

## Environmental Protection Agency

### FY 2006 Annual Performance Plan and Congressional Justification

#### **Goal 3-Land Preservation and Restoration**

##### *Objective: Preserve Land*

Pollution prevention activities entail coordination with other Federal departments/agencies, such as the General Services Administration (use of safer products for indoor painting and cleaning), the Department of Defense (DOD) (use of safer paving materials for parking lots), and Defense Logistics Agency (safer solvents). The program also works with the National Institute of Standards and Technology, the International Standards Organization, and other groups to develop standards for Environmental Management Systems.

In addition to business, industry and other non-governmental organizations, EPA will work with Federal, state, Tribal, and local governments to encourage reduced generation as well as the safe recycling of wastes. Frequently, successful programs require multiple partners to address the multi-media nature of effective source reduction and recycling. The Agency has brought together a range of stakeholders to examine alternatives in specific industrial sectors, and several regulatory changes have followed which encourage hazardous waste recycling. Partners in this effort include the Environmental Council of States, the Tribal Association on Solid Waste and Emergency Response, and the Association of State and Territorial Solid Waste Management Officials.

As Federal partners, EPA and the United States Postal Service (USPS) work together on several municipal solid waste projects. For instance, rather than dispose of returned or unwanted mail, EPA and the USPS developed and implemented successful recycling procedures and markets. For example, unwanted mail (advertisements, catalogues, etc.) is being returned to the Post Office for recycling rather than disposal by the recipient. In addition, Integrated Solid Waste Management Plans are being implemented at parks in western states because of Regional offices' assistance to the National Park Service. EPA also works with the Small Business Administration to provide support to recycling businesses.

The Federal government is the single largest potential source for "green" procurement in the country for office products as well as products for industrial use. EPA works with other Federal agencies and departments in advancing the purchase and use of recycled-content and other "green" products. In particular, the Agency is currently engaged with other organizations within the Executive Branch to foster compliance with Executive Order 13101 and in tracking and reporting purchases of products made with recycled contents.

In addition, the Agency is currently engaged with the DOD, Education and DOE, USPS, and other agencies to foster proper management of surplus electronics equipment, with a preference for reuse and recycling. With these agencies, and in cooperation with the electronics industry, EPA participated in developing a draft interagency memorandum of understanding (MOU) which will lead to increased reuse and recycling of an array of computers and other electronics hardware used by civilian and military agencies. Implementation of this MOU will divert substantial quantities of plastic, glass, lead, mercury, silver, and other materials from disposal.

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Currently, EPA works with USDA and FDA on a variety of issues related to the disposal of agricultural products (food and/or animals), contaminated with chemical or biological pathogens.

#### *Objective: Restore Land*

##### Superfund Program

The Superfund Remedial program coordinates with many other Federal and state agencies in accomplishing its mission. Executive Order 12580 delegates certain authorities for implementing Superfund to other Federal agencies. Many of these agencies perform, in close consultation and coordination with EPA, the actual cleanup and essential services in areas where the Agency does not possess the specialized expertise. Currently, EPA has active interagency agreements with the National Oceanic and Atmospheric Administration (NOAA), the Department of Interior (DOI), the Occupational Safety and Health Administration (OSHA), the Federal Emergency Management Agency (FEMA), and the United States Coast Guard (USCG).

These agencies provide numerous Superfund related services such as providing technical support during hazardous waste site investigations and identifying and evaluating the severity of risks posed to natural resources from hazardous waste sites; providing scientific support for response operations in EPA's regional offices; supporting the national response system by providing emergency preparedness expertise and administrative support to the national response team and the regional response teams; assisting in the coordination among Federal and state natural resource trustee agencies; conducting outreach to states, Indian Tribes and Federal natural resource trustee officials regarding natural resource damage assessments; conducting compliance assistance visits to review site safety and health plans and developing guidelines for assessing safety and health at hazardous waste sites; supporting the Superfund program in the management and coordination of training programs for local officials through the Emergency Management Institute and the National Fire Academy; and responding to actual or potential releases of hazardous substances involving the coastal zones, including the Great Lakes and designated inland river ports; and, litigating and settling cleanup agreements and cost recovery cases.

In addition, the Agency coordinates with the U. S. Army Corp of Engineers (USACE), states, and Tribes in the identification and cleanup of approximately 9,300 FUDS nationwide. Expectations are that the Agency will play an even greater role at these sites in the future.

USACE and the Bureau of Reclamation (BUREC) contribute to the cleanup of Superfund sites by providing technical support for the design and construction of many remediation projects through site-specific interagency agreements. These Federal partners have the technical design and construction expertise and contracting capability needed to assist EPA regions in implementing most of Superfund's high-cost fund-financed remedial action projects. These two agencies also provide technical on-site support to regions in the enforcement oversight of numerous construction projects performed by Potentially Responsible Parties.

The Superfund response and Federal Facilities enforcement programs work closely with other Federal agencies (e.g., DOD, DOE, DOI, etc.) to clean up their facilities under the Superfund

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program. EPA also works with states and Indian tribes as key partners in the cleanup decision-making process at Superfund Federal sites.

The Agency also works in partnership with state and Tribal governments to strengthen their hazardous waste programs and improve the efficiency and effectiveness of the nation's overall hazardous waste response capability. EPA assists the states in developing their CERCLA implementation programs through infrastructure support, financial and technical assistance, and training. Partnerships with states increase the number of site cleanups, improve the timeliness of responses, and make land available for economic redevelopment sooner, while allowing for more direct local involvement in the cleanup process.

EPA partners with other Federal agencies, state and local governments, and private industry to fulfill Superfund program priorities when a site is radioactively contaminated. Under CERCLA, radioactively contaminated sites are addressed in a manner consistent with how chemically contaminated sites are addressed, accounting for the technical differences. The radiation program provides radiological scientific and technical expertise and leadership in evaluating projects and providing field and laboratory support.

#### *Resource Conservation and Recovery Act*

The Agency maintains a close relationship with the state agencies that are authorized to implement the Resource Conservation and Recovery Act (RCRA) Corrective Action program. EPA expects states to achieve the same level of Federal standards as the Agency, including annual performance goals of human exposures and groundwater releases controlled. As part of the state grant process, Regional offices negotiate with the states their progress in meeting the corrective action environmental indicator goals.

Encouraging states to become authorized for the RCRA Corrective Action program remains a priority. Currently, thirty-nine states and territories have the authority to implement the program. EPA expects two additional states to gain authorization in the next year. EPA also encourages states to use alternate (non-RCRA) authorities to accomplish the goals of the Corrective Action program. These include state Superfund and voluntary programs.

The RCRA Corrective Action program also coordinates closely with other Federal agencies, primarily the DOD and DOE, which have many sites in the corrective action universe. Encouraging Federal facilities to meet environmental indicators remains a top priority.

#### *Leaking Underground Storage Tanks*

EPA, with very few exceptions, does not perform the cleanup of leaking underground storage tanks (LUST). States and territories use the LUST Trust Fund to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, and pay for cleanups in cases where a responsible party cannot be found or is unwilling or unable to pay for a cleanup. More than 40 states have their own cleanup funds to pay for the majority of owners' and operators' cleanup costs. The vast majority of LUST cleanups are paid

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for by state LUST cleanup funds and not by private parties; state funds are separate from the Federal LUST Trust Fund.

EPA, with very few exceptions, does not perform the cleanup of leaking underground storage tanks (LUST). States and territories use the LUST Trust Fund to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, and pay for cleanups in cases where a responsible party cannot be found or is unwilling or unable to pay for a cleanup. Most states have cleanup funds that cover the majority of owners and operators' cleanup costs. These state funds are separate from the LUST Trust Fund.

State LUST programs are key to achieving the objectives and long-term strategic goals. Except in Indian Country, EPA relies on state agencies to implement the LUST program, including overseeing cleanups by responsible parties and responding to emergency LUST releases. LUST cooperative agreements awarded by EPA are directly given to the states to assist them in implementing their oversight and programmatic role.

#### *Emergency Preparedness and Response*

EPA plays a major role in reducing the risks that accidental and intentional releases of harmful substances and oil pose to human health and the environment. This requires continuous coordination with many Federal, state and local agencies. As the Federal on-scene coordinator (OSC) in the inland zone, EPA evaluates and responds to thousands of releases annually as part of the National Response Plan (NRP). The NRP is a multi-agency preparedness and response mechanism that includes the following key components: the National Response Center (NRC); the National Response Team (NRT), composed of 16 Federal agencies; 13 Regional Response Teams (RRTs); and Federal OSCs. These organizations work with state and local officials to develop and maintain contingency plans that will enable the Nation to respond effectively to hazardous substance and oil emergencies.

EPA chairs the multi-agency National Response Team (NRT), and co-chairs Regional Response Teams (RRTs). In addition, the Agency plays a leadership role in crisis management, which requires participation on a number of interagency committees and workgroups. Building on current efforts to enhance national emergency response management, EPA and its role on the NRT will continue implementation of the new National Incident Management System (NIMS) and National Response Plan (NRP).

The NRP, under the direction of the Department of Homeland Security (DHS), provides for the delivery of Federal assistance to states to help them deal with the consequences of terrorist events as well as natural and other significant disasters. EPA has the lead responsibility for the plan's Emergency Support Function covering hazardous materials and inland petroleum releases. Accordingly, EPA participates in the Federal Emergency Support Function Leaders Group which addresses NRP planning and implementation at the operational level. Through this interagency organization, Federal agencies handle issue formulation and resolution, review after-action reports, and evaluate the need for changes to NRP planning and implementation strategies. They

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also participate in NRP exercises, training and post event evaluation actions, coordinating these activities closely with the NRT.

EPA coordinates its preparedness activities with the Department of Homeland Security (DHS), Federal Emergency Management Administration (FEMA), Federal Bureau of Investigation (FBI), other Federal agencies, and state and local governments. EPA will also continue to clarify its roles and responsibilities to ensure that Agency security programs are consistent with the national homeland security strategy.

EPA provides staff support to the Homeland Security Operations Center (HSOC) during national disasters and emergencies, response to terrorist incidents and other responses under the NRP. EPA will also continue to develop and participate in training courses on emergency support function responsibilities, deliver presentations on the NRP to national forums and participate in nationwide exercises to test and improve the Federal government's preparedness and response system and its capabilities.

Under the Oil Spill program, EPA works with other Federal agencies such as the United States Fish & Wildlife Service, National Oceanographic and Atmospheric Administration, United States Coast Guard (USCG), FEMA, Department of the Interior, Department of Transportation, Department of Energy, and other Federal agencies and states, as well as with local government authorities to develop Area Contingency Plans. The Department of Justice also provides assistance to agencies with judicial referrals when enforcement of violations becomes necessary. EPA and the USCG work in coordination with other Federal authorities to implement the National Preparedness for Response program.

USACE and the Bureau of Reclamation contribute to the cleanup of Superfund sites by providing technical support for the design and construction of many remediation projects through site-specific interagency agreements. These Federal partners have the technical design and construction expertise and contracting capability needed to assist EPA regions in implementing most of Superfund's high-cost Fund-financed remedial action projects. These two agencies also provide technical on-site support to regions in the enforcement oversight of numerous construction projects performed by PRPs.

The Superfund response and Federal Facilities enforcement programs work closely with other Federal agencies (e.g., DOD, DOE, DOI, etc.) to clean up their facilities under the Superfund program. EPA also works with states and Indian tribes as key partners in the cleanup decision-making process at Superfund Federal sites.

EPA expends substantial effort coordinating with other agencies, including work with the Department of Defense (DOD) in its Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program, the Department of Energy (DOE), and the Office of Health and Environmental Research. EPA also conducts collaborative field demonstrations (e.g., through the Superfund Innovative Technology Evaluation (SITE) program) and laboratory research with DOD, DOE, the Department of Interior (particularly the U.S. Geological Survey - USGS), and the National Aeronautics and Space

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Administration (NASA) to improve characterization and risk management options for dealing with subsurface contamination.

Other research efforts involving coordination include the unique controlled-spill field research facility that was designed in cooperation with the U.S. Bureau of Reclamation. Geophysical research experiments and development of software for subsurface characterization and detection of contaminants are being conducted with the USGS and DOE's Lawrence Berkeley National Laboratory. The USGS also has a number of programs, such as the Toxic Substances Hydrology Program, that support studies related to contamination of surface water and groundwater by hazardous materials.

The Agency is also working with the National Institute of Environmental Health Sciences (NIEHS), which manages a large basic research program focusing on Superfund issues, to advance fundamental Superfund research. The Agency for Toxic Substances and Disease Registry (ATSDR) also provides critical health-based information to assist EPA in making effective cleanup decisions. EPA works with these agencies on collaborative projects, information exchange, and identification of research issues. Additionally, the Interstate Technology Regulatory Council (ITRC) has proven an effective forum for coordinating Federal and state activities and for defining continuing research needs through its teams on topics including contaminated sediments, permeable reactive barriers, radionuclides, and Brownfields. EPA developed a Memorandum of Understanding (MOU)<sup>4</sup> with several other agencies (DOE, DOD, Nuclear Regulatory Commission, Department of the Interior - USGS, National Oceanic and Atmospheric Administration (NOAA), and the Department of Agriculture) for multimedia modeling research and development.

#### **Goal 4-Healthy Communities and Ecosystems**

##### ***Objective: Chemical, Organism and Pesticide Risks***

Coordination with State lead agencies and with the U. S. Department of Agriculture (USDA) provides added impetus to the implementation of the Certification and Training program. States also provide essential activities in developing and implementing the Endangered Species and Worker Protection programs. States are involved in numerous special projects and investigations, including emergency response efforts. The Regions provide technical guidance and assistance to the States and Tribes in the implementation of all pesticide program activities.

EPA uses a range of outreach and coordination approaches for pesticide users, agencies implementing various pesticide programs and projects, and the general public. Outreach and coordination activities are essential to effective implementation of regulatory decisions, protection of workers and endangered species, training of pesticide applicators, promotion of integrated pest management and environmental stewardship, and support for compliance through EPA's regional programs and those of the States and Tribes.

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<sup>4</sup> Interagency Steering Committee on Multimedia Environmental Models MOU, <http://www.iscmem.org/Memorandum.htm>