTSWMO membership. All videos, sorted by meeting, continue to be available on the [Recorded Sessions](#) page.

Featured documents will highlight recent ASTSWMO publications and past ASTSWMO publications relevant to current discussions, as well as other documents likely to interest ASTSWMO membership.

If there are features, tools, or other ideas you'd like to see implemented online by ASTSWMO, please share your thoughts by email with Allison Goldberg, ASTSWMO Information Staff, at [allisong@astswmo.org](mailto:allisong@astswmo.org).

### RETIRING?

If you would like to stay connected to ASTSWMO members and staff during retirement, please let us know how to reach you at home. We are building a network of retired members.

### INTERESTED IN VOLUNTEERING ON AN ASTSWMO TASK FORCE OR FOCUS GROUP?

Visit the [Task Force and Focus Group Openings](#) page.

### FROM ASTSWMO PRESIDENT ED THAMKE (MT)

On behalf of the ASTSWMO Board of Directors, I extend appreciation to those who were able to attend the April 25-26, 2012 Mid-Year Meeting (MYM) in Montgomery, AL. During my welcoming remarks, I mentioned a significant funding reduction that has compelled the Board to evaluate how best to preserve ASTSWMO's culture of collaboration.

Thanks to all of you who provided comments and input regarding the future of ASTSWMO's Mid-Year and other meetings. At the conclusion of the MYM, the Board and EPA Headquarters Senior Leadership representatives had a working lunch to discuss continued coordination across ASTSWMO subcommittees and EPA offices. After lunch, the Board reconvened to establish interim measures and priorities to address the anticipated budget shortfall. Immediate actions were agreed upon with vision toward the long run and realization that funding and budget will be omnipresent as we continue.

Deliberations confirmed the belief that coordination and collaboration among ASTSWMO members, EPA, and other stakeholders are critical to our mission, and to meet the challenges ahead with a strong State-Federal partnership. Therefore, while we will continue to implement austerity measures, begin to survey the membership for other funding and revenue opportunities, and consider all options, the Board decided that membership meetings must continue and voted to proceed with the April 2013 Mid-Year Meeting, in Montana, according to our "Past-President" hosting tradition.

The EPA Office of Resource Conservation and Recovery (ORCR) has expressed uncertainty about their ability to continue their previously generous funding of ASTSWMO's work. Therefore, regrettably, part of the reduced funding impact on future meetings requires limiting the number of our hazardous waste and materials management member attendees. We will focus on planning smaller meetings that are efficient and effective, and Association staff will continue to procure the best venues available for our money.

The strength of ASTSWMO is its members and our collective ability to find solutions to difficult issues. Your continued input and support are valued and appreciated as we deal with the realities of smaller budgets.

Sincerely,



Ed Thamke (MT)  
ASTSWMO President

## **FY 2013 FUNDING IN JEOPARDY FOR DOD'S FORMERLY USED DEFENSE SITES (FUDS) PROGRAM**

The Department of Defense (DOD) FY 2013 Budget Request for Formerly Used Defense Sites (FUDS) is a significant reduction compared to recent years. ASTSWMO and the Environmental Council of the States (ECOS) sent letters to the Senate Appropriations Committee, Subcommittee on Defense, requesting a careful review and reconsideration of the FY 2013 FUDS Budget Request.

The \$237M Budget Request is 28% less than the FY 2012 appropriation of \$327M and 25% less than the \$317M that was appropriated in FY 2011. FUDS funding is used by DOD to remediate sites that were contaminated during their use and subsequently transferred to new owners, such as private citizens, businesses, and governments. There are more than 2,700 contaminated properties in all 50 States, the District of Columbia and the five Territories. FUDS properties include residential developments, urban redevelopments (Brownfields) and public recreational spaces.

Protection of public health is of paramount importance, particularly at those sites where children may be exposed to unexploded ordnances. However, there is also an economic burden for States and communities where these potentially valuable properties lie fallow and off the tax rolls. Redevelopment would produce revenue and jobs – that is a legacy that DOD could be proud of. But without the funding necessary to clean up the contamination that was left behind, its legacy will be one of neglect and burden on the citizens it strives to protect. FUDS may present threats to public health and the environment from uncontrolled releases of hazardous substances, petroleum, radioactive and mixed wastes, historic disposal areas, building debris, munitions and explosive wastes.

The Senate Appropriations Committee is likely to markup the Defense budget in June. There is still time to contact the Senators in your State, particularly those on the Senate Appropriations, Subcommittee on Defense. Request that they support an increase to the FY 2013 FUDS Budget – but don't wait because time is short. For a list of the Senators on the Senate Appropriations Committee, Subcommittee on Defense, visit <http://www.appropriations.senate.gov/sc-defense.cfm>.

## **NOMINATIONS FOR 2012 ELECTIONS**

Election season is fast approaching – even for ASTSWMO! As your Past-President and Chair of the Nominating Committee, I am continuing on the recruiting trail for outstanding prospects interested in running for the offices of Vice-President and Secretary/Treasurer this fall. Each year, ASTSWMO selects a new Vice-President to serve a three-year term on the Executive Committee (one year each as Vice-President, President, and Past-President), and every other year selects a new Secretary/Treasurer to serve a two year term. This fall at our Annual Meeting on October 18-19, 2012, we will be electing both of these positions.

If you are interested in running for one of these offices this fall, please contact me at [sac@adem.state.al.us](mailto:sac@adem.state.al.us) or 334-271-7739. If you are not interested in running yourself but would like to recommend another outstanding candidate, please contact me with that information also.

As you know, we are part of an outstanding and highly regarded professional organization. I can assure you based on my experience that serving as an officer of this organization is a wonderful opportunity and a rewarding professional experience. I urge you to give it serious consideration if you have not already.

Stephen Cobb (AL)  
Past-President

**UPCOMING MEETINGS****[June 19-21, 2012: State Superfund Managers Symposium](#)** in

Providence, RI. Registration is closed. Additional hotel rooms are available.

**October 18-19, 2012: Annual Meeting** in Washington, DC.

**PEER MATCH**

Interested in conducting a Peer Match? Don't know what a Peer Match is? Peer Match funding supports the ability for one, sometimes two, State/Territorial (State) managers or staff seeking assistance to travel to another State for two to three days to exchange information, applications, experiences, technologies, and reports on programmatic approaches of particular interest to the assistance-seeking State. Information-providing States can also travel to States requesting assistance to share knowledge and expertise. ASTSWMO will reimburse State staff for travel expenses incurred on the peer match trip.

Currently, ASTSWMO has funding for Superfund and Brownfields. All other program funding has been fully utilized. Please visit the [Peer Match](#) page to download the appropriate forms.

**HAZARDOUS WASTE  
SUBCOMMITTEE**

Stay tuned for online hazardous waste trainings sponsored by the Hazardous Waste Training Task Force.

**ASTSWMO 2012 LIFETIME ACHIEVEMENT AWARD**

Each year, ASTSWMO recognizes an outstanding individual who has or is currently working in State government with responsibility for the regulation or management of wastes and hazardous substances, including remediation, tanks, materials management and environmental sustainability programs. The purpose of the award is to recognize an outstanding current or former member for their effort and service to the States and ASTSWMO.

At the July 2012 Board Meeting, the Board may select one of the individuals who have been nominated to receive the award. The recipient will be honored at the October Annual Meeting and the Association will provide travel support to enable his/her presence at that event.

**For a full list of criteria that the Board considers to select a recipient, please see the announcement on the ASTSWMO website.** The following are some of the criteria that will be considered:

- Existing or past member of the Association or staff.
- Service to the organization as Executive Officer, Regional Board Representative, Subcommittee Chair, an active member or Chair of a task force/focus group, or other leadership responsibility assigned by the Board of Directors.
- Efforts to promote more State participation in the Association.
- A record of working productively with EPA to promote strong State approaches and effective partnership with the federal government.

Nominations for the 2012 ASTSWMO Lifetime Achievement Award must be received by July 1, 2012 and should be sent to: Mary Zdanowicz, Executive Director, Association of State and Territorial Solid Waste Management Officials, 444 North Capitol St., NW, Suite 315, Washington, DC 20001. Nominations may be sent by email ([maryz@astswmo.org](mailto:maryz@astswmo.org)) and fax (202-624-7875), as well.

**RECENT PUBLICATIONS**

The Association's State Superfund Focus Group developed a [Marginally Contaminated Soils Paper](#) to highlight how States manage soils that do not meet a State's unrestricted use criteria or standards for organic or inorganic contaminants. The report is available on the [CERCLA and Brownfields Policies and Publications](#) page.

The Association's Site Evaluation Focus Group developed a [Phase II Report](#) to highlight the beneficial outcomes not traditionally captured (e.g., State site cleanups that result from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site Assessment Program). It is available on the [CERCLA and Brownfields Policies and Publications](#) page.

## TRAVEL POLICY

Has it been awhile since you traveled with ASTSWMO? Then please re-familiarize yourself with our Travel Policy; a revision was posted in March. The [Travel and Reimbursement page](#) has examples of a correctly filled out reimbursement form as well as helpful hints.

## TANKS SUBCOMMITTEE

On April 11, 2012, ASTSWMO submitted comments on U.S. EPA's Proposed Underground Storage Tank (UST) revisions. The submittal was based on six months of work by the ASTSWMO Federal Regulations Revisions Workgroup, which included requesting and compiling comments from States, an analysis of State comments, and drafting a formal comment letter to U.S. EPA. ASTSWMO will continue to monitor developments related to the proposed revisions. The comments can be accessed on [ASTSWMO.org](http://ASTSWMO.org) and [www.regulations.gov](http://www.regulations.gov).

The National Tanks Conference was held on March 19-21, 2012, in St. Louis, MO. ASTSWMO members assisted NEIWPC and U.S. EPA by participating on the planning committee and leading multiple sessions at the conference. Archived materials and presentations are available on the NEIWPC website: <http://www.neiwpc.org/tanksconference/agenda-detail.asp>.

## CERCLA AND BROWNFIELDS RESEARCH CENTER

The State Superfund Focus Group will present their 2012 State Superfund Managers Symposium Tuesday, June 19 – Thursday, June 21, 2012 in Providence, Rhode Island.

The two-and-a-half day Symposium has been designed as a forum for interaction among State and Territorial (State) Superfund Managers, U.S. EPA Headquarters and Regional staff, and other invited guests. The primary objective of this Symposium is to emphasize discussion and information-sharing opportunities among speakers and attendees regarding approaches and strategies used by State Superfund programs in these current economic times.

The State Superfund Managers Symposium announcement can be found at: [http://astswmo.org/Pages/Meetings/Upcoming\\_Meetings/2012-SSMS.html](http://astswmo.org/Pages/Meetings/Upcoming_Meetings/2012-SSMS.html).

## FEDERAL FACILITIES RESEARCH CENTER

The Federal Facilities Focus Groups continue to work on developing issues papers and recommendation reports related to munitions response, the Uniform Environmental Covenant Act (UECA), community involvement, and technologically-enhanced, naturally occurring radioactive materials (TENORM). The Subcommittee thanks all States and Territories for the information they provided this past quarter related to those issues.

The Federal Facilities Research Subcommittee is discussing methods for enhancing information-sharing among the Subcommittee, States, and federal agencies. These may include introducing issue-specific conference calls and webinars and/or quarterly, single issue fact sheets or newsletters on federal facilities news. If you have an idea that you feel ASTSWMO should consider, please contact Charles Reyes at [charlesr@astswmo.org](mailto:charlesr@astswmo.org) or 202-624-7882.



Chuck Schwer (VT) describes the aftermath of Hurricane Irene in Vermont during a 2012 Mid-Year Meeting plenary session. Hurricane Irene severely impacted Vermont Department of Environmental Conservation's offices and materials.

**MATERIALS MANAGEMENT SUBCOMMITTEE**

The Materials Management Subcommittee conducted an All-Hands Meeting on April 24 and 26, 2012, in conjunction with the Mid-Year Meeting in Montgomery, AL. There was excellent participation by the members of the Subcommittee's Task Forces that met as part of the All-Hands Meeting. The April 24<sup>th</sup> session centered on the development of the ASTSWMO Subtitle D Core Report, which is being undertaken per ASTSWMO's 2009 Strategic Plan. The approach being taken to the report's content is that the information should, at a minimum, assist State programs that are seeking information for the following uses: If a State is making changes to its program, what might the State do? If a State is being requested to identify changes to the program, what might the State advocate? Meeting participants provided ideas and feedback regarding the types of information to include in the report and how the information might be presented. The Solid Waste Training and Technology Transfer (T3) Task Force is spearheading the report's development for the Subcommittee and will draw upon the discussions as they work with the other Task Forces to further shape the report. Since it will cover a spectrum of State/Territorial solid waste and materials management program areas, the report will be renamed to better reflect its scope and nature. The All-Hands session on April 26 took place during the Materials Management Roundtable at the Mid-Year Meeting and focused on information-sharing. U.S. EPA ORCR participated to provide updates and discuss timely issues, including U.S. EPA's Sustainable Materials Management strategies. Reports on Task Force activities were presented by the Chairs of each of the Task Forces within the Subcommittee: Beneficial Use, MSW Recycling, Municipal D Waste, Product Stewardship, and T3.

**2012 MID-YEAR MEETING**

ASTSWMO's [2012 Mid-Year Meeting](#) occurred April 25<sup>th</sup> and 26<sup>th</sup> in Montgomery, AL, with "Emergency Preparedness" as its theme. The meeting drew a total of 204 State and Territorial members, federal partners, industry partners, and non-profit partners. Video of the plenary sessions and most presentations from the one-and-a-half day meeting are available online. The reception presentation, which lists recipients of ASTSWMO's certificates of appreciation, is available online for the first time.

ASTSWMO Newsletters are archived at:  
[http://astswmo.org/Pages/Policies\\_and\\_Publications/Newsletter.html](http://astswmo.org/Pages/Policies_and_Publications/Newsletter.html)

**JOINT TASK FORCE WORK ON POST-CLOSURE CARE**

The ASTSWMO Hazardous Waste Corrective Action and Permitting Task Force and the Materials Management Municipal D Waste Task Force held a joint coordination meeting on April 24, 2012, in conjunction with the Mid-Year Meeting in Montgomery, AL, to continue their work on post-closure care (PCC). The groups continue to utilize the 2011 ASTSWMO PCC survey responses as they identify PCC issues in both the Subtitle C and D programs. As stated during the April 2012 Mid-Year Meeting roundtables, the Task Force Chairs will continue to coordinate in developing the list of issues that are common to both programs as well as those that are unique to the C and D programs.

The Task Forces are focusing on developing a policy statement/guidance document clarifying the requirements for post-closure care beyond the initial 30-year post closure care period.

The Task Force Chairs welcome additional ideas and comments from our members. Please send your Subtitle C comments to: Ed Hammerberg ([ehammerberg@mde.state.md.us](mailto:ehammerberg@mde.state.md.us)). Please send your Subtitle D comments to: Charles Johnson ([Charles.Johnson@dphe.state.co.us](mailto:Charles.Johnson@dphe.state.co.us)).

QUESTION OR COMMENT ABOUT THE NEWSLETTER? PLEASE CONTACT ALLISON GOLDBERG ([ALLISONG@ASTSWMO.ORG](mailto:ALLISONG@ASTSWMO.ORG) OR 202-624-7883) OR DANIA RODRIGUEZ ([DANIAR@ASTSWMO.ORG](mailto:DANIAR@ASTSWMO.ORG) OR 202-624-5973).