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HANDOUTS FROM THE FERNALD CITIZENS TASK FORCE MEETING OF DECEMBER 9, 1993

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HANDOUTS

Section D
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BILL TEXT Report for H.R.2194
As finally approved by the House and Senate (Enrolled)

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H.R.2194
One Hundred Second Congress of the United States of America
AT THE SECOND SESSION
Begun and held at the City of Washington on Friday, the third day of January, one thousand nine hundred and ninety-two

An Act
To amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I--FEDERAL FACILITY COMPLIANCE ACT

SEC. 101. SHORT TITLE.
This title may be cited as the "Federal Facility Compliance Act of 1992".

SEC. 102. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.
(a) In General.--Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended--
(1) by inserting "(a) In General.--" after "6001.";
(2) in the first sentence, by inserting "and management" before "in the same manner";
(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local solid waste or hazardous waste regulatory program."; and
(4) by inserting after the second sentence the following: "No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive,

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legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

(b) Administrative Enforcement Actions.--Such section is further amended by adding at the end the following new subsections:

"(b) Administrative Enforcement Actions.--(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

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"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) Limitation on State Use of Funds Collected From Federal Government.--Unless a State law in effect on the date of the enactment of the Federal Facility Compliance Act of 1992 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

(c) Effective Dates.--

(1) In general.--Except as otherwise provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect upon the date of the enactment of this Act.

(2) Delayed effective date for certain mixed waste.--Until the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall not apply to departments, agencies, and instrumentalities of the executive branch of the Federal Government for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste that is not subject to an existing agreement, permit, or administrative or judicial order, so long as such waste is managed in compliance with all other applicable requirements.

(3) Effective date for certain mixed waste.--(A) Except as provided in subparagraph (B), after the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall apply to departments, agencies, and instrumentalities of the executive branch of the Federal Government for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste.

(B) With respect to the Department of Energy, the waiver of sovereign immunity referred to in subparagraph (A) shall not apply after the date that is 3 years after the date of the enactment of this Act for violations of section 3004(j) of such Act involving storage of mixed waste, so long as the Department of Energy is in compliance with both--

(i) a plan that has been submitted and approved pursuant to section 3021(b) of the Solid Waste Disposal Act and which is in effect; and

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(ii) an order requiring compliance with such plan which has been issued pursuant to such section 3021(b) and which is in effect.

(4) Application of waiver to agreements and orders.--The waiver of sovereign immunity contained in section 6001(a) of the Solid Waste

Disposal Act (as added by the amendments made by subsection (a)) shall take effect on the date of the enactment of this Act with respect to any agreement, permit, or administrative or judicial order existing on such date of enactment (and any subsequent modifications to such an agreement, permit, or order), including, without limitation, any provision of an agreement, permit, or order that addresses compliance with section 3004(j) of such Act with respect to mixed waste.

(5) Agreement or order.--Except as provided in paragraph (4), nothing in this Act shall be construed to alter, modify, or change in any manner any agreement, permit, or administrative or judicial order, including, without limitation, any provision of an agreement, permit, or order--

(i) that addresses compliance with section 3004(j) of the Solid Waste Disposal Act with respect to mixed waste;

(ii) that is in effect on the date of enactment of this Act; and

(iii) to which a department, agency, or instrumentality of the executive branch of the Federal Government is a party.

SEC. 103. DEFINITION OF PERSON.

Section 1004(15) of the Solid Waste Disposal Act (42 U.S.C. 6903(15)) is amended by adding the following before the period: "and shall include each department, agency, and instrumentality of the United States".

SEC. 104. FACILITY ENVIRONMENTAL ASSESSMENTS.

Section 3007(c) of the Solid Waste Disposal Act (42 U.S.C. 6927(c)) is amended as follows:

(1) The first sentence is amended by striking out "Beginning" and all that follows through "undertake" and inserting in lieu thereof "The Administrator shall undertake".

(2) The first sentence is further amended by striking out "Federal agency" and inserting in lieu thereof "department, agency, or instrumentality of the United States".

(3) The section is further amended by inserting after the first sentence the following new sentence: "Any State with an authorized hazardous waste program also may conduct an inspection of any such facility for purposes of enforcing the facility's compliance with the State hazardous waste program.".

(4) The section is further amended by adding at the end the following: "The department, agency, or instrumentality owning or operating each such facility shall reimburse the Environmental Protection Agency for the costs of the inspection of the facility. With respect to the first inspection of each such facility occurring after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall conduct a comprehensive ground water monitoring evaluation at the facility, unless such an evaluation was conducted during the 12-month period preceding such date of enactment.".

SEC. 105. MIXED WASTE INVENTORY REPORTS AND PLAN.

(a) Mixed Waste Amendment.--(1) Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

"SEC. 3021. MIXED WASTE INVENTORY REPORTS AND PLAN.

"(a) Mixed Waste Inventory Reports.--

"(1) Requirement.--Not later than 180 days after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall submit to the Administrator and to the Governor of each State in which the Department of Energy stores or generates mixed wastes the following reports:

"(A) A report containing a national inventory of all such mixed wastes, regardless of the time they were generated, on a State-by-State basis.

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"(B) A report containing a national inventory of mixed waste treatment capacities and technologies.

"(2) Inventory of wastes.-- The report required by paragraph (1)(A) shall include the following:

"(A) A description of each type of mixed waste at each Department of Energy facility in each State, including, at a minimum, the name of the waste stream.

"(B) The amount of each type of mixed waste currently stored at each Department of Energy facility in each State, set forth separately by mixed waste that is subject to the land disposal prohibition requirements of section 3004 and mixed waste that is not subject to such prohibition requirements.

"(C) An estimate of the amount of each type of mixed waste the Department expects to generate in the next 5 years at each Department of Energy facility in each State.

"(D) A description of any waste minimization actions the Department has implemented at each Department of Energy facility in each State for each mixed waste stream.

"(E) The EPA hazardous waste code for each type of mixed waste containing waste that has been characterized at each Department of Energy facility in each State.

"(F) An inventory of each type of waste that has not been characterized by sampling and analysis at each Department of Energy facility in each State.

"(G) The basis for the Department's determination of the applicable hazardous waste code for each type of mixed waste at each Department of Energy facility and a description of whether the determination is based on sampling and analysis conducted on the waste or on the basis of process knowledge.

"(H) A description of the source of each type of mixed waste at each Department of Energy facility in each State.

"(I) The land disposal prohibition treatment technology or technologies specified for the hazardous waste component of each type of mixed waste at each Department of Energy facility in each State.

"(J) A statement of whether and how the radionuclide content of the waste alters or affects use of the technologies described in subparagraph (I).

"(3) Inventory of treatment capacities and technologies.--The report required by paragraph (1)(B) shall include the following:

"(A) An estimate of the available treatment capacity for each waste described in the report required by paragraph (1)(A) for which treatment technologies exist.

"(B) A description, including the capacity, number and location, of each treatment unit considered in calculating the estimate under subparagraph (A).

"(C) A description, including the capacity, number and location, of any existing treatment unit that was not considered in calculating the estimate under subparagraph (A) but that could, alone or in conjunction with other treatment units, be used to treat any of the wastes described in the report required by paragraph (1)(A) to meet the requirements of regulations promulgated pursuant to section 3004(m).

"(D) For each unit listed in subparagraph (C), a statement of the reasons why the unit was not included in calculating the estimate under subparagraph (A).

"(E) A description, including the capacity, number, location, and estimated date of availability, of each treatment unit currently proposed to increase the treatment capacities estimated under subparagraph (A).

"(F) For each waste described in the report required by paragraph (1)(A) for which the Department has determined no treatment

technology exists, information sufficient to support such determination and a description of the technological approaches the Department anticipates will need to be developed to treat the waste.

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"(4) Comments and revisions.--Not later than 90 days after the date of the submission of the reports by the Secretary of Energy under paragraph (1), the Administrator and each State which received the reports shall submit any comments they may have concerning the reports to the Department of Energy. The Secretary of Energy shall consider and publish the comments prior to publication of the final report.

"(5) Requests for additional information.--Nothing in this subsection limits or restricts the authority of States or the Administrator to request additional information from the Secretary of Energy.

"(b) Plan for Development of Treatment Capacities and Technologies.--

"(1) Plan requirement.--(A)(i) For each facility at which the Department of Energy generates or stores mixed wastes, except any facility subject to a permit, agreement, or order described in clause (ii), the Secretary of Energy shall develop and submit, as provided in paragraph (2), a plan for developing treatment capacities and technologies to treat all of the facility's mixed wastes, regardless of the time they were generated, to the standards promulgated pursuant to section 3004(m).

"(ii) Clause (i) shall not apply with respect to any facility subject to any permit establishing a schedule for treatment of such wastes, or any existing agreement or administrative or judicial order governing the treatment of such wastes, to which the State is a party.

"(B) Each plan shall contain the following:

"(i) For mixed wastes for which treatment technologies exist, a schedule for submitting all applicable permit applications, entering into contracts, initiating construction, conducting systems testing, commencing operations, and processing backlogged and currently generated mixed wastes.

"(ii) For mixed wastes for which no treatment technologies exist, a schedule for identifying and developing such technologies, identifying the funding requirements for the identification and development of such technologies, submitting treatability study exemptions, and submitting research and development permit applications.

"(iii) For all cases where the Department proposes radionuclide separation of mixed wastes, or materials derived from mixed wastes, it shall provide an estimate of the volume of waste generated by each case of radionuclide separation, the volume of waste that would exist or be generated without radionuclide separation, the estimated costs of waste treatment and disposal if radionuclide separation is used compared to the estimated costs if it is not used, and the assumptions underlying such waste volume and cost estimates.

"(C) A plan required under this subsection may provide for centralized, regional, or on-site treatment of mixed wastes, or any combination thereof.

"(2) Review and approval of plan.--(A) For each facility that is located in a State (i) with authority under State law to prohibit land disposal of mixed waste until the waste has been treated and (ii) with both authority under State law to regulate the hazardous components of mixed waste and authorization from the Environmental Protection Agency under section 3006 to regulate the hazardous components of mixed waste, the Secretary of Energy shall submit the plan required under paragraph (1) to the appropriate State regulatory officials for their review and approval, modification, or disapproval. In reviewing the plan, the State shall consider the need for regional treatment facilities. The State shall consult with the Administrator and any other State in which a facility affected by the plan is located and consider public comments in making its determination on the plan. The State shall approve, approve

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with modifications, or disapprove the plan within 6 months after receipt of the plan.

"(B) For each facility located in a State that does not have the authority described in subparagraph (A), the Secretary shall submit the plan required under paragraph (1) to the Administrator of the Environmental Protection Agency for review and approval, modification, or disapproval. A copy of the plan also shall be provided by the Secretary to the State in which such facility is located. In reviewing the plan, the Administrator shall consider the need for regional treatment facilities. The Administrator shall consult with the State or States in which any facility affected by the plan is located and consider public comments in making a determination on the plan. The Administrator shall approve, approve with modifications, or disapprove the plan within 6 months after receipt of the plan.

"(C) Upon the approval of a plan under this paragraph by the Administrator or a State, the Administrator shall issue an order under section 3008(a), or the State shall issue an order under appropriate State authority, requiring compliance with the approved plan.

"(3) Public participation.--Upon submission of a plan by the Secretary of Energy to the Administrator or a State, and before approval of the plan by the Administrator or a State, the Administrator or State shall publish a notice of the availability of the submitted plan and make such submitted plan available to the public on request.

"(4) Revisions of plan.--If any revisions of an approved plan are proposed by the Secretary of Energy or required by the Administrator or a State, the provisions of paragraphs (2) and (3) shall apply to the revisions in the same manner as they apply to the original plan.

"(5) Waiver of plan requirement.--(A) A State may waive the requirement for the Secretary of Energy to develop and submit a plan under this subsection for a facility located in the State if the State (i) enters into an agreement with the Secretary of Energy that addresses compliance at that facility with section 3004(j) with respect to mixed waste, and (ii) issues an order requiring compliance with such agreement and which is in effect.

"(B) Any violation of an agreement or order referred to in subparagraph (A) is subject to the waiver of sovereign immunity contained in section 6001(a).

"(c) Schedule and Progress Reports.--

"(1) Schedule.--Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall publish in the Federal Register a schedule for submitting the plans required under subsection (b).

"(2) Progress reports.--(A) Not later than the deadlines specified in subparagraph (B), the Secretary of Energy shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a progress report containing the following:

"(i) An identification, by facility, of the plans that have been submitted to States or the Administrator of the Environmental Protection Agency pursuant to subsection (b).

"(ii) The status of State and Environmental Protection Agency review and approval of each such plan.

"(iii) The number of orders requiring compliance with such plans that are in effect.

"(iv) For the first 2 reports required under this paragraph, an identification of the plans required under such subsection (b) that the Secretary expects to submit in the 12-month period following submission of the report.

"(B) The Secretary of Energy shall submit a report under subparagraph (A) not later than 12 months after the date of the enactment of the Federal Facility Compliance Act of 1992, 24 months after such date, and

36 months after such date.".

(2) The table of contents for subtitle C of the Solid Waste Disposal Act (contained in section 1001) is amended by adding at the end the following new item:

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"Sec. 3021. Mixed waste inventory reports and plan.".

(b) Definition.--Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6902) is amended by adding at the end the following new paragraph:

"(41) The term 'mixed waste' means waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).".

(c) GAO Report.--

(1) Requirement.--Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the Department of Energy's progress in complying with section 3021(b) of the Solid Waste Disposal Act.

(2) Matters to be included.--The report required under paragraph (1) shall contain, at a minimum, the following:

(A) The Department of Energy's progress in submitting to the States or the Administrator of the Environmental Protection Agency a plan for each facility for which a plan is required under section 3021(b) of the Solid Waste Disposal Act and the status of State or Environmental Protection Agency review and approval of each such plan.

(B) The Department of Energy's progress in entering into orders requiring compliance with any such plans that have been approved.

(C) An evaluation of the completeness and adequacy of each such plan as of the date of submission of the report required under paragraph (1).

(D) An identification of any recurring problems among the Department of Energy's submitted plans.

(E) A description of treatment technologies and capacity that have been developed by the Department of Energy since the date of the enactment of this Act and a list of the wastes that are expected to be treated by such technologies and the facilities at which the wastes are generated or stored.

(F) The progress made by the Department of Energy in characterizing its mixed waste streams at each such facility by sampling and analysis.

(G) An identification and analysis of additional actions that the Department of Energy must take to--

(i) complete submission of all plans required under such section 3021(b) for all such facilities;

(ii) obtain the adoption of orders requiring compliance with all such plans; and

(iii) develop mixed waste treatment capacity and technologies.

SEC. 106. PUBLIC VESSELS.

(a) Amendment.--Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

"SEC. 3022. PUBLIC VESSELS.

"(a) Waste Generated on Public Vessels.--Any hazardous waste generated on a public vessel shall not be subject to the storage, manifest, inspection, or recordkeeping requirements of this Act until such waste is transferred to a shore facility, unless--

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"(1) the waste is stored on the public vessel for more than 90 days after the public vessel is placed in reserve or is otherwise no longer in

service; or

"(2) the waste is transferred to another public vessel within the territorial waters of the United States and is stored on such vessel or another public vessel for more than 90 days after the date of transfer.

"(b) Computation of Storage Period.--For purposes of subsection (a), the 90-day period begins on the earlier of--

"(1) the date on which the public vessel on which the waste was generated is placed in reserve or is otherwise no longer in service; or

"(2) the date on which the waste is transferred from the public vessel on which the waste was generated to another public vessel within the territorial waters of the United States;

and continues, without interruption, as long as the waste is stored on the original public vessel (if in reserve or not in service) or another public vessel.

"(c) Definitions.--For purposes of this section:

"(1) The term 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a foreign nation, except when the vessel is engaged in commerce.

"(2) The terms 'in reserve' and 'in service' have the meanings applicable to those terms under section 7293 and sections 7304 through 7308 of title 10, United States Code, and regulations prescribed under those sections.

"(d) Relationship to Other Law.--Nothing in this section shall be construed as altering or otherwise affecting the provisions of section 7311 of title 10, United States Code.".

(b) Technical Amendment.--The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

"Sec. 3022. Public vessels.".

SEC. 107. MUNITIONS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

"(y) Munitions.--(1) Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall propose, after consulting with the Secretary of Defense and appropriate State officials, regulations identifying when military munitions become hazardous waste for purposes of this subtitle and providing for the safe transportation and storage of such waste. Not later than 24 months after such date, and after notice and opportunity for comment, the Administrator shall promulgate such regulations. Any such regulations shall assure protection of human health and the environment.

"(2) For purposes of this subsection, the term 'military munitions' includes chemical and conventional munitions.".

SEC. 108. FEDERALLY OWNED TREATMENT WORKS.

(a) Amendment.--Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

"SEC. 3023. FEDERALLY OWNED TREATMENT WORKS.

"(a) In General.--For purposes of section 1004(27), the phrase 'but does not include solid or dissolved material in domestic sewage' shall apply to any solid or dissolved material introduced by a source into a federally owned treatment works if--

"(1) such solid or dissolved material is subject to a pretreatment standard under section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), and the source is in compliance with such standard;

"(2) for a solid or dissolved material for which a pretreatment standard has not been promulgated pursuant to section 307 of the Federal

Water Pollution Control Act (33 U.S.C. 1317), the Administrator has promulgated a schedule for establishing such a pretreatment standard which would be applicable to such solid or dissolved material not later than 7 years after the date of enactment of this section, such standard is promulgated on or before the date established in the schedule, and after the effective date of such standard the source is in compliance with such standard;

"(3) such solid or dissolved material is not covered by paragraph (1) or (2) and is not prohibited from land disposal under subsections (d), (e), (f), or (g) of section 3004 because such material has been treated in accordance with section 3004(m); or

"(4) notwithstanding paragraphs (1), (2), or (3), such solid or dissolved material is generated by a household or person which generates less than 100 kilograms of hazardous waste per month unless such solid or dissolved material would otherwise be an acutely hazardous waste and subject to standards, regulations, or other requirements under this Act notwithstanding the quantity generated.

"(b) Prohibition.--It is unlawful to introduce into a federally owned treatment works any pollutant that is a hazardous waste.

"(c) Enforcement.--(1) Actions taken to enforce this section shall not require closure of a treatment works if the hazardous waste is removed or decontaminated and such removal or decontamination is adequate, in the discretion of the Administrator or, in the case of an authorized State, of the State, to protect human health and the environment.

"(2) Nothing in this subsection shall be construed to prevent the Administrator or an authorized State from ordering the closure of a treatment works if the Administrator or State determines such closure is necessary for protection of human health and the environment.

"(3) Nothing in this subsection shall be construed to affect any other enforcement authorities available to the Administrator or a State under this subtitle.

"(d) Definition.--For purposes of this section, the term 'federally owned treatment works' means a facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act.

"(e) Savings Clause.--Nothing in this section shall be construed as affecting any agreement, permit, or administrative or judicial order, or any condition or requirement contained in such an agreement, permit, or order, that is in existence on the date of the enactment of this section and that requires corrective action or closure at a federally owned treatment works or solid waste management unit or facility related to such a treatment works.".

(b) Technical Amendment.--The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

"Sec. 3023. Federally owned treatment works.".

SEC. 109. SMALL TOWN ENVIRONMENTAL PLANNING.

(a) Establishment.--The Administrator of the Environmental Protection Agency (hereafter referred to as the "Administrator") shall establish a program to assist small communities in planning and financing environmental facilities. The program shall be known as the "Small Town Environmental Planning Program".

(b) Small Town Environmental Planning Task Force.--(1) The Administrator shall establish a Small Town Environmental Planning Task Force which shall be composed of representatives of small towns from different areas of the United States, Federal and State governmental agencies, and public interest groups. The Administrator shall terminate the Task Force not later than 2 years after the establishment of the Task Force.

(2) The Task Force shall--

(A) identify regulations developed pursuant to Federal environmental laws which pose significant compliance problems for small towns;

(B) identify means to improve the working relationship between the Environmental Protection Agency (hereafter referred to as the Agency) and small towns; 5016

(C) review proposed regulations for the protection of the environmental and public health and suggest revisions that could improve the ability of small towns to comply with such regulations;

(D) identify means to promote regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic condition of such systems and infrastructure; and

(E) provide such other assistance to the Administrator as the Administrator deems appropriate.

(c) Identification of Environmental Requirements.--(1) Not later than 6 months after the date of the enactment of this Act, the Administrator shall publish a list of requirements under Federal environmental and public health statutes (and the regulations developed pursuant to such statutes) applicable to small towns. Not less than annually, the Administrator shall make such additions and deletions to and from the list as the Administrator deems appropriate.

(2) The Administrator shall, as part of the Small Town Environmental Planning Program under this section, implement a program to notify small communities of the regulations identified under paragraph (1) and of future regulations and requirements through methods that the Administrator determines to be effective to provide information to the greatest number of small communities, including any of the following:

(A) Newspapers and other periodicals.

(B) Other news media.

(C) Trade, municipal, and other associations that the Administrator determines to be appropriate.

(D) Direct mail.

(d) Small Town Ombudsman.--The Administrator shall establish and staff an Office of the Small Town Ombudsman. The Office shall provide assistance to small towns in connection with the Small Town Environmental Planning Program and other business with the Agency. Each regional office shall identify a small town contact. The Small Town Ombudsman and the regional contacts also may assist larger communities, but only if first priority is given to providing assistance to small towns.

(e) Multi-Media Permits.--(1) The Administrator shall conduct a study of establishing a multi-media permitting program for small towns. Such evaluation shall include an analysis of--

(A) environmental benefits and liabilities of a multi-media permitting program;

(B) the potential of using such a program to coordinate a small town's environmental and public health activities; and

(C) the legal barriers, if any, to the establishment of such a program.

(2) Within 3 years after the date of enactment of this Act, the Administrator shall report to Congress on the results of the evaluation performed in accordance with paragraph (1). Included in this report shall be a description of the activities conducted pursuant to subsections (a) through (d).

(f) Definition.--For purposes of this section, the term "small town" means an incorporated or unincorporated community (as defined by the Administrator) with a population of less than 2,500 individuals.

(g) Authorization.--There is authorized to be appropriated the sum of $500,000 to implement this section.

SEC. 110. CHIEF FINANCIAL OFFICER REPORT.

The Chief Financial Officer of each affected agency shall submit to Congress an annual report containing, to the extent practicable, a detailed 0010

description of the compliance activities undertaken by the agency for mixed waste streams, and an accounting of the fines and penalties imposed on the agency for violations involving mixed waste.

TITLE II--METROPOLITAN WASHINGTON WASTE MANAGEMENT STUDY ACT

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SEC. 201. SHORT TITLE.

This title may be cited as the "Metropolitan Washington Waste Management Study Act".

SEC. 202. FINDINGS.

The Congress finds that the I-95 Sanitary Landfill, in Lorton, Virginia, is located on Federal land, and the ultimate responsibility for maintaining environmental integrity at such landfill is on the Federal Government, as well as the signatories to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding.

SEC. 203. ENVIRONMENTAL IMPACT STATEMENT

(a) Environmental Impact Statement.--Except as provided in subsection (b), in order to assure environmental integrity in and around properties owned by the Government of the United States, no expansion of the I-95 Sanitary Landfill shall be permitted or otherwise authorized unless--

(1) an environmental impact statement, pursuant to the National Environmental Policy Act, regarding any such proposed expansion has been completed and approved by the Administrator; and

(2) the costs incurred in conducting and completing such environmental impact statement are paid (A) from the landfill's so-called enterprise fund established pursuant to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding, or (B) in accordance with some other payment formula based on past and projected percentage of the jurisdictional usage of the landfill.

(b) Exception.--(1) Notwithstanding subsection (a), the I-95 Sanitary Landfill may be expanded for the purpose of the ash monofill planned by the parties to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding if such monofill, subject to paragraph (2), is used solely for the disposal of incinerator ash from such parties.

(2) The ash monofill referred to in paragraph (1) may be used for the disposal of solid waste for a maximum of 30 days whenever a resource recovery facility, or an incinerator and a resource recovery facility, operated for or by the parties to the July 1981 I-95 Sanitary Landfill Memorandum of Understanding is completely unavailable because of an emergency shutdown.

(c) Limitation.--After December 31, 1995, the I-95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of municipal or industrial waste of any kind other than incinerator ash unless the conditions enumerated in subsection (a) are met.

(d) General.--Notwithstanding any other provision of this title, the parties of the July 1981 I-95 Sanitary Landfill Memorandum of Understanding, together with the Federal Government, shall continue to be responsible for maintaining environmental stability at the I-95 Sanitary Landfill, including any expansion, in accordance with applicable laws of the United States, the Commonwealth of Virginia, and the local jurisdictions in which the I-95 Sanitary Landfill is located.

SEC. 204. DEFINITIONS.

For purposes of this title:

(1) The term "expansion" includes any development or use, after May 31, 1991, of any lands (other than those lands which were used as a landfill on or before May 31, 1991) owned by the Government of the United States in and around Lorton, Virginia, for the purpose of, or use as, a sanitary landfill in accordance with the July 1981 I-95 Sanitary Landfill Memorandum of Understanding. The term also includes variances or

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exemptions from any elevation requirements relating to landfill operations established by the laws of the Commonwealth of Virginia, or any subdivision thereof, in connection with any such lands used on or before May 31, 1991.

(2) The term "lands owned by the Government of the United States" includes any lands owned by the United States, and any such lands with respect to which the Government of the District of Columbia has beneficial ownership.

(3) The term "July 1981 I-95 Sanitary Landfill Memorandum of Understanding" means the document titled "Memorandum of Understanding I-95 Resource Recovery, Land Reclamation, and Recreation Complex" that was executed July 22, 1981, and subsequently amended by supplemental agreements executed before May 31, 1991.

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Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

Please type desired COMMAND (or 'MENU'):

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Section G
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Federal Facility Compliance Act

Purpose

On October 6, 1992, the President signed the Federal Facilities Compliance Act (FFCA) into law, making the Department of Energy (DOE) subject to fines and penalties for violations of the Resource Conservation and Recovery Act (RCRA) or State hazardous waste requirements. The FFCA amends the Solid Waste Disposal Act, which was previously amended by RCRA.

Under current disposal laws, it is illegal to store hazardous waste for more than one year. With this new ruling, if the DOE can meet certain planning requirements, it can avoid fines and penalties for violations of such land disposal restrictions for the next 3 years.

In order to meet these requirements, each DOE site must develop a site treatment plan (STP) for mixed waste treatments and technology development and use the plan as a basis for a legal agreement with the state prior to an October 1995 deadline. If successful, sites like Fernald can extend the exemption from the one year storage requirement beyond the allowable three years.

Who is Affected?

Under the requirements of the FFCA, a site treatment plan must be developed at sites where DOE stores or has generated mixed waste. The Fernald conceptual Site Treatment Plan (STP), due to the Ohio Environmental Protection Agency (OEPA)in October, 1993, will be a preliminary version of the later plans and will be reviewed by the state of Ohio, the U.S. Environmental Protection Agency (EPA) and others.

Fernald also hopes to use the conceptual STP as a vehicle for providing information about technology needs and options to other DOE cleanup sites across the country. The Fernald plan will be used in conjunction with plans from the other DOE sites as a basis for nationwide discussions on treatment strategies and options.

Implementation

A schedule for the development and submittal of the Plans to Ohio EPA is as follows:

Conceptual STP	October 1993
Draft STP	August 1994
Final STP	February 1995

Following this schedule of activities, Ohio EPA is expected to issue a compliance order to DOE at Fernald in October 1995.

Public Involvement

Public input can improve both the quality and feasibility of the proposed treatments. In order to assure public concerns are addressed in the developmental stages of the site treatment plan,

comment periods will be announced and the documents will be available at the Public Environmental Information Center, JAMTEK Building, 10845 Hamilton-Cleves Highway, Ross, Ohio, (513)738-0164.

Interested stakeholders have a key role to play in the decisions involving mixed waste treatment and disposal. New ideas and creative planning can lay the groundwork for solutions both locally and nationwide.

Objectives

The conceptual STP addresses mixed waste, (waste containing both a hazardous component subject to RCRA and a nuclear or by-product material subject to the Atomic Energy Act). It is important that the schedules and treatment selection processes outlined in the plan are consistent with the current cleanup activities underway at Fernald.

The conceptual STPs are intended to provide a starting point for discussion. The focus at Fernald is to provide information on technologies for treating stored wastes, mostly resulting from past production processes.

Fernald also has wastes that require further characterization and for which the appropriate technology has not been identified. The conceptual STP attempts to identify these wastes, as well as waste streams such as environmental restoration wastes that Fernald expects to generate in the future.

Development of a site treatment plan for mixed waste at Fernald is a key function of the waste management program. The intent is to prevent the release of pollutants into the environment, thereby protecting human health and limiting potential exposures to hazardous materials.

Generally, the waste management program seeks to characterize, store, treat and dispose of hazardous, mixed, and sanitary waste from Fernald in a safe and environmentally sound manner.

Treatment

Throughout the developmental stages of the STP, Fernald will be able to form a comprehensive plan, including a schedule and milestones for possible treatments. If the technologies do not yet exist for treatment, plan development will assist in the identification and development of new technologies.

Each progressive stage of the STP will contain further detail of the plans for treatment, with increased categorization of mixed waste inventories. The draft and final STPs will contain input from Ohio EPA and other stakeholders, and will outline the preferred alternatives for treatment. DOE at Fernald intends to have the final plans and orders in place by October 1995.

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Site Treatment Plans For Mixed Waste

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U.S. Department of Energy - Issue Alert

The Federal Facility Compliance Act of 1992 (FFCAct or the Act) provides an unprecedented opportunity for the Department of Energy (DOE or the Department) to work with its regulators to resolve a long-standing issue - how to treat large amounts of mixed radioactive and hazardous waste now being stored or generated at DOE sites. The Act directs the Department to prepare a plan for developing mixed waste treatment capacities and technologies for each site at which DOE generates or stores mixed waste. DOE will submit these site treatment plans to the appropriate State [or the Environmental Protection Agency (EPA)] for approval. If not in compliance with an approved plan, DOE facilities could face fines and penalties from the State or EPA after October, 1995.

This Issue Alert has been developed by the Department of Energy for members of the public who may be affected by, or interested in, DOE's upcoming decisions relating to mixed waste. The following questions and answers provide information on mixed waste, the recently passed Federal Facility Compliance Act, DOE's Site Treatment Plans and opportunities for public involvement in preparation of the plans.

Questions and Answers about the FFCAct and Site Treatment Plans

What does the FFCAct require?

The FFCAct makes Federal facilities subject to potential fines and penalties for violations of the Resource Conservation and Recovery Act (RCRA), the law that sets requirements for the management of hazardous waste. However, the FFCAct allows a three-year delay of the imposition of fines and penalties for certain violations related to DOE's storage of mixed waste. During that time, the FFCAct requires DOE to: 1) prepare and submit a national inventory report to the regulators identifying its mixed waste volume, characteristics, treatment capacity and available technologies; and 2) prepare Site Treatment Plans for developing the needed treatment capacity and treating the mixed waste. These plans will be developed for each site at which DOE generates or stores mixed waste.

The plans will be submitted to the regulating agency - either the State or the Environmental Protection Agency - for review. The regulators are required by the FFCAct to approve, approve with modifications, or disapprove each plan within six months and to issue an order requiring compliance with the plan. As long as DOE is in compliance with the plan, the Department will not be subject to fines and penalties for violations of the storage prohibitions of the RCRA mixed waste land disposal restrictions. The

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storage prohibitions limit the purpose for which storage of untreated waste is allowed.

In general, the mixed waste currently in storage at DOE sites is not in compliance with these restrictions. However, DOE must continue to store mixed waste until treatment technologies are developed and approved for use. The plans required by the FFCAct will propose alternatives for treatment technology and how, when, and where suitable treatment capacity will be developed and built.

What is Mixed Waste and where did it come from?

Mixed waste is waste that includes both radioactive and hazardous components. Mixed waste currently in storage was generated by past DOE operations related to research, production and storage of nuclear materials for the U.S. defense program. Additional mixed waste will be generated as more DOE facilities are decontaminated and dismantled and as old burial and storage sites are cleaned up.

How do we know about what wastes there are and how much exists?

DOE is currently working to identify and characterize the types of mixed waste at each of its sites. Some sites have very small amounts from specific research activities and others have large amounts that have accumulated from decades of defense production activities.

Information about DOE's mixed waste can be found in the Interim National Inventory of DOE Mixed Wastes And Treatment Technologies and Capacities published by DOE on April 21, 1993. This report provides detailed information on over 1600 mixed waste streams at 50 sites in 22 states. The information includes current and anticipated waste volumes, waste characteristics, available treatment technologies and capacities, volume of waste that is subject to the RCRA land disposal restrictions, and waste minimization efforts in place. Under the FFCAct, EPA and the states have 90 days to comment on this report; then DOE must consider any comments in the preparation of the final report. Efforts are currently underway to improve DOE's mixed waste data and to respond to comments. DOE's goal is to finalize the inventory report in early 1994. DOE intends to update the inventory information annually.

Why does the waste need to be treated?

There are many different types of mixed waste and different reasons for treating them. To be in compliance with the RCRA land disposal restrictions, the hazardous components of mixed waste must meet specific treatment standards. The treatment technology selection must also consider the radioactive components. In addition, certain treatment processes may be used to change the waste into a form that is more suitable for storage or disposal or to meet the waste acceptance criteria of a specific storage or disposal facility. In other cases, the mixed waste may be treated to reduce the volume of waste needing permanent disposal.

by February, 1995. However, the alternatives for mixed waste treatment capacities and technologies will be discussed and developed throughout the development of the Site Treatment Plans. Many factors must be weighed, and DOE will strive for consensus on the preferred approach. The state regulators (or EPA) will maintain the authority to approve or disapprove the Site Treatment Plans. The regulators will direct DOE's implementation of the approved plans through formal Compliance Orders.

Why should the public be interested?

The major waste management decisions facing DOE and the states (and EPA) will affect the local communities around each site. Decisions include the location of facilities, the type of treatment to be used, where the waste will be shipped for treatment and how the treated waste will be disposed.

Providing opportunities for the public to participate in decision-making early in the process can lead to a more complete identification and consideration of issues and alternatives. Addressing public and state concerns and comments early will help DOE and the regulators to develop final Site Treatment Plans that reflect public interests and can be more readily accepted and approved by the regulators. Copies of the CSTPs are available at the Public Environmental Information Center, Jamtek Building, 10845 Hamilton-Cleves Highway, Ross, Ohio.

How will local interests be balanced against national needs?

At the DOE facilities, DOE representatives will work with the local community, regulators, and other interested parties to identify and address issues concerning the treatment of mixed waste. Besides the document review process, DOE will use existing site-specific groups and public interactions to secure public involvement in the Site Treatment Plans development process.

For national issues and discussions among the states, the National Governors' Association is working with DOE to sponsor a series of national meetings to hear the concerns of the States, Tribal governments, EPA and other stakeholders. These meetings will provide a forum for identifying issues, discussing alternatives and their associated tradeoffs, and developing strategies to achieve an equitable approach to mixed waste treatment.

For Further Information:

If you would like further information or would like to be added to the mailing list for further information releases, please contact ***Ken Morgan at 648-3131.***

FEMP Graphics #2438

Key Dates in the Development of Site Treatment Plans

10/93	Conceptual Site Treatment Plan Identifies preliminary options for treating each site's wastes.
Discussions occur among states, EPA, DOE, and other stakeholders.	
8/94	Draft Site Treatment Plan Identifies, based on regulator/stakeholder discussions, preferred option for treating each site's mixed wastes. Identifies specific mixed waste treatment facilities and locations and proposed treatment schedules.
Discussing occur among states, EPA, DOE, and other stakeholders.	
2/95	Final Site Treatment Plan Identifies final DOE options for treatment technologies, facilities, locations and schedules for each site's wastes. Goes to regulators for review and approval.
10/95	Compliance Date Date by which all sites must be in compliance with an approved Site Treatment Plan.

Who develops the Site Treatment Plans?

DOE Operations Offices have the lead role in working with the regulatory agencies and the local publics in developing the Site Treatment Plan for each site. DOE Headquarters will be closely involved in the development of the plans to ensure that they are consistent with DOE-wide requirements and that issues impacting more than one DOE facility are identified. It is vitally important for DOE to develop these plans in cooperation with the regulators and the public so that the public concerns and issues can be considered and the final Site Treatment Plans can be approved and supported by the regulators.

To provide multiple opportunities for comment and discussion. DOE will issue the Site Treatment Plans for public review at three levels of development. A conceptual, draft, and final Site Treatment Plan will be prepared for each site (see box).

DOE is also encouraging each of its sites to work with the regulators, with site-specific interest and advisory groups, and through other established means to provide additional opportunities for public discussion throughout the Site Treatment Plans development process.

Who decides where and how the wastes will be treated?

The states, or in cases where they do not have regulatory authority, the EPA, will approve, approve with modifications, or disapprove the final Site Treatment Plans. The plans will be prepared for 48 DOE facilities and will identify the treatment facilites to be developed to provide the needed treatment capacity. Twenty-two states will be involved in discussing the plans as well as the many issues of equity and tradeoffs among the states that must be resolved. The states have chosen the National Governors' Association to facilitate discussions on the development of the Site Treatment Plans among the states, DOE, Tribal representatives and other affected parties.

When will decisions be made and who will make them?

To meet the requirements of the FFCAct, DOE will submit final plans to the regulators

PROFESSIONAL QUALIFICATIONS

Mr. Sarno is an environmental analyst with ten years of experience in all facets of hazardous and radioactive cleanup as a project manager, environmental engineer, policy analyst, and facilitator. Mr. Sarno's extensive work on remedy selection and land use issues for the federal Superfund program have resulted in widespread changes in the way decisions are approached at sites throughout federal and state cleanup programs. His numerous writings and presentations have assisted in popularizing concepts to consider future use of sites in cleanup decisions and increased stakeholder participation.

As a result of his work and experience, Mr. Sarno has been asked to participate in a wide variety of task forces and advisory panels aimed at improving cleanup programs. He has assisted the Departments of Energy and Defense, the Environmental Protection Agency, and numerous states to develop policies and guidance for decision making, future use planning, and stakeholder participation. He authored the document "Future Use Considerations in the Cleanup of Air Force Installations" which is now used widely within the Department of Defense.

Mr. Sarno has a great deal of experience as a facilitator and meeting coordinator in bringing together diverse groups to evaluate and make decisions on a broad range of environmental issues including remedy selection and decision making, risk assessment, public health evaluations, stakeholder and community participation, and future use planning.

CAPABILITIES

Project Management
Research and Policy Analysis
Facilitation
Strategic Planning
Public Involvement and Education
Training and Team Building
Environmental and Economic Analyses

EDUCATION/TRAINING

Masters in Business Administration, University of Maryland
B.S. Civil Engineering, University of Virginia
Professional training in facilitation, dispute resolution, and total quality management

SELECTED PROJECT EXPERIENCE

Developed approach to incorporating land use in decision making at hazardous waste sites which has been adopted by EPA management as a future direction for the Superfund program.

Developed and tested decision making process for the U.S. Air Force to clean up contaminated sites which is now being implemented Air Force wide. Wrote guidance document and lectured on decision-making and future use issues at nine Air Force training sessions nationwide.

Developed a framework for the State of New York for making remedial decisions across multiple environmental programs.

Developed and managed a pilot study to develop a community-based task force at the Li Tungsten Superfund site which will evaluate all aspects of a Superfund site cleanup focusing on the future use of the property.

Developed and implemented a program to build a project team consisting of Air Force Base personnel, the State of California, and contractors to guide the decision making for cleanup at Beale Air Force Base in California. Conducted team building exercises and facilitated the development of specific processes for decision making and cleanup at the installation which are now being used.

Managed an overall effort to provide senior technical peer reviews of all planned cleanup activities for the U.S. Air Force with values over $500,000.

Managed project to evaluate the Superfund process of selecting remedies at hazardous waste sites involving over 100 individuals from the overall Superfund community. Convened five separate meetings and workshops, developed background material and prepared a case study, coordinated the evaluation of the results of these meetings, and developed a series of recommendations aimed at improving the process.

Developed and managed a pilot study in conjunction with the U.S. EPA to accelerate remedial design process through the development of project teams.

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SELECTED PRESENTATIONS

"Incorporating Future Use Considerations into DOE Cleanups," U.S.DOE Office of Environmental Restoration and Waste Management Future Land Use Working Group, Rockville, Maryland, October 1993.

"Land Use Planning for Hazardous Waste Cleanup," National Laboratory Directors Workshop on Land Use Planning, May 1993.

"Remedy Selection Issues in Hazardous Waste Cleanup," Joint Federal/Western States Cooperative Environmental Restoration and Waste Management Program, DOIT Committee Workshop, Denver, Colorado, May 1993.

"Successful Community Strategies for Reuse of Brownfields," Cuyahoga County Ohio Brownfields Working Group, Cleveland, Ohio, May 1993.

"Risk Management and the Cleanup of Hazardous Waste Sites," International Congress on the Health Effects of Hazardous Waste, Atlanta, Georgia, May 1993.

Testimony on Hazardous Waste Decision Making, Governors Waste Task Force, Western Governor's Association, Denver, Colorado, October 1992.

"Future Research Directions in Hazardous Waste Remediation," Symposium Leader, 1992 Annual Meeting of the American Association for the Advancement of Science, Chicago, Illinois, February 1992.

"Improving Superfund Remedy Selection," 16th Annual Conference of the National Association of Environmental Professionals, Baltimore, Maryland, April 1991.

"Improving Remedy Selection: An Explicit and Interactive Approach," Superfund '90, Proceedings of the 11th National Conference, The Hazardous Materials Control Research Institute, Washington, D.C., November 1990.

SELECTED PUBLICATIONS

"Future Use Considerations in the Cleanup of Federal Facilities," Hazardous Materials Control, Volume 6, Number 2, May/June 1993.

"Future Use Considerations in the Cleanup of Air Force Installations," U.S. Air Force Environmental Restoration Program, October 1992.

"Improving Superfund Remedy Selection," BNA Environment Reporter, Volume 22, Number 1, May 3, 1991.

"Making Cleanup Decisions at Hazardous Waste Sites," Journal of the Air and Waste Management Association, Volume 41, Number 9, page 1172, September 1991.

"Improving Remedy Selection: An Explicit and Interactive Process for the Superfund Program," Clean Sites, Inc., Publication Number CS-9007, October 1990.

"Procedures for Completion and Deletion of National Priorities List Sites," U.S. EPA Office of Emergency and Remedial Response, OSWER Directive 9320.2-3A, November 1988.

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SELECTED PUBLICATIONS (continued)

"Guidance Document for Providing Alternate Water Supplies," U.S. EPA Office of Emergency and Remedial Response, EPA/540/G-87/006, February 1988.

"Times Beach Remedy Selection," Superfund '88, Proceedings of the 9th National Conference, The Hazardous Materials Control Research Institute, Washington, D.C., November 1988.

"Remedial Action at Waste Disposal Sites," U.S. EPA Hazardous Waste Engineering Research Laboratory and Office of Emergency and Remedial Response, EPA/625/685/006, October 1985.

AFFILIATIONS

Member, National Advisory Council on Environmental Policy and Technology, Subcommittee on Radiation Cleanup Regulations
Advisor, USEPA Superfund Data Collection Project
Advisor, Harvard University Center for Risk Analysis Superfund Programs
Coordinating Committee, ER '93 Conference, U.S. DOE
Secretary, ASTM Committee on Environmental Regulatory Programs
Nominating Committee, ASTM Committee on Environmental Assessment
Faculty, Defense Waste Cleanup Conference, Washington, D.C., October 1993

ALICE J. SHORETT
TRIANGLE ASSOCIATES, INC.

PROFESSIONAL QUALIFICATIONS

Alice Shorett, President of Triangle Associates, Inc., has over 22 years of experience in mediation and conflict resolution, facilitation, public involvement, and community participation. A highly skilled, experienced mediator and facilitator, she worked extensively with federal, state and local agencies on a wide range of projects. Ms. Shorett designed and implemented numerous successful public information and involvement plans surrounding sensitive environmental issues: stormwater and groundwater quality, waste reduction and recycling, nuclear and hazardous waste, non-point source pollution and public policy issues involving transportation improvements, facility sitings, sludge recycling. She prepared and conducted numerous workshops on environmental mediation, community involvement techniques and community problem solving.

Ms. Shorett recently provided facilitation, mediation and consensus-building services to the Hanford Future Site Uses Working Group. This 48-member stakeholder group was the first of its kind to address potential future land uses at a Department of Energy defense facility. In 1991, she completed the first successful mediation of noise abatement procedures for the Seattle-Tacoma International Airport. During 1988-89, Ms. Shorett facilitated the development of consensus recommendations by the Commission on Old Growth Alternatives for Washington's Forest Trust Lands. She is currently carrying out conflict assessment work for the British Columbia Commission on Resources and Environment.

CAPABILITIES

Mediation and Conflict Resolution
Facilitation
Planning and Growth Management
Public Involvement and Education
Training and Teaching

EDUCATION/TRAINING

M.A., English, Tufts University, 1969
B.A., English, Whitman College, 1967
Graduate work, University of Washington Law School

SELECTED PROJECT EXPERIENCE

Facilitator of the Hanford Future Site Uses Working Group, a 48-member group of stakeholders convened to develop an array of potential future uses of the Department of Energy's Hanford Nuclear Reservation in Richland, Washington. The Group's final report will be published in early 1993.

Managed Triangle Associates' facilitation of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands that resulted in the development of consensus recommendations for managing old growth on state lands.

Directed the facilitation of a series of public meetings to develop alternative bypass routes for State Route 101 in Sequim, Washington.

Working as a mediator for Clean Washington Center by negotiating voluntary agreements with manufacturers to increase the use of recycled materials. Triangle's focus is to seek voluntary commitment from committee members to carry out plans on materials such as the use of post-consumer recycled glass containers, obtain a system to recycle old telephone directories and paper on the behalf of the State of Washington.

Directed coordination, negotiations, and drafting of Green River Management Agreement signed by King County, and the cities of Auburn, Kent, Renton, and Tukwila.

One of two mediators who successfully facilitated and mediated consensus noise abatement recommendations for Seattle-Tacoma International Airport; participants included the communities, the airlines, the Port of Seattle, the Federal Aviation Administration and airport user groups.

Assisted in developing and implementing a revitalized public involvement program as part of the State Environmental Policy Act process. Aided the technical consultant and WSDOT with presentations and the overall outreach strategies. Helped the community understand and become a part of the process for selecting alternatives for improving SR 101 as it passes through Sequim.

Developed and conducted training workshops on public involvement and community relations for the Washington State Department of Transportation. Products included detailed manuals for participants.

Directed Triangle Associates design of a public involvement strategy for conducting the public review of the King County Comprehensive Plan.

SELECTED PROJECT EXPERIENCE (continued)

Project Manager of Triangle Associates' development of speakers' materials on Superfund for Environmental Protection Agency Region X. Main product was a slide show on the Superfund process and Region X's response.

SELECTED PUBLICATIONS/PRESENTATIONS

Jane McCarthy and Alice Shorett, Negotiating Settlements: A Guide to Environmental Mediation, American Arbitration Association, New York, 1984.

Alice Shorett, How Can Hazardous Waste Reduction Be Used as a Tool in Resolving Facility Siting Disputes?, A Working Paper, Northwest Policy Center, Seattle, 1992.